

AGENDA

VANDERBURGH COUNTY COMMISSIONERS
April 10, 1995

5:30 P.M.

FINAL

- ✓ 1. CALL TO ORDER *5:35*
- ✓ 2. INTRODUCTIONS
- ✓ 3. PLEDGE OF ALLEGIANCE
- ✓ 4. ACTION ITEMS
- ✓ A. Approval of minutes *RM/PT*
- ✓ B. Any group-individual wishing to address the commission
- ✓ C. Gary Payne - Maplewood Neighborhood Association - Trockman's Salvage yard. *Cindy Mayo to ✓ w/ City gov.*
- ✓ D. Bill Spurling - Lakeside Manor - Curb Cut *RM/PT as ordered. / called alive.*
- ✓ E. Randy Rohlfer - Southwestern Indiana Regional Highway Coalition, Inc - Report *Alan Kissinger to draft letter RM/PT so order*
- ✓ F. Mary Ann Kolb - Director DMD - American Cold Storage *RM-NO / PT-YES / RB-YES*
- ✓ G. Harris Howerton - Director of Community Corrections - Ordinance establishing funding of County Corrections Fund
- ✓ H. Third Reading of Ordinance to amend Title III, Chapter 36 of Vanderburgh County Code *RM-y / PT-y / RB-y*
- ✓ I. Ken Colbert - Evansville Housing Authority - Surplus property-Kathleen Ave.
- ✓ 5. DEPARTMENT HEADS
- Alan Kissinger.....County Attorney
Cindy Mayo.....Superintendent of County Buildings - *ECHO Housing Read into minutes. Already approved. Needs recorded.*
Bill Morphew.....County Garage
John Stoll.....County Engineer (see attached requests)
Mark Tuley.....Burdette Park
6. CONSENT ITEMS
- A. Travel/Education *Coroner
*Health Department
*Assessor
*Auditor
- *own budget **Commissioners budget *** unappropriated funds

B. Employment Changes (see attached lists)

C. Approval of Vendor Claims

7. Scheduled Meetings - List attached

8. OLD BUSINESS

9. NEW BUSINESS

A. Appointment to the Evansville Convention & Visitor's Bureau *RM/PT so ordered.*


10. MEETING ADJOURNED

SPECIAL DRAINAGE BOARD IMMEDIATELY FOLLOWS

VANDERBURGH COUNTY AUDITOR

208 CIVIC CENTER COMPLEX
EVANSVILLE, IN 47708
(812) 435-5293

MEMORANDUM

TO: Commissioner Borries 
FROM: Suzanne Crouch
RE: Community Corrections Fund

Please find attached a copy of the memo that I sent you dated 3/20/95.

We have not received a response to our original inquiry and wanted to inform you that we are holding the paperwork and it has not been advertised.

Please respond at your earliest convenience so that we may complete this project and advertise for the hearing dates as requested.

Thank you for your time and consideration in the above matter.

cc: Harris Howerton, Community Corrections
Sheriff Ray Hamner

4/10 - 1st
4/17 2nd
4/24 final

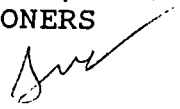
VANDERBURGH COUNTY AUDITOR

208 CIVIC CENTER COMPLEX
EVANSVILLE, IN 47708
(812) 435-5293

MEMORANDUM

March 20, 1995

TO: RICHARD J. BORRIES, PRESIDENT
COUNTY COMMISSIONERS

FROM: SUZANNE CROUCH 

RE: COMMUNITY CORRECTIONS FUND/MISDEMEANOR FUND

AT THE COMMISSIONER MEETING ON MARCH 6, 1995 THE COMMISSIONERS VOTED TO ADVERTISE THE HEARING DATES FOR THE COMMUNITY CORRECTIONS MISDEMEANOR FUND. AFTER RESEARCHING FILES FROM THE PREVIOUS YEAR TO DETERMINE AN ORDINANCE NUMBER, ETC. IT WAS BEEN NOTED THAT THE ORDINANCE WAS NOT RECORDED IN 1994.

I HAVE CALLED ATTORNEY KISSINGER AND HAVE NOT YET RECEIVED A RETURN PHONE CALL. COULD YOU PLEASE DISCUSS THIS WITH HIM AND ADVISE OUR OFFICE ON HOW TO PROCEED.

I APPRECIATE YOUR HELP AND ASSISTANCE IN THIS MATTER.



B
C
of

*Advertise
for
meeting.*

Original

*10 days
before*

*BZ
Alan will
give me
language.*

tricks
g Specialties
176-087

JRR
:R
JLEY

NAME (

Rick Bozars

REQUEST

*Ask Alan for
correct language*

ert.

EXECUTIVE Dir.

*never called -
we need to
address this
w/ commissioners
of Norway.*

DEPARTMENT:

Vanderburgh County Corrections

REQUEST(S) BEING MADE:

Presentation of Ordinance establishing the funding of the
County Correction Fund in accordance with I.C. 11-12-6 (Misdemeanor Fund)
shared by Community Corrections and the Sheriff.

*approved
on
reading*

DATE TO BE PLACED ON AGENDA:

March 27, 1995

ACTION

X

CONSENT

OTHER

VANDERBURGH COUNTY CORRECTION COMPLEX

1505 N. THIRD AVENUE
EVANSVILLE, INDIANA 47710
PHONE: (812) 435-5429-FAX: (812) 435-5462

RICHARD L. YOUNG, JUDGE
VANDERBURGH CIRCUIT COURT

HARRIS R. HOWERTON
EXECUTIVE DIRECTOR
OF COMMUNITY CORRECTIONS

JERRY STECKLER, SR.
ASSISTANT DIRECTOR

ROBERT L. HART, JR.
ASSISTANT DIRECTOR

KAREN L. ANGERMEIER
EXECUTIVE ASSISTANT

A. DALE WILLIAMS
RESIDENTIAL CAPTAIN

BEVERLY K. CORN
MAGISTRATE

REGINA JOHNSON
ADMINISTRATIVE ASSISTANT

DEBORAH S. MOWBRAY
HUMAN SERVICES

JAMES M. WORLEY
VERIFICATION

KARIN KLAGGE
HOUSE ARREST SERGEANT

March 2, 1995

Rick Borries, President
Vanderburgh County Commissioners
Room 303 Administration Building
Civic Center Complex
15 N. Martin Luther King Boulevard
Evansville, Indiana 47708

Dear Rick:

According to Indiana Code 11-12-6, the County Legislative bodies desiring to participate in the "County Correction Fund", must adopt a county ordinance signifying their intent prior to May 1st of each year. In order to receive these funds (in the amount of \$161,000), the ordinance must be enacted and filed with the Secretary of State prior to May 1, 1995.

For your convenience, I have enclosed a copy of the ordinance that has been adopted since 1986. According to the statute, two (2) copies of the ordinance need to be provided to the Secretary of State. It is recommended (by H. Christian DeBruym, Commissioner, Indiana Department of Correction) that you send these copies to the attention of John Koenig, Secretary of State's Office. I have also enclosed an itemized list of how our department utilizes it's share of the monies.

I have been placed on the Monday, March 27, 1995 Commissioners Meeting Agenda to present this issue. If you have any questions, please call me at 435-5423. Thank you.

In service to the community,



Harris Howerton, Executive Director
of Community Corrections
County of Vanderburgh

HH/al

Enclosure

cc: Richard L. Young, Judge, Vanderburgh Circuit Court,
and President, Vanderburgh County Community Correction Advisory Board
Ray Hamner, Sheriff, Vanderburgh County

VANDEBURGH COUNTY CORRECTION COMPLEX

1505 N. THIRD AVENUE
EVANSVILLE, INDIANA 47710
PHONE: (812) 435-5429-FAX: (812) 435-5462

RICHARD L. YOUNG, JUDGE
VANDEBURGH CIRCUIT COURT

HARRIS R. HOWERTON
EXECUTIVE DIRECTOR
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VERIFICATION

KARIN KLAGGE
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1995 MISDEMEANOR OFFENDER FUND 276
(COUNTY CORRECTION FUND I.C. 11-12-6)

VANDEBURGH COUNTY CORRECTION COMPLEX

COOK	19,801
GUARD	20,116
EXTRA HELP	20,000
F.I.C.A.	4,770
PERF	2,647
INSURANCE	9,700
FOOD	3,466

SUBTOTAL: 80,500

SHERIFF DEPARTMENT

SUBTOTAL: 80,500

TOTAL: \$161,000

ORDINANCE NO. 36.20

ORDINANCE CONCERNING ESTABLISHMENT AND FUNDING OF
COUNTY CORRECTIONS FUND

WHEREAS, Senate Enrolled Act No. 395 added a new Chapter 6 to Indiana Code 11-12, which new Chapter 6 provides for the establishment and funding of a County Corrections Fund; and

WHEREAS, I.C. 11-12-6 provides that a County Legislative Body may adopt an ordinance before May 1 of each year to elect to receive deposits from the Indiana Department of Correction and to establish a County Corrections Fund; and

WHEREAS, the County Corrections Fund may be used only for funding the operation of the county's jail, jail program or other local correctional facilities; and

WHEREAS, the County Legislative Body shall designate either Level 1, Level 2 or Level 3 funding as defined in I.C. 11-12-6 with respect to deposits to be received thereunder; and

WHEREAS, Level 3 funding is the most appropriate level of participation for Vanderburgh County, Indiana;

THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA, AS FOLLOWS:

1. The Board of Commissioners of Vanderburgh County, Indiana elects to receive deposits from the Indiana Department of Correction (the "Department") in accordance with Senate Enrolled Act 395, I.C. 11-12-6 (the "Act").

2. The Board designates Level 3 funding, as defined in the Act, with respect to all deposits to be received by Vanderburgh County under the Act and this Ordinance.

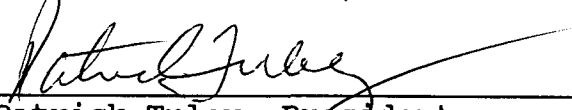
3. A fund, to be known as the "County Corrections Fund", is established. The County Corrections Fund shall consist of deposits made by the Department in accordance with the Act. Such Fund shall be administered by the County Fiscal Body.

4. The County Corrections Fund shall be used for any purpose authorized by the Act. Any money remaining in the County Corrections Fund at the end of the year does not revert to any other fund, but remains in the County Corrections Fund.


5. This Ordinance shall be in full force and effect upon adoption.

PASSED by the Board of Commissioners of Vanderburgh County, Indiana on the 25th day of April, 1994 and upon that day signed and executed by the members of the Board as appears by their respective signatures and all attested to by the Auditor of Vanderburgh County, Indiana.

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA


Patrick Tuley, President


Richard J. Borries, Vice President


Don L. Hunter, Member

ATTEST:

Sam Humphrey cm
Sam Humphrey, Auditor
Vanderburgh County

APPROVED AS TO LEGAL FORM:

Alan M. Kissinger
Alan M. Kissinger
County Attorney

Two copies of the foregoing Ordinance filed this ____ day
of _____, 1994 at _____(time), and one copy has been
forwarded to the Commissioner of Correction, all in accordance
with I.C. 11-12-6-9 (a) (2), (b).

INDIANA SECRETARY OF STATE

By: _____



INDIANA DEPARTMENT OF CORRECTION

E334 Indiana Government Center South
302 W. Washington St.
Indianapolis, IN 46204
(317) 232-5715

April 4, 1995

Sheriff Ray Hamner
Vanderburgh County
17 N. W. Seventh Street
Evansville, IN 47708-1892
Sheriff Hamner

Re: County Corrections Fund
I.C. 11-12-6, Sections 1-14

Dear Sheriff Hamner:

According to our records, your county participated last year in the County Corrections Fund, I.C. 11-12-6 (misdemeanant jail bed program). To date, we have not been forwarded a copy of your ordinance from the Secretary of State's Office indicating your desire to participate in the 1995-96 fiscal year.

If you are planning to participate, it is required that you file by May 1, 1995. Per the statute, two (2) copies of the ordinance need to be provided to the Secretary of State. It is recommended that you send these copies by certified mail (to ensure receipt) to the attention of Kimberly Roberts, Secretary of State's Office, 201 Statehouse, Indianapolis, Indiana 46204.

Should you have any questions or desire additional information, please contact me at (317) 232-5767. Thank you.

Sincerely,

Janet Pittman
Administrative Assistant
Community Corrections Section

cc: County Auditor

Robert J. Ohlemiller, Jr.
Deputy Commissioner
Programs and Community Services

An Equal Opportunity Employer



INDIANA DEPARTMENT OF CORRECTION

E334 Indiana Government Center South
302 W. Washington St.
Indianapolis, IN 46204
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Sincerely,

Janet Pittman
Administrative Assistant
Community Corrections Section

cc: County Auditor
Robert J. Ohlemiller, Jr.
Deputy Commissioner
Programs and Community Services

AGREEMENT FOR SERVICES

THIS AGREEMENT, entered into as of this 1st day of January, 1995, by and between the Southwestern Indiana Regional Highway Coalition, herein called "SWIRHC"; and Vanderburgh County in Indiana, acting by and through its County Commission, herein called "the County".

WITNESSETH that the Parties do mutually agree as follows:

1. **Employment of Contractor.** The County hereby agrees to engage SWIRHC and SWIRHC hereby agrees to perform the services hereinafter set forth in connection with the expansion of Interstate 69 from Indianapolis to Evansville, Memphis, Shreveport and Houston.
2. **Scope of Services.** SWIRHC shall do, perform and carry out in a good and professional manner the following services:
 - a. Develop a program to enhance efforts to build an interstate highway from Indianapolis to Evansville and potentially on to Memphis, Shreveport and Houston.
 - b. Meet with business, city county and state highway officials in communities and states along the proposed route of the interstate highway extension.
 - c. Publish a newsletter to keep coalition members and other interested parties informed about the coalition's efforts.
 - d. Conduct any lobbying efforts necessary at the State and local levels.
 - e. Reporting Requirements: Submit monthly activity reports to the County Auditor on forms prescribed by DMD, no later than the 5th day of the month for the preceding month. These should include receipt of detailed invoices, receipts or other appropriate documentation of expenditures for performance of the services herein.
 - f. Contractor shall submit to the County Auditor, a copy of the independent audit conducted on SWIRHC's financial records, within (30) days after completion of said audit, for the period through March 31, 1995.

RECEIVED FOR RECORD

CTRL # 0039April 12 1995 at 12:32 PM
BETTY J. HERMANN RECORDER
VANDERBURGH CO.

3. **Time of Performance.** The services of SWIRHC shall commence upon execution of this Agreement and continue through December 31, 1995.
4. **Compensation.** The County agrees to pay SWIRHC a sum not to exceed Twenty Thousand Dollars (\$ 20,000.00) for services to be performed under # 2, Scope of Services. The County agrees to pay SWIRHC for expenses incurred from January 1995 through December 31, 1995, upon submission of properly documented invoices and Claim Forms.
5. **Method of Payment.** SWIRHC shall be entitled to payment in accordance with the provisions of this section. Subject to the maximum compensation set forth in Section 4 above, SWIRHC shall be paid the amount of One Thousand, Six Hundred Sixty-six Dollars and Sixty-seven Cents (\$ 1,666.67) on the last Friday of each month. The January 30, 1995 payment is subject to timely funding approval, timely contract approval, and timely claim form and invoicing submission. All claims forms should be submitted by the second Friday of each month to receive timely payment.
6. **Changes.** The County may, from time to time require changes in the Scope of Services of SWIRHC to be performed hereunder. Such changes which require additional services and which require an increase in the amount of SWIRHC's compensation, shall be mutually agreed upon by and between the County and SWIRHC and shall be incorporated in written amendments to this Agreement. The County or SWIRHC may, without the approval or consent of the other party, reduce the Scope of Service and an appropriate adjustment of SWIRHC's maximum compensation shall be made to reflect an appropriate reduction in the projected costs of the project. Such an adjustment shall be made in writing, delivered to the other party as provided in Section 7-Notice-seven (7) days prior to the effective date.
7. **Notice.** Any notice permitted or required under the provision of this Agreement shall be in writing and signed by the party giving or serving the same and whether served in person or delivered by certified mail, addressed to the party as follows:

Vanderburgh County
Commissioners
Room 305 Civic Center
1 NW M.L. King Jr., Blvd.
Evansville, Indiana 47708

Southwestern Indiana Regional
Highway Coalition
PO Box 20121
Evansville, Indiana 47708

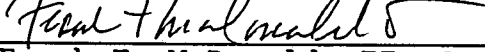
8. **Restrictions, Prohibitions and Controls.** SWIRHC will not pay any bonus or commission for the purpose of obtaining approval of this Agreement or any other approval which may be necessary under this Agreement.

9. **Counterparts of the Agreement.** This Agreement shall be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

10. **Liability of the Parties.** SWIRHC agrees to hold harmless the County in its office, agents, officials, and employees, from any and all claims, causes of action, judgments and liens arising out of SWIRHC's performance under this Agreement.

IN WITNESS WHEREOF, The County and SWIRHC had executed this Agreement on the day first written above.


SOUTHWESTERN INDIANA REGIONAL HIGHWAY COALITION

By: 
Frank F. McDonald, II, Co-Chairman

By: 
C. Randolph Rohlfer, Co-Chairman

VANDERBURGH COUNTY COMMISSION

By: 
Richard J. Borries, President

By: 
Pat Tuley, Vice-President

By: 
Richard Mourdock, Member

Dated this 20th day of March, 1995.

A G R E E M E N T

THIS AGREEMENT is made and entered into April 10, 1995, by
and between Vanderburgh County, Indiana, acting by and through the Board of
County Commissioners, hereinafter referred to as the "LOCAL PUBLIC AGENCY" and
Bernardin, Lochmueller & Associates, Inc.
20-24 NW Fourth Street
Suite 606, Hulman Building
Evansville, Indiana 47708

hereinafter referred to as the "CONSULTANT".

W I T N E S S E T H

WHEREAS, the LOCAL PUBLIC AGENCY desires to contract for:
Right-of-Way Engineering

WHEREAS, the CONSULTANT has expressed a willingness to perform the
Right-of-Way Engineering

NOW, THEREFORE, the parties hereto agree that said CONSULTANT shall provide
the services and documents, hereinbefore and hereinafter described, in relation
to the following described project or projects:

Project No. RS-6882() and RS-6887(), Lynch Road, Phase II

From 100 Feet east of Burkhardt Road in Vanderburgh County to the proposed
intersection of S.R. 62 and Telephone Road in Warrick County. Said project
includes design of a diamond interchange over Interstate 164. Project length:
1.9 miles

NOW, THEREFORE, in consideration of the mutual covenants herein contained,
the parties hereto mutually covenant and agree as follows:

Section I Services by CONSULTANT

The services to be provided by the CONSULTANT under this Agreement are as set out in Appendix "A", attached to this Agreement, and made an integral part hereof.

Section II Information and Services to be Furnished by LOCAL PUBLIC AGENCY

The information and services to be furnished by the LOCAL PUBLIC AGENCY are as set out in Appendix "B", attached to this Agreement, and made an integral part hereof.

Section III Notice to Proceed and Schedule

The CONSULTANT shall begin the work to be performed under this Agreement immediately upon receipt of this fully executed Agreement from the LOCAL PUBLIC AGENCY. The CONSULTANT shall deliver the work to the LOCAL PUBLIC AGENCY in accordance with the Schedule contained in Appendix "C", attached to this Agreement, and made an integral part hereof.

Execution of this Agreement shall serve as a written notice to proceed. The CONSULTANT shall not begin work prior to receipt of the fully executed Agreement.

Section IV Compensation

The CONSULTANT shall receive payment for the work performed under this Agreement as set forth in Appendix "D", attached to this agreement, and made an integral part hereof.

The cost principles contained in the Federal Acquisition Regulations, 48 CFR Subpart 31.2, shall be adhered to for work under this agreement.

Section V General Provisions

1. Work Office

The CONSULTANT shall perform the work under this Agreement at the following office(s) Bernardin, Lochmueller & Associates, Inc.
20-24 NW Fourth Street
Suite 606, Hulman Building
Evansville, Indiana 47708

The CONSULTANT shall notify the LOCAL PUBLIC AGENCY of any change in its mailing address and/or the locations(s) of the office(s) where the work is performed.

2. Employment

During the period of this Agreement, the CONSULTANT shall not engage, on this project on full or part time or other basis any professional or technical personnel who are or have been at any time during the period of this Agreement in the employ of the Federal Highway Administration or the highway organization of any State, County or City except regularly retired employees.

3. Ownership of Documents

All documents, including tracings, drawings, reports, estimates, specifications, field notes, investigation, studies, etc., as instruments of service, are to be the property of the LOCAL PUBLIC AGENCY. During the performance of the services, herein provided for, the CONSULTANT shall be responsible for any loss or damage to the documents, herein enumerated, while they are in his possession and any such loss or damage shall be restored at his expense. Full access to the work during the progress of the work shall be available to the LOCAL PUBLIC AGENCY.

4. Access to Records

The CONSULTANT and his subcontractors shall maintain all books, documents, papers, accounting records and other evidence pertaining to the cost incurred and shall make such materials available at its respective offices at all reasonable times during the period of this Agreement and for three years from the date of final payment under the terms of this Agreement, for inspection by the LOCAL PUBLIC AGENCY.

5. Compliance with State and Other Laws

The CONSULTANT specifically agrees that in performance of the services herein enumerated by him or by a subcontractor or anyone acting in behalf of either, that he or they will comply with any and all State, Federal, and Local Statutes, ordinances, and regulations and obtain all permits that are applicable to the entry into and the performance of this Agreement.

6. Responsibility for Claims

The LOCAL PUBLIC AGENCY and the CONSULTANT have discussed the risks, rewards and benefits of the project and the CONSULTANT's total fee for services. The risks have been allocated such that the LOCAL PUBLIC AGENCY agrees that to the fullest extent permitted by law, the CONSULTANT's total liability to the LOCAL PUBLIC AGENCY for any and all injuries, claims, losses, expenses, damages or claims expenses arising out of this agreement from any cause or causes, shall not exceed the amount of the CONSULTANT's total compensation for services paid and received by the CONSULTANT under this agreement. Such causes include but are not limited to design professional's negligence, errors, omissions, strict liability, breach of contract or breach of warranty.

7. Workmen's Compensation and Liability Insurance

The CONSULTANT shall procure and maintain, until final payment by the LOCAL PUBLIC AGENCY for the services covered by this Agreement, insurance of the kinds and in the amounts hereinafter provided in insurance companies authorized to do such business in the State of Indiana covering all operations under this Agreement whether performed by him or by his subcontractor. During the life of this Agreement, the CONSULTANT shall furnish the LOCAL PUBLIC AGENCY with certificates showing that the required insurance coverage is maintained. The certicator certificates shall provide that the policies shall not be changed or canceled until ten (10) days written notice has been given to the LOCAL PUBLIC AGENCY. In the event that such written notice of change or cancellation is given, the LOCAL PUBLIC AGENCY may at its option terminate this Agreement and no further compensation shall in such case be made to the CONSULTANT.

The kinds and amounts of insurance required are as follows:

- (A) Policy covering the obligations of the CONSULTANT in accordance with the provision of the Workmen's Compensation Law. This agreement shall be void and of no effect unless the CONSULTANT procures such policy and maintains it until acceptance of work.
- (B) Comprehensive Policies of Bodily Injury Liability and Property Damage Liability Insurance, including Owners or Contractors Protective Coverage and a Save and Hold Harmless Endorsement of the types herein specified each with Bodily Injury Limits of Liability of not less than \$100,000.00 for each person, including the death at any time resulting therefrom, and not less than \$300,000.00 in any one accident, and not less than \$100,000.00 for all damage arising out of injury to or destruction of property.
- (C) Automobile Policies of Bodily Injury and Property Damage Liability Insurance of the types herein specified with bodily injury limits of liability of not less than \$100,000.00 for each person, including death at any time resulting therefrom, and not less than \$300,000.00 in any one accident, and not less than \$100,000.00 for all damages arising out of injury to or destruction of property, including hired and non-owned vehicles.

8. Changes in Work

In the event the LOCAL PUBLIC AGENCY requires a major change in scope, character or complexity of the work after the work has progressed as directed by the LOCAL PUBLIC AGENCY, adjustments in compensation to the CONSULTANT and in time for performance of the work as modified, shall be determined by the LOCAL PUBLIC AGENCY and the CONSULTANT in the exercise of their honest and reasonable judgment. The CONSULTANT shall not commence the additional change of the scope of the work until a supplemental agreement is executed and the CONSULTANT is authorized in writing by the LOCAL PUBLIC AGENCY.

9. Abandonment and Termination

The LOCAL PUBLIC AGENCY reserves the right to terminate or suspend this Agreement upon written notice.

(A) If the LOCAL PUBLIC AGENCY shall abandon the services herein mentioned, the CONSULTANT shall deliver to the LOCAL PUBLIC AGENCY all data, reports, drawings, specifications and estimates completed or partially completed and these shall become the property of the LOCAL PUBLIC AGENCY. The earned value of the work performed shall be based upon an estimate of the portions of the total services as have been rendered by the CONSULTANT to the date of the abandonment and which estimate shall be as made by the LOCAL PUBLIC AGENCY in the exercise of its honest and reasonable judgment for all services to be paid for on a lump sum basis and shall be based upon an audit for those services to be paid for on a cost basis or a cost plus fixed fee basis. The audit shall be performed by the LOCAL PUBLIC AGENCY staff or CPA in accordance with generally accepted auditing standards and the cost principles contained in the Federal Acquisition Regulations, 48 CFR Subpart 31.2. The payment as made to the CONSULTANT shall be paid as the final payment in full settlement for his services hereunder.

(B) If, at any time, for any cause whatsoever, the CONSULTANT shall abandon or fail to timely perform any of its duties hereunder, including the preparation and completion of plans and specifications within the several times hereinbefore specified, or within such further extension or extensions of time as agreed upon, the LOCAL PUBLIC AGENCY may give written notice, that if the CONSULTANT shall not within twenty (20) calendar days from the date of such notice, have complied with the requirements of this Agreement, then the Agreement is deemed terminated. Upon the mailing or delivery of such notice or personal delivery thereof to the CONSULTANT, and the failure of the CONSULTANT within said described twenty (20) day period to fully comply with each and all requirements of this Agreement, this Agreement shall terminate and the LOCAL PUBLIC AGENCY may by any method it deems to be necessary designate and employ other consultants by agreement or otherwise, to perform and complete the services herein described. When written notice is referred to herein, it shall be deemed given when deposited in the mail addressed to the CONSULTANT at its last known address.

(C) In case the LOCAL PUBLIC AGENCY shall act under the last preceding paragraph, then and in such event, all data, reports, drawings, plans sketches, sections and models, all specifications, estimates, measurements and data pertaining to the project, prepared under the terms or in fulfillment of this Agreement, shall be delivered within twenty (20) days to the LOCAL PUBLIC AGENCY.

In the event of the failure by the CONSULTANT to make such delivery upon demand, then and in that event the CONSULTANT shall pay to the LOCAL PUBLIC AGENCY any damage it may sustain by reason thereof.

10. Non-Discrimination

(A) Pursuant to I.C. 22-9-1-10 the CONSULTANT and his subcontractors, if any, shall not discriminate against any employee or applicant for employment, to be employed in the performance of work under this Agreement, with respect to

hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of race, color, religion, sex, handicap, national origin or ancestry. Breach of this covenant maybe regarded as a material breach of the Agreement.

11. Successors and Assignees

The LOCAL PUBLIC AGENCY, insofar as authorized by law, binds itself and its successors, and the CONSULTANT binds his successors, executors, administrators and assignees, to the other party of this Agreement and to the successors, executors, administrators and assignees of such other party, as the case may be insofar as authorized by law, in respect to all covenants of this Agreement.

Except as above set forth, neither the LOCAL PUBLIC AGENCY nor the CONSULTANT shall assign, sublet or transfer its or his interest in this Agreement without the consent of the other.

12. Supplements

This Agreement may only be amended, supplemented or modified by a written document executed in the same manner as this Agreement.

IN TESTIMONY WHEREOF, the parties hereto have executed this Agreement.

CONSULTANT

Bernardin, Lochmueller &
Associates, Inc.

BY Keith Lochmueller
Keith Lochmueller, President

Attest:

Thomas G. Bernardin
Thomas G. Bernardin, Secretary

LOCAL PUBLIC AGENCY

Board of County Commissioners
Vanderburgh County

BY Richard J. Borries
Richard J. Borries, President

BY Patrick Tuley
Patrick Tuley, Vice President

BY Richard E. Mourdock
Richard E. Mourdock, Member

ATTEST:
Suzanne Crouch w2
Suzanne Crouch, Auditor

Approved as to Legality and
Form:
Alan Kissinger
Alan Kissinger, Attorney for
County Board of Commissioners

A C K N O W L E D G M E N T

State of Indiana County of Vanderburgh SS:

Before me, the undersigned Notary Public in and for said County personally appeared Keith Lochmueller, President; Thomas G. Bernardin,
(Name of signers, their official capacity and Agency Name)
Secretary, Bernardin, Lochmueller & Associates, Inc.
(Firm Name)

and each acknowledged the execution of the foregoing agreement on this 18th day of January, 1995 and each acknowledged and stated that he is the party authorized by the said firm to execute the foregoing agreement.

Witness my hand and seal the said last named date.

My Commission Expires:

September 22, 1995

Cynthia L. Evans
Notary Public

Cynthia L. Evans
Print or type name

A C K N O W L E D G M E N T

State of Indiana, County of _____, SS:

Before me, the undersigned Notary Public in and for said County, personally appeared Richard J. Borries, President; Patrick Tuley, Vice President;
(Name of signers, their official capacity and Agency Name)

Richard E. Mourdock; Vanderburgh County Board of Commissioners
and acknowledged the execution of the foregoing agreement on this 10th day of April, 1995.

Witness my hand and seal this said last named date.

My Commission Expires: April 2, 1999

Vanderburgh
My County of Residence:

Teresa L. Lukeman
Notary Public

Teresa L. Lukeman

(Form approved by the Attorney General)

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA)
COUNTY OF Vanderburgh)

The undersigned, being duly sworn on oath says, that he is the contracting party, or, that he is the representative, agent, member, or officer of the contracting party, that he has not, nor has any other member, representative, agent, or officer of the firm, company, corporation or partnership represented by him, directly or indirectly, entered into or offered to enter into any combination, collusion or agreement to receive or pay, and that he has not received or paid, any sum of money or other consideration for the execution of the annexed agreement other than that which appears upon the fact of the agreement.

BERNARDIN, LOCHMUELLER & ASSOC., INC.

Keith Lochmueller

Keith Lochmueller
(Print or type name)

Subscribed and sworn to before me this 18th day of January, 1995.

Cynthia L. Evans
Notary Public

My Commission Expires:

September 22, 1995

APPENDIX "A"

SERVICES BY CONSULTANT

A. RIGHT-OF-WAY ENGINEERING

The CONSULTANT shall provide right-of-way engineering in accordance with the procedures and standards as indicated in the Indiana Department of Transportation (INDOT) Division of Land Acquisition Right-of-Way Engineering Procedures Manual including but not limited to the following:

1. Prepare and provide one mylar and 2 copies of the final right-of-way plans.
2. Provide a documented twenty (20) year title search prepared by a professional abstractor for each parcel with a fair market value of \$5,000.00 or more. At the time each such parcel is acquired, the title search shall be updated and one of the following documents issued:
 - a. An examination of the abstract and opinion of title by an attorney, or
 - b. A guaranty of Title or Title Insurance in the amount of \$5,000.00. For parcels with a fair market value of less than \$5,000.00 and for temporary R/W, provide the last-deed-of-record and all liens and encumbrances.
3. Provide metes and bounds legal descriptions and transfer documents for each parcel. The descriptions shall be prepared and certified by an Indiana registered land surveyor.
4. Provide individual plats for each parcel. Each plat shall be certified by an Indiana registered land surveyor and include the following:
 - a. Total area before taking;
 - b. Area of existing right-of-way; and
 - c. Areas of all residue.

5. Provide separate folders for each parcel containing information obtained from A.1 through A.4 of this Appendix.
6. Complete the Parcel Listing Summary Sheet in final right-of-way plans.
7. Provide in the field a stake-out locating the new right-of-way line (including temporary and permanent right-of-way) for the partial takings included in all parcels. The stake-out shall be made using wooden hubs located at changes in bearing and other points necessary to show the location of the proposed right-of-way takings.

B. APPRAISAL PROBLEM ANALYSIS

The CONSULTANT shall provide an Appraisal Problem Analysis prepared by an appraiser as approved by INDOT as follows:

1. Examine the R/W plans and determine the extent of the taking;
2. Perform an on-site inspection of each parcel requiring R/W acquisition;
3. Determine the type of appraisal needed for each parcel according to FHWA Regulations (49 CFR Part 24, Dated March 2, 1989);
4. Complete an Appraisal Problem Analysis form for each parcel to be acquired;
5. Prepare a summary sheet setting out:
 - Parcel Name
 - Name of Owner
 - Size of Property
 - Amount of R/W to be acquired
 - Types of R/W to be acquired
 - Recommended Appraisal Form
6. Transmit two copies of the completed report to the appropriate LPA official for submission to INDOT for review.

APPENDIX "B"

INFORMATION AND SERVICES TO BE FURNISHED BY LOCAL PUBLIC AGENCY

The LOCAL PUBLIC AGENCY (LPA) shall furnish the CONSULTANT with the following:

1. Sufficient quantities of all pertinent forms.
2. Mylar reproductions of the approved design plans.
3. Access to (or make provisions for the CONSULTANT to enter upon) public and private lands as required for the CONSULTANT to perform the work under this agreement.
4. Review and approval of all completed transfer documents by an attorney (their own or fee attorney.)
5. Copies of the design or location-design study reports.
6. Copies of the environmental studies and/or approvals.

APPENDIX "C"

SCHEDULE

All work by the CONSULTANT under this agreement except Section D below, shall be completed and delivered to the LOCAL PUBLIC AGENCY no later than 200 calendar days after notification to proceed from the Local Public Agency, exclusive of LOCAL PUBLIC AGENCY's review time.

For the purpose of contract control the work will be submitted by the CONSULTANT to the LOCAL PUBLIC AGENCY for review and approval within the following approximate time periods:

- A. Final Right-of-Way Plans, title search, legal descriptions, transfer documents and land plats for each parcel within 120 calendar days after receipt from the LOCAL PUBLIC AGENCY of notice to proceed.
- B. Right-of-Way stake-out within 20 calendar days after receipt from the LOCAL PUBLIC AGENCY of approval of the final right-of-way plans and notification to proceed with the stake-out.
- C. Appraisal Problem Analysis report within 30 calendar days after right-of-way engineering is complete.
- D. Title Search updating and issuance of title work to be at the time of each parcel acquisition.

APPENDIX "C"

SCHEDULE

All work by the CONSULTANT under this agreement except Section D below, shall be completed and delivered to the LOCAL PUBLIC AGENCY no later than 200 calendar days after notification to proceed from the Local Public Agency, exclusive of LOCAL PUBLIC AGENCY's review time.

For the purpose of contract control the work will be submitted by the CONSULTANT to the LOCAL PUBLIC AGENCY for review and approval within the following approximate time periods:

- A. Final Right-of-Way Plans, title search, legal descriptions, transfer documents and land plats for each parcel within 120 calendar days after receipt from the LOCAL PUBLIC AGENCY of notice to proceed.
- B. Right-of-Way stake-out within 20 calendar days after receipt from the LOCAL PUBLIC AGENCY of approval of the final right-of-way plans and notification to proceed with the stake-out.
- C. Appraisal Problem Analysis report within 30 calendar days after right-of-way engineering is complete.
- D. Title Search updating and issuance of title work to be at the time of each parcel acquisition.

The amount of \$ 45,532.00 , determined above is an estimate of the cost which the CONSULTANT will incur in fulfilling the requirements of Appendix "A". The final amount will be adjusted according to the actual units of work performed; however, the final amount shall not exceed \$ 52,400.00 without approval of the LOCAL PUBLIC AGENCY.

B. METHOD OF PAYMENT

1. The CONSULTANT shall submit invoices to the LOCAL PUBLIC AGENCY, not more often than once per month during the progress of the work, for partial payment of account for the work completed to date.
2. For work performed under Section A.1 of Appendix "A" the LOCAL PUBLIC AGENCY agrees to pay the CONSULTANT for the percentage of the work completed.
3. For work performed under Section A.2 and A.7 and Section B of Appendix "A" and upon completion of the respective work and its acceptance by the LOCAL PUBLIC AGENCY, the LOCAL PUBLIC AGENCY agrees to pay the CONSULTANT the fees established above. No partial payments shall be made on a per parcel fee.
4. In the event of a substantial change in the scope, character or complexity of the work on the project, the maximum fee payable and the specified fee shall be adjusted in accordance with Changes in Work of General Provisions set out in the Agreement.

95-07560

ORDINANCE TO AMEND TITLE III, CHAPTER 36
OF THE VANDERBURGH COUNTY CODE OF ORDINANCES

WHEREAS, the Burdette Park Float Stand Revolving Fund was established by ordinance dated May 6, 1991; and,

WHEREAS, proceeds from the operation of the float stand were designated as the sole source of revenue for the Fund; and,

WHEREAS, the Burdette Park gift shop and concession stand now represent additional sources of revenue which are appropriate for deposit in the Fund.

BE IT HEREBY ORDAINED by the Board of Commissioners of Vanderburgh County, Indiana, that Title III, Chapter 36, of the Code of Ordinances of Vanderburgh County be amended as follows:

Chapter 36.50 ESTABLISHMENT

The Burdette Park Float Stand Revolving Fund, established May 6, 1991, is redesignated the Burdette Park Revolving Fund (hereinafter referred to as the "Fund").

Chapter 36.51 SOURCES AND DEPOSITS

(A) The Fund shall be comprised of all funds deposited therein pursuant to subsection (B), and any funds deposited therein pursuant to any appropriation for that purpose by the County Council.

(B) All proceeds from the sale or rental of property from the Burdette Park float stand, gift shop and concession stand, and any other revenue generated by the Burdette Park float stand, gift shop and concession stand, shall be deposited in the Fund pursuant to the Indiana Depository Act, I.C. 5-12-1, and as that Act may be amended from time to time.

Chapter 36.52 PURPOSES AND EXPENDITURES

(A) The Fund shall be used exclusively for the purchase, rental or other procurement of property to be offered for sale or rent at the Burdette Park float stand, gift shop and concession stand and any necessary expenses incidental to the operation of the Burdette Park float stand, gift shop and concession stand.

(B) The Manager of Burdette Park is hereby authorized to purchase, rent or otherwise procure property to be offered for sale or rent at the Burdette Park float stand, gift shop and concession stand, with funds then present in the Fund.

RECEIVED FOR RECORD Apr. 11 1995 at 8:59 AM

CTRL # 0004

BETTY J. HERMANN RECORDER
VANDERBURGH CO.

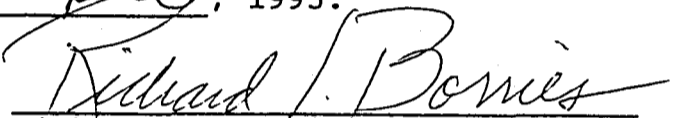
(C) The Manager of Burdette Park is hereby further authorized to make such other expenditures for the payment of any necessary expenses incidental to the operation of the Burdette Park float stand, gift shop and concession stand with funds then existing in the fund.

Chapter 36.53 REVOLVING FUND

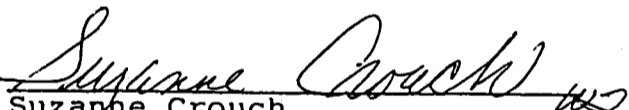
(A) The Fund shall be a revolving fund, and shall not be commingled with any other funds. Monies remaining in the Fund at the end of each year shall remain in the Fund and shall not revert to any general fund, except as provided in subsection (B).

(B) At the first scheduled meeting of the Board of Commissioners of Vanderburgh County in the month of April, each year, after the date of this ordinance, the Manager of Burdette Park shall submit a report to the Board of Commissioners regarding the funds remaining in the Fund at that time and an itemized estimate of the anticipated expenses for the operation and maintenance of the Burdette Park float stand, gift shop and concession stand. Any funds remaining in the Fund at the end of each fiscal year in excess of the anticipated operation and maintenance expenses, plus the amount of Ten Thousand Dollars (\$10,000.00), for unanticipated expenses, shall revert to the Vanderburgh County general fund.

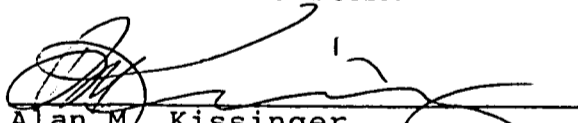
ADOPTED this 10 day of April, 1995.


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

ATTEST:


Suzanne Crouch
Vanderburgh County Auditor

APPROVED AS TO FORM:


Alan M. Kissinger
Vanderburgh County Attorney



Vanderburgh County Assessor

Room 227 Administration Building
1 NW Martin Luther King Jr. Blvd.
EVANSVILLE, INDIANA 47708
Phone: (812) 435-5267 Fax: (812) 435-5530

Cheryl A. W. Musgrave
County Assessor

Steve Parker
Chief Deputy

April 7, 1995

Vanderburgh County Commissioners
Civic Center Complex Room 305
Evansville Indiana 47708

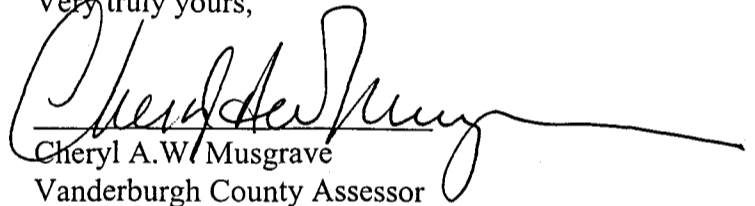
RE: Travel Request

Dear Sirs:

Attached to this letter is the travel request for George E Koch. Mr. Koch attended the workshop in Vincennes on March 28 and 29, 1995 for new assessing officials. The request for travel was overlooked earlier.

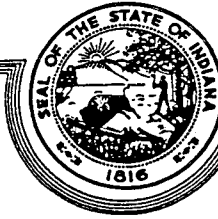
Please approve this request.

Very truly yours,


Cheryl A. W. Musgrave
Vanderburgh County Assessor

CAM/ri

STATE OF INDIANA



INDIANAPOLIS, 46204

STATE BOARD OF TAX COMMISSIONERS

Indiana Government Center North
317/232-3761

TO: NEW ASSESSING OFFICIALS

FROM: KAREN A. LOUDERBACK, DIRECTOR *KAL*
TRAINING AND COMMUNICATIONS

DATE: FEBRUARY 16, 1995

SUBJECT: TWO DAY TRAINING FOR NEW ASSESSORS AND BOARD OF REVIEW MEMBERS

Pursant to I.C. 6-1.1-35.2-1, "The state board of tax commissioners shall provide training to the members of the county board of review and the county, township and trustee assessors (as referred to in this chapter as assessing officials)".

I.C. 6-1.1-35.2-2 states that "In any year in which an assessing official takes office for the first time, the state board of tax commissioners shall conduct two (2), eight (8) hour sessions for these new assessing officials. Any new assessing official who attends BOTH sessions is entitled to receive \$200 and a mileage allowance from the county in which the official resides. A person is entitled to a mileage allowance under this section only for travel between the person's place of work and the training session nearest to the person's place of work". You must attend BOTH days of training to receive the payment of \$200.00. If you are only able to attend one (1) day of training, you will not qualify for payment.

Deputies are also invited to attend the 2-day training session, however they do not qualify to receive the \$200.00 payment.

The classes will start at 8:30 a.m. each morning and end at 4:30 p.m. with one (1) hour for lunch. Topics to be covered in the first session will be personal property, lot sizing, and residential assessing: data collection, grading and depreciation. On the second day we will cover commercial assessing and data collection, mobile homes, agriculture and Board of Review duties: appeals process, exemptions and deductions.

You will need to bring the 1995 Real Property Assessment Manual, a calculator, notebook, pencils and a highlighter to each training session. Please feel free to wear comfortable clothing to the session. If you should have any questions or concerns before the training, please contact me at (317) 233-3068.

Please fill out the enclosed registration form to attend the **two-day eight (8) hour** training sessions. Mail **no later** than **March 1, 1995** to the attention of:

Pamela J. Drinkard
State Board of Tax Commissioners
100 N. Senate
N-1058
Indianapolis, Indiana 46204

RECEIVED

FEB 21

Pamela J. Drinkard
Pamela J. Drinkard

TRAVEL REQUEST FORM
FOR
COUNTY OFFICIAL, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: April 6, 1995

DEPARTMENT: County Assessor

EMPLOYEE(S): GEORGE E. KOCH

DATE(S) OF TRAVEL: MARCH 28 & 29, 1995

DESTINATION: VINCENNES UNIVERSITY, VINCENNES INDIANA

PURPOSE: TWO DAY WORKSHOP

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: NO

MEANS OF TRAVEL COUNTY VEHICLE NUMBER:
OTHER: PERSONAL VEHICLE

REIMBURSEMENT CLAIMED

☒ Mileage

Parking

Per Diem

Registration

Air Fair

☒ Other
\$200 PAYMENT

APPROVED: _____
Department Head

APPROVED: Cheryl A. Winger
Office Holder

APPROVED BY:
VANDERBURGH COUNTY COMMISSIONERS this

day of

Richard J. Borries
Richard J. Borries, President

Patrick Tuley
Patrick Tuley, Vice-President

Richard Murdock
Richard Murdock, Member



CITY OF EVANSVILLE
Evansville Redevelopment Commission

304 Civic Center Complex, One N.W. Martin Luther King, Jr. Blvd.
Evansville, Indiana 47708-1833
(812) 426-5360/FAX (812) 426-5399/TDD (812) 426-5483

FRANK F. McDONALD II
MAYOR

April 7, 1995

Patrick Tuley, President
Board of Commissioners
Vanderburgh County
1 N.W. M. L. King Blvd., Room 305
Evansville, IN 47708

Re: Surplus Property

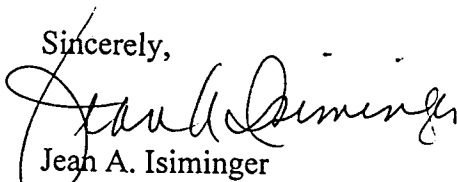
Dear Mr. Tuley:

Attached are the necessary resolutions to transfer the properties listed in my letter of March 21, 1995. I have prepared two copies of the resolution for your Board's consideration. I have also attached a copy of the resolution which I will ask our Commission to approve.

Upon receipt of your signed resolution, I will order title work and have our attorney prepare the necessary deed, as is our custom. I will then forward the deed to your attention for approval and signature.

We appreciate your assistance in this matter.

Sincerely,


Jean A. Isiminger
Redevelopment Specialist

**RESOLUTION BY THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY
TO SELL AND CONVEY TO THE CITY OF EVANSVILLE,
A MUNICIPAL CORPORATION, FOR THE USE AND BENEFIT OF ITS
DEPARTMENT OF REDEVELOPMENT, SURPLUS PROPERTIES LOCATED
IN THE WALNUT CENTRE REDEVELOPMENT PROJECT AREA**

WHEREAS, I.C. 6-1.1-25-9 provides that the Board of Commissioners may dispose of real property acquired by the county through tax sale under I.C. 36-1-11,

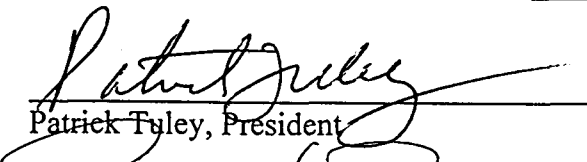
WHEREAS, I.C. 36-1-11-8 provides that the Board of Commissioners may transfer or exchange property with a government entity upon terms and conditions agreed upon by the entities as evidenced by adoption of a substantially identical resolution by each entity for any amount of real property, cash, or other personal property, as agreed by the entities,

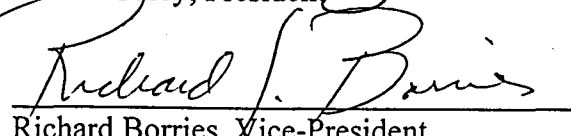
WHEREAS, the City of Evansville, Department of Redevelopment, requests the purchase of the following properties located within their Walnut Centre Redevelopment Project Area from the Board of Commissioners of Vanderburgh County,

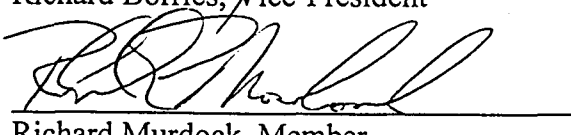
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Vanderburgh County that they will convey without warranty, expressed or implied, title on the following properties to the City of Evansville, a Municipal Corporation, for the use and benefit of its Department of Redevelopment:

<u>Class B Certificate No.</u>	<u>Parcel</u>	<u>Address</u>	<u>Legal Description</u>	<u>Price</u>
408A	34-43	815 John Street	Ballard's Addn L 8, BL 2	\$1.00
409A	10-9	321 S. Evans	Ballard's Addn. 80.5 Ft L 50, BL 4	\$1.00
410A	Incl	319 S. Evans	Ballard's Addn. Pt. Lot 52, BL 4	\$1.00
411A	10-10	317 S. Evans	Ballard's Addn. L 54 & 56, BL 4	\$1.00
412A	11-5	314 S. Evans	Ballard's Addn. 22 1/4 Ft L 57, BL 5	\$1.00

ADOPTED THIS 10th DAY OF April, 19 95


Patrick Tuley, President


Richard Borries, Vice-President


Richard Murdock, Member

**RESOLUTION BY THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY
TO SELL AND CONVEY TO THE CITY OF EVANSVILLE,
A MUNICIPAL CORPORATION, FOR THE USE AND BENEFIT OF ITS
DEPARTMENT OF REDEVELOPMENT, SURPLUS PROPERTIES LOCATED
IN THE WALNUT CENTRE REDEVELOPMENT PROJECT AREA**

WHEREAS, I.C. 6-1.1-25-9 provides that the Board of Commissioners may dispose of real property acquired by the county through tax sale under I.C. 36-1-11,

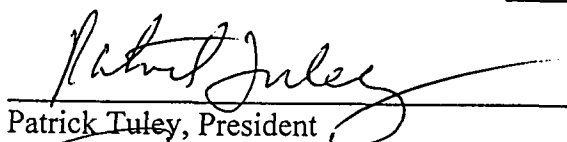
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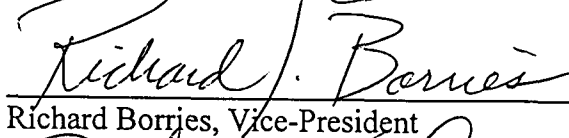
WHEREAS, the City of Evansville, Department of Redevelopment, requests the purchase of the following properties located within their Walnut Centre Redevelopment Project Area from the Board of Commissioners of Vanderburgh County,

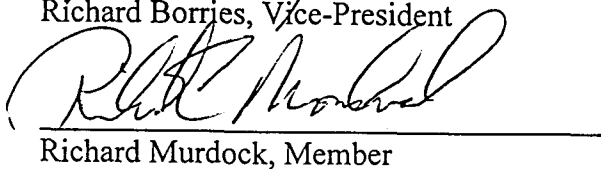
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Vanderburgh County that they will convey without warranty, expressed or implied, title on the following properties to the City of Evansville, a Municipal Corporation, for the use and benefit of its Department of Redevelopment:

<u>Class B Certificate No.</u>	<u>Parcel</u>	<u>Address</u>	<u>Legal Description</u>	<u>Price</u>
408A	34-43	815 John Street	Ballard's Addn L 8, BL 2	\$1.00
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412A	11-5	314 S. Evans	Ballard's Addn. 22 1/4 Ft L 57, BL 5	\$1.00

ADOPTED THIS 10th DAY OF April, 19 95.


Patrick Tuley, President


Richard Borries, Vice-President


Richard Murdock, Member

**RESOLUTION BY THE EVANSVILLE REDEVELOPMENT
COMMISSION OF THE CITY OF EVANSVILLE, A MUNICIPAL
CORPORATION, TO PURCHASE SURPLUS PROPERTY LOCATED IN THE
WALNUT CENTRE REDEVELOPMENT AREA FROM THE
BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY**

WHEREAS, I.C. 6-1.1-25-9 provides that the Board of Commissioners may dispose of real property acquired by the county through tax sale under I.C. 36-1-11,

WHEREAS, I.C. 36-1-11-8 provides that the Board of Commissioners may transfer or exchange property with a government entity upon terms and conditions agreed upon by the entities as evidenced by adoption of a substantially identical resolution by each entity for any amount of real property, cash, or other personal property, as agreed by the entities,

NOW, THEREFORE, BE IT RESOLVED by the Evansville Redevelopment Commission of the City of Evansville to acquire, by fee simple title, from the Board of Commissioners of Vanderburgh County the following properties located in the Walnut Centre Redevelopment Project Area:

Class B				
<u>Certificate No.</u>	<u>Parcel</u>	<u>Address</u>	<u>Legal Description</u>	<u>Price</u>
408A	34-43	815 John Street L 8, BL 2	Ballard's Addn	\$1.00
409A	10-9	321 S. Evans 80.5 Ft L 50, BL 4	Ballard's Addn.	\$1.00
410A	Incl	319 S. Evans Pt. Lot 52, BL 4	Ballard's Addn.	\$1.00
411A	10-10	317 S. Evans L 54 & 56, BL 4	Ballard's Addn.	\$1.00
412A	11-5	314 S. Evans 22 1/4 Ft L 57, BL 5	Ballard's Addn.	\$1.00

ADOPTED THIS 10th DAY OF April, 19 95.

QUITCLAIM DEED

THIS INDENTURE WITNESSETH: That the undersigned, VANDERBURGH COUNTY ("GRANTOR"), of Vanderburgh County, state of Indiana,

RELEASES AND QUITCLAIMS

to ECHO Housing Corporation ("GRANTEE"), of Vanderburgh County, state of Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, all of its right, title and interest in and to the following described real estate lying and being situated in Vanderburgh County, in the state of Indiana ("Real Estate"), to wit:

Lot Twelve (12) and the adjoining Fourteen (14) feet in Lot Thirteen (13) in Block Twenty-three in the Southern Enlargement of the City of Evansville as per plat thereof, recorded in Plat Book A, pages 5, 6 and 7 and transcribed of record in Plat Book E, pages 20, 21 and 22 in the Office of the Recorder of Vanderburgh County, Indiana.

IN WITNESS WHEREOF, the said VANDERBURGH COUNTY, hereunto set its hand and seal this 21 day of Feb, 1995.

VANDERBURGH COUNTY

By: Richard J. Berries
Its: County Commissioner

ATTEST:

By: Suzanne M. Crouch
Its: Auditor

DULY ENTERED FOR TAXATION SUBJECT
TO FINAL ACCEPTANCE FOR TRANSFER.

STATE OF INDIANA)

SS:

COUNTY OF VANDERBURGH)

APR 11 1995

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Richard J. Berries, known to me to be a County Commissioner of Vanderburgh County, and Suzanne Crouch, known to me to be the Auditor of Vanderburgh County, who acknowledged the execution of the foregoing deed to be their voluntary act and deed.

WITNESS my hand and Notarial Seal this 3rd day of April, 1995.

Teresa L. Lukeman
Signature of Notary Public

Teresa L. Lukeman
Printed Name of Notary Public

Vanderburgh
County of Residence of Notary Public

My Commission Expires:

MARCH 24, 1999

This instrument was prepared by Sara A. Harrison, Attorney at Law, P.O. Box 1287, Evansville, Indiana, 47706-1287.

Address of GRANTEE and being also where tax duplicates are to be sent unless otherwise hereinafter indicated: P.O. Box 14044, Evansville, Indiana 47728.

RECEIVED FOR RECORD

CTRL # 0081

APR 11 1995 3:30 PM
BETTY J. HEFMAN RECORDER
VANDERBURGH CO.



CITY OF EVANSVILLE
Evansville Redevelopment Commission

304 Civic Center Complex, One N.W. Martin Luther King, Jr. Blvd.
Evansville, Indiana 47708-1833
(812) 426-5360/FAX (812) 426-5399/TDD (812) 426-5483

FRANK F. McDONALD II
MAYOR
March 21, 1995

Patrick Tuley, President
Board of Commissioners
Vanderburgh County
1 N.W. M. L. King Blvd., Room 305
Evansville, IN 47708

Re: Surplus Tax Sale Property

Dear Mr. Tuley:

I have just checked Donna Krowl's listing of Class B Properties from the 1993 Tax Sale which have now been transferred to the Board of Commissioners. On the list were five properties scheduled to be purchased by the Evansville Redevelopment Commission.

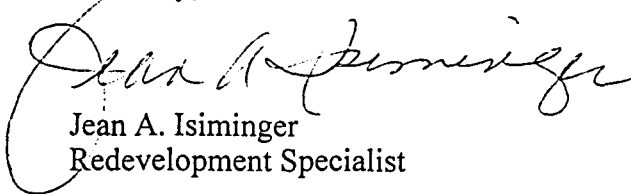
These properties are:

815 John Street	11-270-24-039-031
321 S. Evans	11-280-24-040-021
319 S. Evans	11-280-24-040-022
317 S. Evans	11-280-24-040-023
314 S. Evans	11-280-24-040-033

I would appreciate the Board of Commissioners considering transferring these properties to the Evansville Redevelopment Commission for the amount owed the County upon transfer. I have asked Donna to advise me of the exact amounts owed.

As you know, pursuant to I.C. 36-1-11-8, the transfer or exchange of property with another governmental agency can be accomplished by the adoption of substantially identical resolutions by each entity. If you are in agreement with the proposed transfer, please let me know and I will prepare the appropriate resolutions.

Sincerely,


Jean A. Isiminger
Redevelopment Specialist



EXEMPT TRANSACTIONS

State Form 46327 (12-93)

Prescribed by the State Board of Tax Commissioners 1993
Pursuant to IC 6-1.1-5.5

PRIVACY NOTICE

Notwithstanding IC 5-14-3, a sales disclosure form is not a public record and may only be used by the State Board of Tax Commissioners or persons acting on behalf of the State Board of Tax Commissioners

PART I - TO BE COMPLETED BY BUYER AND SELLER

GRANTOR Seller	First name <u>Vanderburgh County</u>	M.I.	Last name
	Social Security number or Federal ID number (optional)		
GRANTEE Buyer	Address (number and street) <u>305 Civic Ctr. Complex</u>	City, Town or Post Office <u>Evansville</u>	State <u>IN</u>
	ZIP code <u>47708</u>		
ADDRESS OF PROPERTY CONVEYED	First name <u>FOHO HOUSING</u>	M.I.	Last name
	Social Security number or Federal ID number (optional)		
	Address (number and street) <u>216 Washington Ave.</u>	City, Town or Post Office <u>Evansville</u>	State <u>IN</u>
	ZIP code <u>47713</u>		
	Address (number and street) <u>824 S. Governor</u>	City, Town or Post Office <u>Evansville</u>	State <u>IN</u>
	ZIP code <u>47713</u>		
Parcel or Key number <u>11-90-21-74-38</u>			
County <u>Vanderburgh</u>		Township name <u>Pigeon</u>	
Property class code (check one) <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Mineral <input type="checkbox"/> Agricultural <input type="checkbox"/> Other (specify) _____			

EXEMPT TRANSACTIONS (see instructions below)

Does the transaction qualify as an exempt transaction?
☒ Yes ☐ No

If Yes, specify the number of the exemption from below and go to the signature section.

Reason number: 6

Exempt Transactions

If the document to be recorded clearly indicates that it is an exempt transaction, please certify that the transaction is exempt and provide the reason number.

1. Security interest document such as mortgage and trust deeds
2. Leases that are for a term of less than ninety (90) years
3. Document for compulsory transactions as a result of foreclosure or express threat of foreclosure, divorce, court order, condemnation or probate
4. Transfer to a charity
5. Agreements and other documents for mergers, consolidations and incorporations involving solely nonlisted stock
6. Quitclaim deeds not serving as a source of title
7. Transfer for no consideration or gift
8. Documents involving the partition of land tenants in common joint tenants or tenants by the entirety
9. Re-recording to correct prior recorded document.
10. Right-of-way grants for no consideration.
11. Easements with no transfer of title.

Signature and Verification Section

The parties to a real property conveyance document are required to file this form and attest in writing and under the penalties of perjury that the information contained herein is true and correct. A person who knowingly and intentionally falsifies any information required on this form commits a Class C misdemeanor.

Under Penalties of Perjury, I hereby certify that this Sales Disclosure, to the best of my knowledge and belief, is true, correct and complete as required by law, and is prepared in accordance with IC 6-1.1-5.5, "Real Property Sales Disclosure Act".

For an exempt transaction, only one signature (seller, buyer or either's representative) is required.

Signature of seller or representative <u>Richard J. Bonies</u> <i>cm</i>	Telephone number ()	Date signed (month, day, year)
Signature of buyer or representative	Telephone number ()	Date signed (month, day, year)

(AUDITOR'S OFFICE) TO BE COMPLETED BY THE AUDITOR AND RECORDER (RECORDER'S OFFICE)

Signature M. Cough
4-11-95

CLAIM

Indiana statutes prescribed that before payment can be made for goods and/or services provided to a governmental unit, a properly completed claim must be filed by the vendor with the Controller. Please complete this side of the claim showing kind of service, where performed, date of service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per hundred, per pound, per ton, etc.

RETURN COMPLETED CLAIM (PURCHASE ORDER NUMBER AND DEPARTMENT OF CITY MUST BE IDENTIFIED) WITH ONE ORIGINAL AND ONE PHOTO COPY OF INVOICE TO:

CONTROLLER/FINANCE, CITY OF EVANSVILLE
CITY/COUNTY ADMINISTRATION BUILDING, ROOM 300
CIVIC CENTER COMPLEX
1 N. W. MARTIN LUTHER KING, JR. BOULEVARD
EVANSVILLE, INDIANA 47708

P. O. No. _____

(Do not include more than six (6) different invoices on a claim.)

Goods or services furnished for (Dept. Name): _____

QUANTITY	DESCRIPTION OF GOODS OR SERVICES FURNISHED	PRICE
	<i>for acquisition of properties in the Walnut</i>	
	<i>Center Redevelopment Project area</i>	
	<i>815 John Street, 321 S. Evans, 319 S. Evans 317 S. Evans</i>	
	<i>7314 S. Evans</i>	
	<i>5 @ \$1 = \$5</i>	<i>\$5.00</i>

TOTAL AMOUNT OF CLAIM \$5.00

Pursuant to the provisions and penalties of Chapter 155 Acts of 1953 State of Indiana, I hereby certify that the foregoing claim is true and correct; that the said City has received the full value and the exact consideration therein named; that the prices therein charged are in accordance with contract or statute; that the said claim or any part thereof has not been paid or commuted, and that neither bonus, commission, or any other consideration has been given or promised within my knowledge or belief, because of the proposed exchange of values therein set forth, or for any other reason.

Vendor *Vanderburg Co. Commissioners*
Address _____

Signature *Richard J. Bonies*
Title *Commissioner*

100

9

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cy.

1141

AMOUNT
PAID

1

1

Instrument #'s 95-08166
95-08167

RECEIPT

DATE: 04/18/95
REC# 00009845

TIME: 13:18:01
OPR: CAS

Betty J. Hermann
Recorder of Vanderburgh County
1 NW M. L. King Jr Blvd
Evansville, IN 47708

DESCRIPTION	TRN AMOUNT
-------------	------------

RECORDS INDEXING	
------------------	--

TRANSACTION TOTAL	
CHECK	

CHANGE	0.00
--------	------

HAVE A NICE DAY!

2 Easements
for Bank of Mt. Carmel



TRANSPORTATION FUELS ■ OILS AND LUBRICANTS ■ CHEMICALS AND SOLVENTS ■ HOME HEATING PRODUCTS

March 27, 1995

John Stoll
VANDERBURGH COUNTY ENGINEER
201 NW Fourth Street
Room 307
Evansville, IN 47708

Dear John:

In the early part of 1994, when we sought approval of a site plan for a parcel of property located at the southeast portion of the interchange of I-64 and U.S. 41, the parcel of property which we had an agreement to purchase, it was suggested to us to purchase additional property to the north of said parcel, the additional property being for the placement of a future roadway. In October of 1994, we were successful in our purchase of additional property, and in the fall of 1994, we delivered to you two documents dedicating easements to the County Commissioners for a roadway and for underground utilities. Shortly after filing the documents with your office, a licensed engineer discovered a problem with the legal description of the original parcel we had purchased (the problem dating back to the 1970s), which affected the legal descriptions of the additional properties subject to the easements we were dedicating to the County. Upon notifying your office of these errors, you indicated to me that you would hold off on presentation of the original documents to the County Commissioners.

Please know that the errors in the legal descriptions have now been corrected. Enclosed please find two new documents which dedicate easements to the County. One document dedicates a roadway and underground utilities easement to the County, while the second document provides for the dedication of additional underground utilities easement to the County. Each of the documents have been reviewed by Morley & Associates. You may now use these documents for presentation to the County Commissioners.

The acquisition of this property came at considerable time and expense to our organization and to Illinois Land Trust #121B1. We hope that these dedications will be of benefit to the County for generations to come.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tom Dersch".

Tom Dersch

Enclosures

620 OAK STREET ■ P.O. BOX 217 ■ MT. CARMEL, IL 62863 ■ TELEPHONE: (618) 262-5181
FAX: (618) 262-8078

PUBLIC UTILITY EASEMENT GRANT

95-08166 22' x 263.05' Parcel South of Proposed Roadway)

DEED DRAWER

9

CARD

4032

This Indenture Witnesseth, that Bank of Mt. Carmel, as Trustee on behalf of Trust #121B1, under a Trust Agreement dated July 19, 1979, to Bank of Mt. Carmel, 601 Market Street, Mt. Carmel, IL 62863 (GRANTOR) of Wabash County, Illinois, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby GRANT and CONVEY unto Vanderburgh County (GRANTEE), a governmental entity organized and existing under the laws of the State of Indiana, a perpetual non-exclusive easement and right-of-way for underground utility purposes below and across the following described real estate located in Vanderburgh County, Indiana, to-wit:

Part of the southwest quarter of the northeast quarter of Section 20, Township 4 south, Range 10 west in Vanderburgh County, Indiana being more particularly described by metes and bounds as follows:

Commencing at the southwest corner of the southwest quarter of the northeast quarter of said section, said point being located at 42.66 right of station 686 + 40.68 along the centerline of US 41; thence along said quarter quarter section line north 00 degrees, 49 minutes, 26 seconds east 27.50 feet; thence at right angles south 89 degrees, 10 minutes, 34 seconds east 67.25 feet to the east right-of way line of US 41, station 686 + 68 at 110.00 feet right of the centerline thereof; thence along said right-of-way line north 00 degrees, 40 minutes, 17 seconds east 84.00 feet; thence at right angles south 89 degrees, 19 minutes, 43 seconds east 35.00 feet to US 41, station 687 + 52 at 145.00 feet right of the centerline thereof; thence along said right-of-way line north 00 degrees, 40 minutes, 17 seconds east 132.00 feet to the true point of beginning; from said point of beginning thence continue north 00 degrees, forty minutes, seventeen seconds east a distance of twenty-two (22.00) feet; thence at right angles south 89 degrees, 19 minutes, 43 seconds east a distance of two-hundred sixty three and five hundredths (263.05) feet; thence parallel with said right-of-way, south 00 degrees, 40 minutes, 17 seconds west twenty-two (22.00) feet; thence north 89 degrees, 19 minutes 43 seconds west two-hundred sixty three and five hundredths (263.05) feet to the true point of beginning, containing 0.13 acres (5,781 sq. ft.), more or less.

DEED DRAWER 9 CARD 3618

Subject to existing highway and roadways. Subject to easements, restrictions, highways and rights-of-way of record.

GRANTOR reserves unto itself, its successors and assigns, the continuing right, exercisable from time to time, of free ingress and egress from the real estate and any landscape or pavement improvements located thereon. GRANTOR also reserves unto itself, its successors and assigns, the continuing right, exercisable from time to time, to place whatever utilities or other equipment necessary to serve the GRANTOR's property on and under the real estate. To assist in the understanding of the intent of this easement grant, and the utility lines to be placed within this easement, a graphical depiction is provided in the Exhibit 1.2 attached hereto and made a part hereof.

IN WITNESS WHEREOF, Bank of Mt. Carmel, as Trustee on behalf of Land Trust #121B1, by signing below, make this grant this 9 day of March, 1995.

305 Civic Ctr. Complex

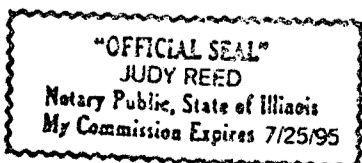
47708

Alonna K. Hodgson
Bank of Mt. Carmel as Trustee

STATE OF ILLINOIS, COUNTY OF WABASH) SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Bank of Mt. Carmel, as Trustee on behalf of Land Trust #121B1, who acknowledged the execution of the foregoing instrument to be their voluntary act and deed.

WITNESS my hand and notarial seal this 9 day of March, 1995.



My Commission Expires:

7/25/95

Judy Reed
Notary Public
Judy Reed
(typed or printed name)
Notary Resides in WABASH
County, IL

RECEIVED FOR RECORD Apr. 18 * 95 at 1:15pm
CTRL # 0009 Record Date BETTY J. HENAWAY

This instrument reviewed by:

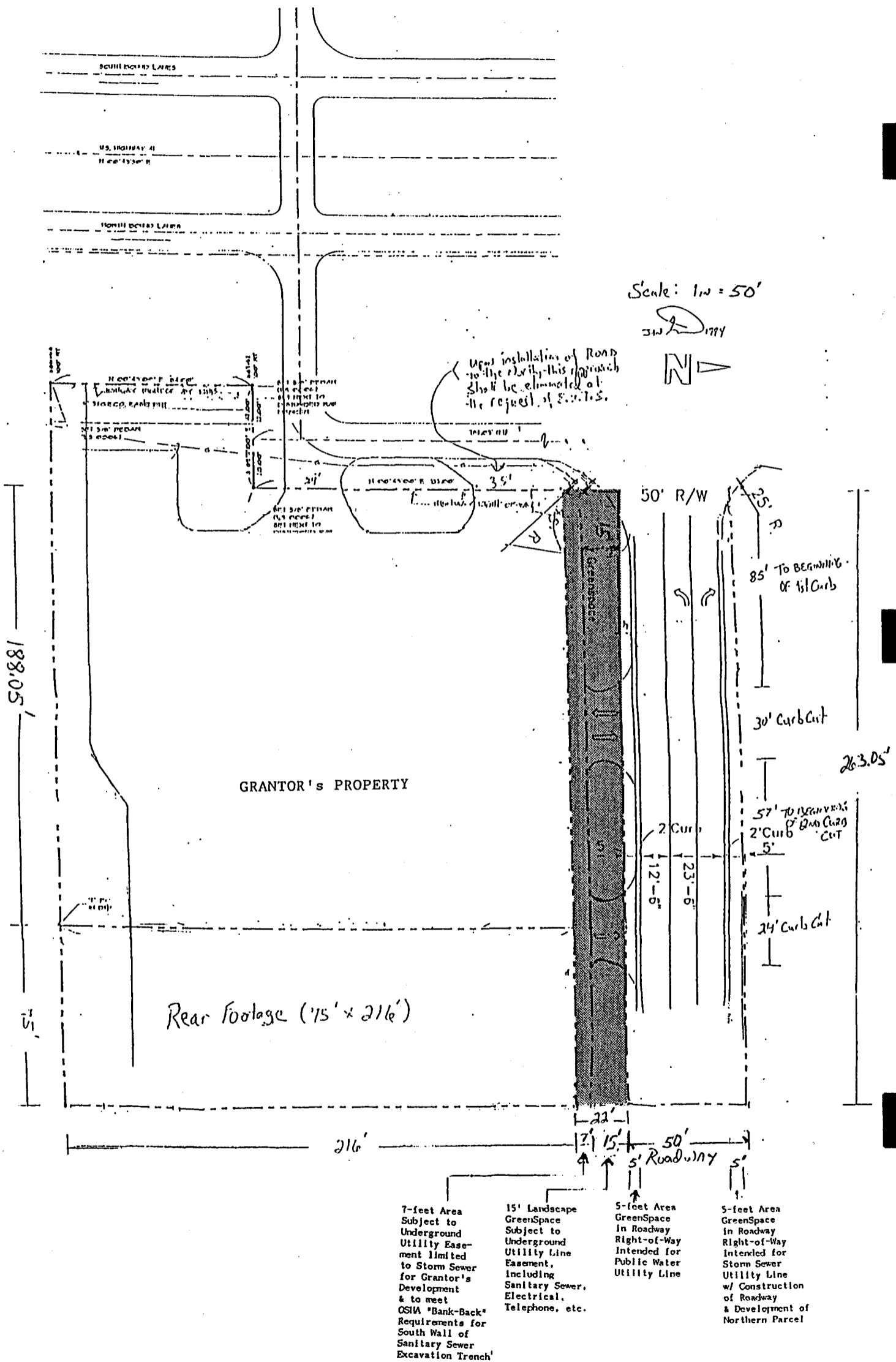
FILED FOR TAXATION SUBJECT
FINAL ACCEPTANCE FOR TRANSFER.

APR 18 1995 1968

Judy Reed
AUDITOR

Exhibit 1.2

DEPICTION OF AREA SUBJECT TO UTILITY EASEMENT GRANT
(22' x 263.05' Easement Area Depicted with Shading)



This Indenture Witnesseth, that Bank of Mt. Carmel, as Trustee on behalf of Trust #121B1, under a Trust Agreement dated July 19, 1979, to Bank of Mt. Carmel, 601 Market Street, Mt. Carmel, IL 62863 (GRANTOR) of Wabash County, Illinois, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby GRANT and CONVEY unto Vanderburgh County (GRANTEE), a governmental entity organized and existing under the laws of the State of Indiana, a perpetual easement and right-of-way for roadway and underground utility purposes upon, below, and across the following described real estate located in Vanderburgh County, Indiana, to-wit:

Part of the southwest quarter of the northeast quarter of Section 20, Township 4 south, Range 10 west in Vanderburgh County, Indiana being more particularly described by metes and bounds as follows:

Commencing at the southwest corner of the southwest quarter of the northeast quarter of said section, said point being located at 42.66 right of station 686 + 40.68 along the centerline of US 41; thence along said quarter quarter section line north 00 degrees, 49 minutes, 26 seconds east 27.50 feet; thence at right angles south 89 degrees, 10 minutes, 34 seconds east 67.25 feet to the east right-of way line of US 41, station 686 + 68 at 110.00 feet right of the centerline thereof; thence along said right-of-way line north 00 degrees, 40 minutes, 17 seconds east 84.00 feet; thence at right angles south 89 degrees, 19 minutes, 43 seconds east 35.00 feet to US 41, station 687 + 52 at 145.00 feet right of the centerline thereof; thence along said right-of-way line north 00 degrees, 40 minutes, 17 seconds east 154.00 feet to the true point of beginning; from said point of beginning thence continue north 00 degrees, forty minutes, seventeen seconds east a distance of fifty (50.00) feet; thence at right angles south 89 degrees, 19 minutes, 43 seconds east a distance of two-hundred sixty three and five hundredths (263.05) feet; thence parallel with said right-of-way, south 00 degrees, 40 minutes, 17 seconds west fifty (50.00) feet; thence north 89 degrees, 19 minutes 43 seconds west two-hundred sixty three and five hundredths (263.05) feet to the true point of beginning, containing 0.30 acres (13,152.5 sq. ft.), more or less.

DEED DRAWER 9 CARD 3618

Subject to existing highway and roadways. Subject to easements, restrictions, highways and rights-of-way of record.

GRANTOR reserves unto itself, its successors and assigns, the continuing right, exercisable from time to time, of free ingress and egress from the real estate and any roadway or roadway improvements located thereon. GRANTOR also reserves unto itself, its successors and assigns, the continuing right, exercisable from time to time, to place under the real estate whatever utilities or other equipment necessary to serve the GRANTOR's property. To assist in the understanding of the intent of this easement grant, including the intended placement of utility lines thereunder, a graphical depiction is provided in the Exhibit 1.1 attached hereto and made a part hereof.

IN WITNESS WHEREOF, Bank of Mt. Carmel, as Trustee on behalf of Land Trust #121B1, by signing below, make this grant this 9 day of March, 1995.

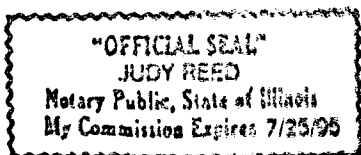
305 Civic Ctr. Complex
47708

Alenna K. Hodgson
Bank of Mt. Carmel as Trustee

STATE OF ILLINOIS, COUNTY OF WABASH) SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Bank of Mt. Carmel, as Trustee on behalf of Land Trust #121B1, who acknowledged the execution of the foregoing instrument to be their voluntary act and deed.

WITNESS my hand and notarial seal this 9 day of March, 19 95.



My Commission Expires:

7/25/95

This instrument reviewed by:
Morley & Associates, Inc.

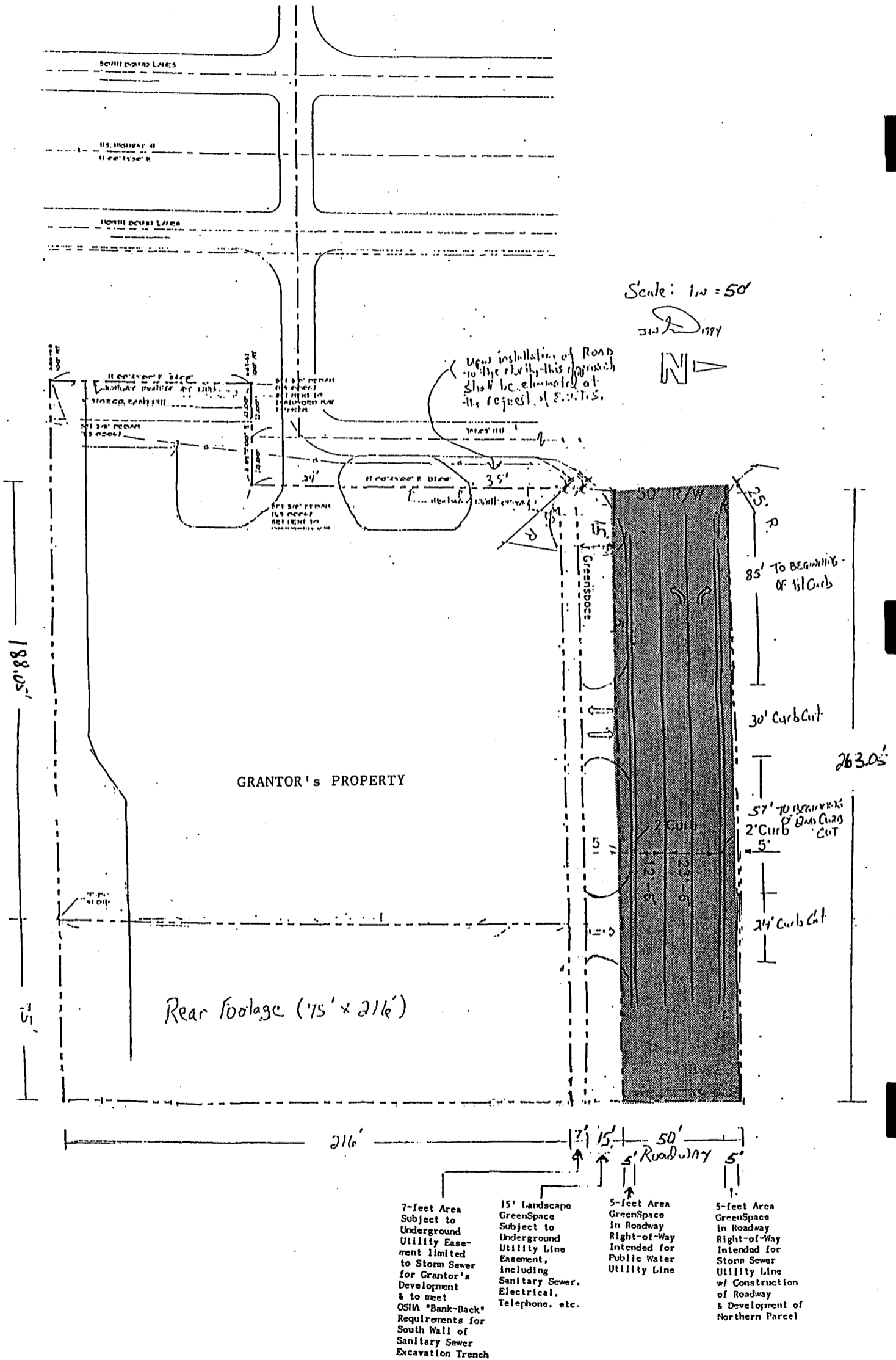
Judy Reed
Notary Public

Judy Reed
(typed or printed name)
Notary Resides in Wabash
County, IL

Recorded & Indexed Apr. 18, 95 at 1:16
CIRL: 0070 BETTY J. HERMAN RECORDS

Exhibit 1.1

DEPICTION OF PUBLIC ROADWAY RIGHT-OF-WAY W/ UTILITY GRANT
(50' x 263.05' Right-of-Way Depicted with Shading)



4E



**BOARD of
COMMISSIONERS**
of the County of Vanderburgh

RICHARD J. BORRIES
RICHARD E. MOURDOC
PATRICK TULEY

AGENDA REQUEST

NAME OF REQUESTOR: _____

Randy Rolfer

REQUESTOR TITLE: _____

DEPARTMENT: _____

S.W.R.H.C. -

REQUEST(S) BEING MADE: _____

*Report to Commission
on Highway.*

DATE TO BE PLACED ON AGENDA: _____

ACTION ☒ CONSENT ☐ OTHER ☐

AGREEMENT FOR SERVICES

THIS AGREEMENT, entered into as of this _____ day of January, 1995, by and between the Southwestern Indiana Regional Highway Coalition, herein called "SWIRHC"; and Vanderburgh County in Indiana, acting by and through its County Commission, herein called "the County".

WITNESSETH that the Parties do mutually agree as follows:

1. **Employment of Contractor.** The County hereby agrees to engage SWIRHC and SWIRHC hereby agrees to perform the services hereinafter set forth in connection with the expansion of Interstate 69 from Indianapolis to Evansville, Memphis, Shreveport and Houston.
2. **Scope of Services.** SWIRHC shall do, perform and carry out in a good and professional manner the following services:
 - a. Develop a program to enhance efforts to build an interstate highway from Indianapolis to Evansville and potentially on to Memphis, Shreveport and Houston.
 - b. Meet with business, city county and state highway officials in communities and states along the proposed route of the interstate highway extension.
 - c. Publish a newsletter to keep coalition members and other interested parties informed about the coalition's efforts.
 - d. Conduct any lobbying efforts necessary at the State and local levels.
 - e. **Reporting Requirements:** Submit monthly activity reports to the County Auditor on forms prescribed by DMD, no later than the 5th day of the month for the preceding month. These should include receipt of detailed invoices, receipts or other appropriate documentation of expenditures for performance of the services herein.
 - f. Contractor shall submit to the County Auditor, a copy of the independent audit conducted on SWIRHC's financial records, within (30) days after completion of said audit, for the period through March 31, 1995.

3. **Time of Performance.** The services of SWIRHC shall commence upon execution of this Agreement and continue through December 31, 1995.
4. **Compensation.** The County agrees to pay SWIRHC a sum not to exceed Twenty Thousand Dollars (\$ 20,000.00) for services to be performed under # 2, Scope of Services. The County agrees to pay SWIRHC for expenses incurred from January 1995 through December 31, 1995, upon submission of properly documented invoices and Claim Forms.
5. **Method of Payment.** SWIRHC shall be entitled to payment in accordance with the provisions of this section. Subject to the maximum compensation set forth in Section 4 above, SWIRHC shall be paid the amount of One Thousand, Six Hundred Sixty-six Dollars and Sixty-seven Cents (\$ 1,666.67) on the last Friday of each month. The January 30, 1995 payment is subject to timely funding approval, timely contract approval, and timely claim form and invoicing submission. All claims forms should be submitted by the second Friday of each month to receive timely payment.
6. **Changes.** The County may, from time to time require changes in the Scope of Services of SWIRHC to be performed hereunder. Such changes which require additional services and which require an increase in the amount of SWIRHC's compensation, shall be mutually agreed upon by and between the County and SWIRHC and shall be incorporated in written amendments to this Agreement. The County or SWIRHC may, without the approval or consent of the other party, reduce the Scope of Service and an appropriate adjustment of SWIRHC's maximum compensation shall be made to reflect an appropriate reduction in the projected costs of the project. Such an adjustment shall be made in writing, delivered to the other party as provided in Section 7-Notice-seven (7) days prior to the effective date.
7. **Notice.** Any notice permitted or required under the provision of this Agreement shall be in writing and signed by the party giving or serving the same and whether served in person or delivered by certified mail, addressed to the party as follows:

Vanderburgh County
Commissioners
Room 305 Civic Center
1 NW M.L. King Jr., Blvd.
Evansville, Indiana 47708

Southwestern Indiana Regional
Highway Coalition
PO Box 20121
Evansville, Indiana 47708

8. **Restrictions, Prohibitions and Controls.** SWIRHC will not pay any bonus or commission for the purpose of obtaining approval of this Agreement or any other approval which may be necessary under this Agreement.

9. **Counterparts of the Agreement.** This Agreement shall be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

10. **Liability of the Parties.** SWIRHC agrees to hold harmless the County in its office, agents, officials, and employees, from any and all claims, causes of action, judgments and liens arising out of SWIRHC's performance under this Agreement.

IN WITNESS WHEREOF, The County and SWIRHC had executed this Agreement on the day first written above.

SOUTHWESTERN INDIANA REGIONAL HIGHWAY COALITION

By:

Frank F. McDonald, II, Co-Chairman

By:

C. Randolph Rohlfer, Co-Chairman

VANDERBURGH COUNTY COMMISSION

By:

Richard J. Borries, President

By:

Pat Tuley, Vice-President

By:

Richard Mourdock, Member

Dated this 20th day of March, 1995.

95-07618

commit95\818-934
4/3/95 6309.999

DEED DRAWER

QUITCLAIM DEED

THIS INDENTURE WITNESSETH: That the undersigned, VI
("GRANTOR"), of Vanderburgh County, state of Indiana

RELEASES AND QUITCLAIMS

to ECHO Housing Corporation ("GRANTEE"), of Vanderburgh County, state of Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, all of its right, title and interest in and to the following described real estate lying and being situated in Vanderburgh County, in the state of Indiana ("Real Estate"), to wit:

Lot Twelve (12) and the adjoining Fourteen (14) feet in Lot Thirteen (13) in Block Twenty-three in the Southern Enlargement of the City of Evansville as per plat thereof, recorded in Plat Book A, pages 5, 6 and 7 and transcribed of record in Plat Book E, pages 20, 21 and 22 in the Office of the Recorder of Vanderburgh County, Indiana.

IN WITNESS WHEREOF, the said VANDERBURGH COUNTY, hereunto set its hand and seal this 21 day of Feb, 1995.

VANDERBURGH COUNTY

By: Richard J. Berries
Its: County Commissioner

ATTEST:

By: Suzanne M. Crouch
Its: Auditor

DULY ENTERED FOR TAXATION SUBJECT
TO FINAL ACCEPTANCE FOR TRANSFER.

STATE OF INDIANA)

COUNTY OF VANDERBURGH)

SS:

APR 11 1995

Suzanne M. Crouch
AUDITOR

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Richard J. Berries, known to me to be a County Commissioner of Vanderburgh County, and Suzanne Crouch, known to me to be the Auditor of Vanderburgh County, who acknowledged the execution of the foregoing deed to be their voluntary act and deed.

WITNESS my hand and Notarial Seal this 3rd day of April, 1995.

Teresa L. Lukeman
Signature of Notary Public
Teresa L. Lukeman
Printed Name of Notary Public
Vanderburgh
County of Residence of Notary Public

My Commission Expires:

MARCH 24, 1999

This instrument was prepared by Sara A. Harrison, Attorney at Law, P.O. Box 1287, Evansville, Indiana, 47706-1287.

Address of GRANTEE and being also where tax duplicates are to be sent unless otherwise hereinafter indicated: P.O. Box 14044, Evansville, Indiana 47728.

RECEIVED FOR RECORD

CTRL # 2281

APR 11 1995 3:30 PM
BETTY J. HERMAN RECORDER
VANDERBURGH CO.

MARIANN KOLB

VANDERBURGH COUNTY COMMISSIONERS MEETING APRIL 10, 1995

Please sign in below:

NAME	ADDRESS	AFFILIATION?
1. <i>Fredy Feltner</i>	<i>P.O. Box 9896 Evansville, IN 47734</i>	<i>Co. Waste Recycling Regional Hwy Coalition</i>
2. <i>Bill Agure</i>	<i>3201 N. Green River Evansville</i>	<i>Developer</i>
3. <i>Andy Spurling</i>	<i>"</i>	<i>"</i>
4. <i>Mariann Kolb</i>	<i>300 Civic Center</i>	<i>ARC</i>
5. <i>Ed Hays</i>	<i>20 N.W. 1st St.</i>	<i>ARCHITECT</i>
6. <i>JAM BRADSHAW</i>	<i>4424 POTOMAC, DALLAS TEXAS</i>	<i>AMERICAN COLD STORAGE</i>
7. <i>Ed STEWART</i>	<i>1550 Acker, Seattle</i>	<i>AMERICAN COLD STORAGE</i>
8. <i>RON KEAGLE</i>	<i>7700 WOODLAND NEWBURGH, IN</i>	<i>SIGECO</i>
9. <i>Tim Spurling</i>	<i>6125 Oak Hill Rd Evansville, IN</i>	<i>Vand. Co. Eng. Off.</i>
10. <i>Jack Moll</i>	<i>7203 Moss Creek Evansville IN</i>	<i>Ice Products</i>
11. <i>Reed S. Schmitt</i>	<i>223 S.E. 2nd St. Evansville, IN</i>	<i>counsel for Ice Products</i>
12. <i>Robert Hegley</i>	<i>2301 Herbert St EVANSVILLE IN</i>	<i>MNA</i>
13. <i>James E. Wallace</i>	<i>2219 Herbert</i>	<i>MNA</i>
14. <i>Carl Hays</i>	<i>4644 English Way</i>	<i>Developer</i>
15. <i>MARK GROVER</i>		<i>WEHT-TV</i>
16. <i>Laurita Seals</i>	<i>3300 Oak Hill 47711</i>	<i>Interested Citizen</i>
17. <i>Janet MacKinnon</i>	<i>7907 Pecan Blv 47715</i>	<i>UWSA-IN VOC</i>
18. <i>ERIK FISKARS</i>	<i>300 N. Mich YOUTH BEND IN.</i>	<i>ACS.</i>
19. <i>PAUL KINDER</i>	<i>1126 CARRIAGE LANE NEW ALBANY IN</i>	<i>AMERICAN COLD STORAGE</i>
20. <i>Wayne Bockelman</i>	<i>100 NW 2nd St.</i>	<i>Vision 2000</i>
21. <i>JOHN STOLL</i>	<i>201 NW 4th ST RM 307</i>	<i>Co. ENGINEER</i>
22. <i>MARK T. Tuley</i>	<i>5301 Nurenburn Rd</i>	<i>Bueroette Park</i>
23. <i>B.G. Jarrell</i>	<i>Room 208 Civic Center</i>	<i>County Counsel</i>
24.		

40



**BOARD of
COMMISSIONERS**
of the County of Vanderburgh

RICHARD J. BORRIES
RICHARD E. MOURDOX
PATRICK TULEY

AGENDA REQUEST

NAME OF REQUESTOR: Gary Payne
REQUESTOR TITLE: Maplewood Neighborhood Watch
DEPARTMENT: _____

REQUEST(S) BEING MADE:
111 out of 120 neighbors have
~~not~~ signed a petition.
Franklin's Salvage Yard
is in their neighborhood
& they have been starting up
at 4:00 Am. It shakes
their homes - very loud &
wakes them up.

DATE TO BE PLACED ON AGENDA: 4/10/95
ACTION _____ CONSENT _____ OTHER _____



ASSOCIATION

PETITION

This is a Petition against J. Trockman and Sons at Business Highway 41 South at Bayse Road. Evansville, Indiana, 47714.

This Petition is to try to put a end to the excessive noise in the early morning hours before 7:00 A.M. and the excessive noise that shake's and rattles our homes all day long.

Name

Address

Signature

RYAN RIZEN	1300 POLLACK AVE.	Ryan R. Rizen
Robert Higsby	2301 Herbert St.	Robert J. Higsby
James E. Wallace Jr.	2219 Herbert St.	James E. Wallace Jr.
Michael L. Gouley	2011 Herbert	Michael L. Gouley
Dwight Hicks	1364 Pollack	Dwight Hicks
Jon Folsa	2300 Herbert	Jon Folsa
Ethel Greene	2216 Herbert	Ethel Greene
Luis Bates	2304 Herbert	Luis Bates
Wmama Hodge	2311 Herbert St.	Wmama Hodge
Steven E. Hodge	2311 Herbert	Steven E. Hodge
DAWN Higsby	2301 Herbert	Dawn Higsby
Clarence Rheinhardt	2319 Herbert	Clarence Rheinhardt
George L. Horn	2323 Herbert	George L. Horn
Wernard Moore	2331 Herbert	Wernard Moore
Gethy Isler	2401 Herbert	Gethy Isler
Karen Sweeney	2405 Herbert	Karen Sweeney
Tom Simer	2409 Herbert	Tom Simer
W. E. Simer	2408 Herbert	W. E. Simer
Imogene Mills	2411 Herbert	Imogene Mills



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Name	Address	Signature
James C. Cairns	2007 Herbert	James C. Cairns
Fred C. Fyatt	1263 Maple	Fred C. Fyatt
Rosalie J. Wilkerson	1259 Maple	Rosalie J. Wilkerson
Larry J. Fogh	1266 Mayhew	Larry J. Fogh
Helen Lehman	1950 Herbert	Helen Lehman
Carroll Sandus	1954 Herbert	Carroll Sandus
Kimberly Schucker	1958 Herbert	Kimberly Schucker
Larry Stuckey	2000 Herbert	Larry Stuckey
Wm. D. Willie	2018 Herbert	William D. Willie
Michael White	1307 Pollack Ave	Michael White
Aretta Donley	1306 Pollack	Aretta Donley
Harold Lee Stuckey	2019 Maplewood Cir	Harold Lee Stuckey
John P. Mc Birnie	2006 Maplewood Circle	John P. Mc Birnie
Penny Barnett-Keller	2010 Maplewood Cir.	Penny Barnett-Keller
Denna Sperling	1360 Pollack	Denna Sperling
ANSEL KEY	1359 POLLACK	ANSEL KEY
SARAH KEY	1363 POLLACK AVE	SARAH KEY
John F. Adams	1368 POLLACK AVE	John F. Adams
	2200 W. Main	



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Name	Address	Signature
Paul Burch	1379 Pollack	Margaret Burch
Rui Villano	1387 Pollack	Rui Villano
Wallace Vickers	2416 Maplewood Cir	Wallace Vickers
ALFRED E DAVIS	2408 MAPLEWOOD CIR EVANSVILLE	
DEANNA PAGE	2409 Maplewood Cir	Deanna Page
Ann Stallman	2407 Maplewood Cir	Ann Stallman
Billie White	2406 Maplewood Cir	Billie White
Janis Kemp	2309 Highland C	Janis K. Kemp
May Krupp	" "	May & Krupp
Shannon Medichson	2305 Maplewood Cir	Shannon Medichson
Carolyn Hendrix	2305 Maplewood Cir	Carolyn Hendrix
Mary Phillips	2305 Maplewood Cir	Mary Phillips
LOUISE HERRON	2301 Maplewood	Louise Herron
Sharon Hall	2308 Maplewood Cir	Sharon Hall
TH WOODRUFF	2201 MAPLEWOOD CIR	TH WOODRUFF
JENNIFER MCCORMICK	2118 MAPLEWOOD CIRCLE	EVANSVILLE IN



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Name	Address	Signature
LAWRENCE FOWLER	2110 HERBERT	Lawrence Fowler
EDAP D JOCHIM	2109 Herbert	Edud Jochim
Jesse O Kirkwood	2114 Herbert	Jesse O Kirkwood
Juanita Sizemore	2208 Herbert	Juanita Sizemore
Peggy Merritt	2204 Herbert	Peggy Merritt
CLARENCE BLAIR	22379 Herbert	Clarence Blair
Calley Furry	2246 Herbert	Calley Furry
NANCY HACKLEMAN	2245 Herbert	Evansville, IN
Anthony L. Buddle	2416 Herbert St.	Evansville, IN
Joseph K Buddle	2416 Herbert ST	Joseph K Buddle
Phyllis Rice	1415 Crabapple Ct	Phyllis Rice
Tommie Cook	1409 Crabapple Ct.	Tommie Cook
Laithy Baker	1413 Crabapple	Laithy Baker
CHRIS Embrey	1417 Crabapple	Chris Embrey
SHELBY WILKINSON	1418 CRABAPPLE	Shelby Wilkinson
MIKE SPELLUM	1414 CRABAPPLE Circle	Mike Spellum
Beth Spellum	1414 Crabapple Circle	Beth Spellum
Kelli Clark	1404 Crabapple Circle	Kelli Clark
Ruth Potter	140 Crabapple Circle	Ruth Potter



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Name	Address	Signature
Robert Calhoun Sr.	2324 Herbert	Robert Calhoun Sr.
Wendell Taylor	2308 Herbert	Wendell Taylor
Jim Powell	2253 Herbert	Jim Powell
Lori Hall	2245 Herbert Ct	1111
Gary R Payne	2241 Herbert ct.	[Signature]
Rene S. Little	" " " "	Karen J. Little
Claudine Wallace	2209 Herbert	Claudine Wallace
James E. Wallace Jr.	2209 Herbert	James E. Wallace
Laboria Ballard	2205 Herbert	Laboria Ballard
Kore Warda	2205 Herbert	Kore Warda
Vilva Buttrum	2200 Herbert	Vilva Buttrum
H E L	2101 HERBERT	[Signature]
Shirley Wiggins	2027 Herbert	S W
Charles Bush Sr	2015 Herbert St	Charles L. Bush Jr
Tom Ransdell	2015 Herbert St	Tom Ransdell
Jeanne Fraye	2011 Herbert	" "
Kayla Brown	2007 Herbert	Kayla Brown

MAPLEWOOD NEIGHBORHOOD



ASSOCIATION

PETITION

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Name	Address	Signature
Wayne Porter	1400 Crabapple	Wayne Porter
June Mason	2413 Maplewood Cir.	June Mason
Sally Fuhrman	2401 Maplewood	Sally Fuhrman
Ted Lundy	2312 Maplewood	Ted Lundy
Carol Houston	2317 Maplewood	Carol Houston
Kent Houston	2317 1/2 Maplewood Cir.	Kent Houston
Anthony Knapp	2209 Maplewood Cir.	Anthony E. Knapp
Joe Guesen	1351 Pollack Ave.	Joe Guesen
BARBARA L. MCCASLIN	2024 MAPLEWOOD CIR	Barbara L. McCaslin
BARBARA A. SPERLING	2014 Maplewood Cir	Barbara A. Sperling
BILL W. TOWNSON	1314 POLLACK	Bill W. Townson
TONY FARMER	1301 POLLACK	Tony Farmer
Alice Farmer	1301 Pollack	Alice Farmer
Peggy Watson	2023 Herbert	Peggy Watson
Mike Watson	2023 Herbert	Mike Watson
Terri White	2019 Herbert	Terri R. White
Georgia Peck	2010 Herbert	Georgia Peck
Shelly Kirkwood	2001 Herbert	Shelly Kirkwood
Bob Corum	2105 Herbert	Bob Corum

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Name	Address	Signature
Ruth Barnhill	2304 Herbert St	Ruth Barnhill
Louise Hick	1668 S. FAKE	Louise Hick
Jean Belles	2315 Herbert	Jean Belles
Linda Hicks	1367 Pullach	Linda Hicks
Lise Shunk	1237 E. Riverside Dr	Lise Shunk
Anne + Jewel Key	1359 Pullach	
Sammi Denison	1237 E. Riverside	Sammi Denison
Mark D. Towne	1237 E. Riverside Dr	Mark D Towne



**BOARD of
COMMISSIONERS**
of the County of Vanderburgh

PATRICK TULEY

AGENDA REQUEST

NAME OF REQUESTOR: Bill Spurling

REQUESTOR TITLE: _____

DEPARTMENT: _____

REQUEST(S) BEING MADE:

Lakeside Manor

DATE TO BE PLACED ON AGENDA: 4-10-95

ACTION ☒ CONSENT _____ OTHER _____

CONSENT OTHER

OTHER

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

APRIL 10, 1995

TABLE OF CONTENTS

Introductions & Pledge of Allegiance.....	1
Approval of Minutes.....	1
Gary Payne - Maplewood Neighborhood Assoc.....	1
Petition against Trockman's & Son regarding noise	
Bill Spurling - Developer Lakeside Manor.....	3
Request approval of two curb cuts	
Randy Rohlfer - Southwestern Indiana Regional Highway Coalition, Inc.....	7
Report on national highway system	
Mariann Kolb - Director DMD.....	10
American Cold Storage	
Sam Bradshaw	
Reed Schmitt	
Launita Seals	
Earl Harp	
Janet Watkins	
Erik Fiskars	
Harris Howerton - Director of Community Corrections.....	33
Ordinance establishing funding of County Corrections Fund - First Reading	
Ordinance to amend Title III - Chapter 36 of Vanderburgh County Code of Ordinances - Third & Final Reading.....	34
Changes structure of Burdette Park Revolving Fund	
Ken Colbert - Evansville Housing Authority.....	40
Surplus property - Kathleen Ave.	
Alan Kissinger - County Attorney.....	40
Cindy Mayo - Superintendent of County Buildings.....	40
Echo Housing - quit claim deed 824 Governor	
Request approval to transfer four pieces of property to Redevelopment Commission	
Request to go on Council call	
Evansville Plating	
Bill Morphey - County Highway/Garage.....	43
County Highway & Bridge Crew Progress Report for March 31 through April 6, 1995	
John Stoll - County Engineer.....	43
Agreement with Bernardin & Lochmueller for construction engineering services for Ohio St. Bridge	
Agreement with Bernardin & Lochmueller for right-of-way engineering for Lynch Rd., Phase II	
Request to go before Council to transfer funds in Cum Bridge accounts	
Right-of-way grant off frontage road at I-64 & Hwy. 41	
Notice to Bidders for concrete repair in Melody Hills VC95-04-01	
Requests to reduce height of walls on bridges on Old Henderson Rd.	

Consent Items.....	45
Travel requests	
Employment changes	
Approval of vendor claims	
Scheduled Meetings.....	46
Old Business.....	46
New Business.....	46
Appointment of Stan Atchison to Evansville Convention & Visitor's Bureau	
Adjournment.....	46

The Vanderburgh County Board of Commissioners met in session at 5:35 p.m. on Monday, April 10, 1995.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Let me introduce persons here and we have a sizable audience so I'd like to introduce our staff for you this evening. To my far right is

Cindy Mayo, Superintendent of County Buildings/Office Manager
Alan Kissinger, County Attorney
Commissioner Pat Tuley
Commissioner Richard Mourdock
Bill Fluty, Deputy County Auditor
Teri Lukeman, Official Recording Secretary

I am Commissioner Rick Borries. Would you join us please for the pledge of allegiance?

President Borries: We do have a rather lengthy agenda this evening. Our agenda are available for your review on the table next to the wall.

RE: APPROVAL OF MINUTES

President Borries: At this time I'd entertain an approval of the Minutes from our last meeting which was held on Monday, April 3, 1995.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered.

President Borries: At this time if you've had an opportunity to review our agenda and you do not find your item addressed among these, we'd like to hear from you, that's why we put early in the meeting any group or individual wishing to address the Commission. If your topic is going to be covered at a later date, you may wish then to wait. By later date, I mean further down the agenda here. Gary Payne from the Maple Wood Neighborhood Association regarding Trockman's Salvage Yard.

Gary Payne: Good evening.

President Borries: Would you state your name and address for our record please?

Mr. Payne: Okay, it's Gary R. Payne. My address is 2241 Herbert Court, Evansville, Indiana, 47714.

President Borries: Thank you.

Mr. Payne: Okay, what we have is a petition against Trockman's & Son which is a business on Highway 41 at Baize Road, Evansville, Indiana 47714. Basically what our petition is which I will give this petition to you to submit in just a second. They've been starting up at like 4:00 in the morning. The noise is so loud that it will actually, it shakes your house, rattles your windows, we have signatures on here of people approximately a half mile away which also have this same problem. The signatures we have total 117, the people involved in this neighborhood is approximately 124 people so as you can tell we have a large

majority and at this time I'd like to submit this to the County Commissioners.

President Borries: Are there questions for Mr. Payne?

Commissioner Tuley: Just basic, is this something new, Mr. Payne? Is this something that's been going on for some time?

Mr. Payne: During the day time they've been doing it for as long as I've been in the neighborhood and from what I understand the noise has been increasing over the years. They have been in business for a number of years. The early morning start-ups have just started within this past month and 4:00 o'clock in the morning for basically a quiet neighborhood is a little much. And the noise is so loud that you and I talking even closer than this you would not be able to hear me and that is probably I'm going to say approximately three blocks away.

Commissioner Mourdock: Mr. Payne, what's the specific address of the salvage yard?

Mr. Payne: I believe I've got that on that.

President Borries: You have Highway 41 South and Baize Road?

Mr. Payne: Yes, that's the address that they have in the phone book for their address.

President Borries: Now where is the yard itself located?

Mr. Payne: Okay, the yard itself, that is the yard itself, it is south of Riverside half way between Riverside and Veterans Memorial Parkway. It borders along Highway 41 and is approximately one block east of Business 41.

President Borries: We'll enter your request and your petition here for our record to note that you have been here but I must tell you that we don't have first jurisdiction for matters inside the incorporated city limits of Evansville. And what we'll be able to do is to refer this to City agencies to see, well again, what action, if any, needs to be taken here. Have you contacted any city agencies at this time?

Mr. Payne: Yes I have. They said they didn't know whether that fell under city ordinance or county ordinance as far as, because when the business was first put into place, that was the county so they said they didn't know whether that would fall under county or city since the business had been there for 30 years.

President Borries: Well I know that the bridges fall under us everywhere, inside the city and other, I know that's loud and clear but noise, I don't know, I think somebody. Who was 'they' now, is there a specific department?

Mr. Payne: I called the city.

President Borries: Who did you talk with?

Mr. Payne: I don't even remember, they referred me to, I believe they referred me to her.

President Borries: And she probably told you a little of what I said.

Mrs. Mayo: Cindy Spear.

Mr. Payne: Right. And we've got petitions also with the city. I have talked to the Mayor and he said that it was recommended to go through you also since it would fall, since that was in the County at that time so it may still fall under County regulations.

Commissioner Tuley: I keep hearing at that time, so the business started in the County but has since been.

President Borries: It's in the city.

Commissioner Mourdock: Alan, do you have any background information on that one for us?

Attorney Kissinger: I don't know of any noise ordinance that the County has.

Commissioner Mourdock: But the fact that it is now in the City even if it, let's say it was in the County, there was no noise ordinance and then it has been annexed by the City, the City would still be making the call, would they not? Surely the City has a noise ordinance.

Attorney Kissinger: Yes, but I am sure that the County does not have a noise ordinance that would cover this particular situation. As to the City, I can't really answer that.

President Borries: I think we do have a noise ordinance but.

Mr. Payne: Yeh, we didn't know which way to go, they said try both ways and whichever one.

Commissioner Tuley: Let's go, rather than have him bouncing back and forth, let's have Cindy work with someone in the City government side and see if we can get this man answered.

President Borries: We have your address, you can contact Mrs. Mayo. Again, we will refer it to City agencies. I would imagine that it, again, it might fall if it's an ordinance either to the Board of Public Works or maybe the Evansville Police Department but if you'll call Mrs. Mayo, we'll work with you on that.

Commissioner Tuley: Cindy, do you have his phone number? Can you be reached by phone during the day?

Mr. Payne: Yes I can.

President Borries: If you'll give that phone number to her before you leave, we'll work with you on this.

Mr. Payne: Okay, I appreciate it.

President Borries: And we appreciate you coming tonight. Thank you. Bill Spurling regarding Lakeside Manor curb cut request.

My name is Bill Spurling. I'm a developer. I developed Lakeside Manor on north Green River Road and the item we have here is a curb cut. This is kind of a continuation of last week. If you'll remember, I was granted one curb cut on this 405 foot frontage originally when it was one piece of property and it has since been divided into two pieces of property and the curb cut that if granted lies right in the middle, it's half on both

pieces of property and so I applied for an additional curb cut closing the one that's there and opening one both north and south of the original one. I guess what I'm looking for here is a little consistency in what's been done. That road out there is new. Swifty about two years ago built a gas station out there. They're on a corner and they were granted two curb cuts and their frontage is right at 200 feet. The road was built and Circle S was then built after the road was finished and they also have a 200 foot frontage and they were granted two curb cuts. Neither of these two locations have a de-acceleration lane which we have a de-acceleration lane and over twice as much frontage and we just would like to have two cuts. I'd also like to point out that I looked all over Evansville and I couldn't find another gas station anywhere that didn't have two curb cuts in their primary street.

Commissioner Mourdock: Mr. Spurling, first of all I appreciate you coming back and I apologize that you had to come back the second time as you know last week I was the one that asked that we defer this because while the County Engineer was recommending it, it had also come to us previously with a negative vote and I just wanted to make sure I had a week to get some facts and in that week I've talked to both Area Plan and EUTS to get some background here and I feel comfortable with what you're doing now with information I've learned since last week. Again, I apologize that you've gone through this but I don't like to vote on things unless I know the facts.

Commissioner Tuley: Sounds almost as if that's the motion for approval.

Commissioner Mourdock: I will move the approval for two curb cuts.

Commissioner Tuley: I will second.

President Borries: So ordered.

Mr. Spurling: Thank you. Could we talk about the Cullen item now too?

President Borries: That's fine if this Board wants to take that up or if we want to.

Commissioner Mourdock: I'm sorry, I didn't hear what you said.

The Cullen Avenue thing.

President Borries: Well, I'm prepared to.

Commissioner Tuley: Inaudible.

President Borries: I think it has something to do, or it came from Area Plan but it says everything except the Area Planning Commission. It was the Area Planning Commission in my opinion that made this decision so I'm not sure it falls under ... Let's review real quickly what we did last week. You or Mr. Morley I think presented the aspect of, has it been a fact now or you are being denied a permit to build and the reason was because you had not made a commitment to put in Cullen Avenue, is that correct?

Mr. Spurling: Well, going back to last year, I've got a copy of last year's minutes and I've read through them carefully and I guess to sum up what happened last year, the road was going to go up in the center of my property and it would have just killed my development so we agreed that we would grant right-of-way at the

east side of our property and that way if Cullen was ever built, they could build it around the end of our property rather than up through the middle of it because I stated in those minutes last year that we didn't want a rear access, our people, we lease to people 55 and older, it's a senior citizens community and we wanted to retain as much security as possible and by having any type of a rear exit or anything like that, we'd just be asking for intruders. And all the way through both of those meetings last year, there was nothing that was insinuated by myself or Jim Morley that we would be responsible for building the road. This property was rezoned originally and then down-zoned again and there was no commitment whatsoever about Cullen Avenue, there was no mention of Cullen so I guess what I'm looking for is I'll be glad to grant the right-of-way. I brought a drawing of our site plan that has been accepted by the State and it shows, on the drawing here, this proposed right-of-way on the east side, it's marked that, and I'll be glad to have.

Commissioner Tuley: Looking through the minutes, Mr. Spurling, seems like I remember, I assume this is documentation that could protect us, if we wanted to make sure that if you transferred this property that that right-of-way would remain in tact.

President Borries: It's in there, on page 9 of Minutes of May 16th, almost the second to the last paragraph, third from the end, above County Attorney Alan Kissinger, it mentions, Mr. Spurling *commented either way, we'll dedicate that right-of-way back there outright or we will have a covenant to run with the land so it can happen if and when Cullen would come through.*

Commissioner Tuley: Has that been done, that's what I'm asking?

Mr. Spurling: No, that hasn't been done.

President Borries: Will you be able to do that?

Mr. Spurling: I can do that, I'll give Jim Morley a call and have him do the necessary paperwork to grant that right-of-way. I guess I need to get with Mr. Kissinger to find out how you'd rather we do, whether it runs with the land or if we just outright dedicate it.

Attorney Kissinger: If you dedicate it as a right-of-way and it is indicated as a dedicated right-of-way in the plan isn't it, Mr. Morley will tell you that that will be a commitment that whomever purchases it in the future will be bound by.

Mr. Spurling: Okay, I'm not ... so should I have him call you and find out?

Attorney Kissinger: That will be fine, I don't think he'll have to call me but certainly have him call.

Mr. Spurling: I just wanted to have it clarified that I wasn't responsible for building a road that we weren't going to use and didn't want.

Commissioner Tuley: Now where do we go from here? If he's being denied a permit.

President Borries: He can't, I don't see how they can deny a permit on that. The County doesn't have funds to build the road, the County has no plans to build the road. Frankly I think they

are on shaky ground, they cannot force you, no one can force you to, or deny a permit if you dedicate the right-of-way which you have done for a road that is yet to be built in the future, you have done what you are supposed to do and I don't, there's no way that you can be denied, it can't be done.

Commissioner Tuley: But it has apparently.

Mr. Spurling: Well, this came up.

President Borries: Well, there may be some confusion maybe whether or not you had dedicated the right-of-way but to build your part of the road when the road isn't going to be built on either side of it, there's no plans, the County doesn't have money to do it, it's not a federal project.

Mr. Spurling: That's what EUTS was wanting was for me to commit to build the road and you know I apologize to you guys for coming to you for a curb cut because ever since I came in here a year ago to get this road moved from the middle of the property to the east side of the property. Every time I go to Site Review I get flogged.

Commissioner Tuley: That's what I'm saying, what, is there something a mechanism in place that we can help Mr. Spurling go on with his development?

President Borries: I think we just need to write a letter to the Building Commission saying that Mr. Spurling has dedicated the right-of-way and should and if a public road at some point be built by some entity or someone, the right-of-way is there. Am I right on that Alan?

Attorney Kissinger: Yes you are right and as a matter of fact there is a recent case in which zoning was denied because the property owner rezoning to commercial was denied because the property owner refused to dedicate real estate and that was bound to be, an illegal and an unconstitutional practice and they said rezoning could not be denied on that basis. As a matter of fact money damages were awarded in that case. This is not tantamount to the same thing, this is the same thing and they should have no authority, they have no authority to deny the permits for the reason that they are giving and I think it would be totally appropriate for the Commissioners to notify them of that and that the Commissioners feel that they don't have a legitimate reason for denying this.

Commissioner Mourdock: I'll move that we have County Attorney Kissinger drop a letter basically reiterating what he just made comments on.

Commissioner Tuley: I'll second.

President Borries: So ordered.

Mr. Spurling: Thank you very much. After I was in here last week I went to the Building Commission and tried to get the permit and Rose, they let me get the permit so I could get started but I had to sign that I would abide by whatever the decision of this panel was.

Commissioner Tuley: This panel here?

Mr. Spurling: Because you understand Rose is asking me that if Cullen ever gets built that I build my part of it across that

property and I guess that's what I'm looking for is you fellas to say that I don't have to do that.

President Borries: Well you don't. We, meaning this Board, and there are issues in front of us tonight, deal and wrestle with a lot of complex, tough issues. One of which is zoning and the ability of developers to develop along areas in which the County does not have public monies for public projects budgeted and this is one of them. If it becomes economically feasible or necessary to build a road at some point you might be asked again but that's all that can be done. I don't believe that again unless we had to force right-of-way issue on a project again where there had been considerable federal money or state money and everything which puts it into a different situation, that's one thing but we have other instances where we've worked with developers such as yourself, again, we pointed this out last time, when the State of Indiana said that you had to have a turn blister along your piece of property there, in a residential area, you know, to the tune of about \$90,000, you participated. So it's not as if you haven't done that when it's economical or feasible. And there are other developers who have done the same thing when we put other roads, they've put other roads through and then we accept them and that's really the way that most of these developments have occurred because the County just doesn't have the money to put every road on every project so I don't think we're doing anything here out of order, unusual. I understand Mrs. Zigenfus' concern in certain areas but again we're also not talking about a commercial development here, we're talking about a residential development and to me it's bad planning to insist that you have to have a road near a residential development where at this time it's not needed and again we simply don't have the power to enforce something that is still essentially private property. You just granted a right-of-way that may become a public road at some point.

Mr. Spurling: Thank you.

President Borries: Thank you. Mr. Randy Rohlfer is with us this evening regarding the Southwestern Indiana Regional Highway Coalition and a report. Randy, welcome.

Randy Rohlfer: Thank you. I was asked to comment on the current congressional climate in Washington with regard to our efforts and the monies that we receive from the County which incidentally go a long way toward furthering our purpose and the purpose of getting the highway built for Southwestern Indiana. I wish I could be a prophet and tell you that I know exactly what's going to happen, obviously none of us can. There are a number of initiatives under way in Washington that may affect us whether they're revenue cuts or spending cuts, either way, they can have an adverse affect. Nevertheless, we believe that there will be highways built in the United States in the next two years and that it's important and imperative that our coalition along with the Mid-Continent Coalition which represents states from Michigan all the way down to Texas, I think some eight states altogether, that we continue our lobbying efforts in Washington and at the state level to insure that the I-69 extension from Indianapolis through Evansville down to Laredo, Texas is part of the projects that are undertaken. The important thing this year is that there is a National Highway System bill that is being considered in Washington. Inclusion in this bill will not insure that the highway is built but it is important if not imperative that we be included as part of that national highway system. To that end, we have continued to send people to testify at hearings before

the Senate and House Subcommittees in Washington. Just recently we had two people up there at the, I want to say it was a house surface transportation subcommittee, but keeping this project in front of the committee members to the end of being sure that it is included. At the State level, we are continuing to work with both the Governor, the Lieutenant Governor and the Department of Transportation. Periodically we have meetings with them. I can't tell you that I'm encouraged by what's happening in Indianapolis nor am I overly encouraged by the assistance we're getting from some of our local legislatures but as a lead citizens group, the Southwestern Indiana Regional Highway Coalition continues to pressure all of our elected officials, the State and the General Assembly levels, to cause them to fund this to the extent the State can. Obviously federal funds are necessary to a substantial degree and we're relying on that but frankly I think you're probably aware that the State has received a lot of money that it has not spent and we're trying to force them, encourage them is perhaps a better word, in the strongest possible way, to spend this money for the highway. So while I can't tell you what's going to happen, I can tell you what we're going to do and that is to fight like the devil to see that it gets built. Thank you.

President Borries: Any questions of Randy?

Commissioner Mourdock: Yeh, first of all Randy, thank you for coming by. I wanted some more information on this issue too. Given the corridor for the highway from Michigan down to Laredo as you talked about, do you have any feel for how many congressional districts changed hands along that path? Obviously this one did and there's been quotes in the newspaper as far as is that good, is that bad for the highway, how's it all going to shake out? And I'm just curious, I have the strong feeling that as of January 1, 1995, a lot of things were up in the air that people still don't realize are still up in the air, that there are some old practices being changed.

Mr. Rohlfer: No question about that, I think what we see particularly in the southern states is a lot of support from the Governor's offices, Tennessee, Mississippi, Louisiana, Texas, and that support is driving the construction initiative down there. I think that is something that we have lacked here somewhat and I'd like to see more support at the State level here but I think there's no question that information is available and we may even have it in our files, I certainly don't have it at hand and how that's going to act out over the next year or two, I'm not close enough to the situation in those various districts to let you know whether the people, in the seats that change hands, whether they will be supporters or not, I will tell you that our strongest support both politically and from businesses is in the southern states.

Commissioner Mourdock: It would be interesting to have one of your group and I wouldn't think it would take a tremendous amount of research just to draft up a report along that corridor because even as I sit here thinking of it, Michigan had several key changes, a key Senate change, three of the four congressional districts in this state changed that that road runs through. Down on the other end, Texas certainly changed governorships and there were a lot of other changes down there and I guess I'd like to feel comfortable if the momentum is still there. On the record here with my past opposition to Mr. McCloskey at times I've often said and will again boldly say he was a great supporter of that project.

Mr. Rohlfer: He did a very good job for us.

Commissioner Mourdock: We'd like to see it continued.

Mr. Rohlfer: Thank you.

President Borries: Anything else?

Commissioner Tuley: Well the only question I have would be a little more specific as to Mr. Hostetler. What's your meetings with him or you feel you're getting from him? Since this is Vanderburgh County money, he represents us.

Mr. Rohlfer: He was very open during the campaign about not wishing to increase the public deficit and we met with him recently, probably within the last three or four weeks discussing the highway. His feeling is that the funding for the highway, the federal funding for the highway, should come from the Federal Highway Trust Fund monies which I think we all anticipate is where it should come from as well. There are projects, demonstration projects and so forth that come out of the General Funds which a project of this magnitude coming out of the General Funds certainly isn't going to reduce the deficit but if we could get a dollar for dollar return on our federal highway trust funds and gas tax monies that go to Washington, we could build this highway in the State of Indiana. We get about, I think we have been getting historically about 84 cents on the dollar. Last year it seems to me they were mandated perhaps to send us 90%. If we could get that other 10%, we couldn't build it in the next year or two but we could build it as most highways have been built in the past in the State.

President Borries: Your feeling then if you had to still name the number one project for our area that would promote economic development and tie us not only with the rest of State but certainly much of the nation, would still be this road?

Mr. Rohlfer: Absolutely. I think if you ask Ed Hafer or Ken Robinson from Vision 2000, any of the Chamber officials, and anybody up and down the route, it is the project that will draw industry and jobs to southwestern Indiana.

President Borries: I agree, I strongly support it, I always have and always will. Hopefully if things change, they'll change for the better up here and much of what's going on be it I guess Indianapolis or Washington sometimes is a kind of a siposturing it seems like to me for paper to make certain numbers look good or bad or not contribute to the deficit or whatever but you're exactly right, I think it's still a critical need here and it's going to remain so. What's the feeling then of this group?

Commissioner Mourdock: One other question then I'll answer that one. You mentioned the National Highway System Bill that's up there and you indicated that at this point the highway is not in that or at least the Indiana portion?

Mr. Rohlfer: No, no, my understanding is that it is in the project but it's you know it's the squeaky wheel and we have to be there as a presence to insure that we remain in there so that's our goal to make I-69 part of that national highway system but we are the designated corridor of national importance or national significance, whatever term they use, and that that entire corridor remain part of it.

President Borries: Okay, are we ready then to consider signing the Agreement?

Commissioner Mourdock: Yes, I'll certainly move that we sign the Agreement as forwarded to us by the Coalition.

Commissioner Tuley: I will gladly second.

President Borries: So ordered.

Mr. Rohlfer: Thank you all very much.

President Borries: Okay. Mariann Kolb, Director of DMD is here regarding request from American Cold Storage.

Mariann Kolb: With us tonight is Mr. Sam Bradshaw. He's Chairman of the Board of American Cold Storage and several of his colleagues, co-workers are here to answer any questions you may have. Also I'll be glad to answer questions in addition to Ed Hafer, Wayne Bockelman from Vision 2000. Would you like for Mr. Bradshaw to come up to entertain questions or what is your pleasure?

President Borries: What's the pleasure of the Board?

Commissioner Mourdock: We can do that to start with.

Ms. Kolb: Mr. Bradshaw?

Sam Bradshaw: I'll certainly be happy to answer any questions regarding our company or what our plans are. I think maybe a little background as to what type of operation. We're a public refrigerated warehouse. We have about five million cubic feet in Louisville. We have another five million cubic feet down in Tennessee and are proposing to build about two million as an initial project here on U.S. 41 just south of the Interstate. I think most of you are familiar with the site. We chose this area because.

Commissioner Mourdock: Excuse me, Mr. Bradshaw, they're having a problem hearing you if you could speak a little louder.

Mr. Bradshaw: I need to speak a little louder? I'm usually told I need to tone it down. We looked in this area for two practical reasons. One is the name of Emge and one is the name of Ragu. They are both major customers of ours in Louisville at this point. We store literally millions of pounds of carrots and zucchini and bell peppers and other things as raw material product for the Vanderburgh Foods Operation in Owensboro and it comes into our facility and then is transported over here directly to their facility. They don't maintain enough storage capacity certainly to handle a whole crop year and whatever. In addition, we do an awful lot of business with Emge and are on the threshold of doing an awful lot more. We could have expanded in Louisville. We actually have a piece of property right behind our existing facility. We thought it would be to our advantage as well as our customers to expand in this area so we have looked for a good period of time with a lot of assistance from Mariann and Vision 2000 and others and I basically drew an axis from Fort Branch to Owensboro and within a radius of that and on either side of it so we would be as close as possible because in our business, transportation costs as you might imagine are very, very significant. And Emge is running one or two shuttle trucks a day to Louisville bringing product to us and it is either distributed there or blast frozen there or some other process or

comes back to Emge. They're known as a further processor so they process here beef, pork and a lot of other products in what was the old packing facility, kill facility there in Fort Branch. So what we propose to do and would like to do is build a facility in this area. As I say we've looked at six or seven sites. I think the best site, incentives and everything, will be the site on U.S. 41. It's very near Emge, it has good transportation as you are aware and it also is much closer to the facilities in Owensboro than we are in Louisville which in turn cuts down on the intended transportation. What we're proposing to build if you have a knowledge of warehousing or whatever, or that a pallet is 40x48 inches and it will house about 10,000 pallet positions in the first phase. I mean I can continue on and on, I just want to speak to the items that are of interest to you. I understand there is some concern that we might be infringing on some existing business here. We have checked with our two major customers and neither of them do any business with the Ice Products or whatever the name was there, Division Cold Storage, whatever, and I think the category of customer we were looking for is entirely different. I'll be very surprised if we had any common customers. We're not distributing to local restaurants and I don't know what his business is except he is in the ice business I gather and has a bunch of delivery trucks and we don't produce ice, manufacture or distribute ice or anything like that so I'll be happy to answer any questions or I can talk on and I don't mind talking about our business but I'd be happy to answer any questions.

President Borries: Thank you. I wanted to see if the Commissioners here had some questions.

Commissioner Mourdock: Yes, I do have one that may lead to a couple others. You mentioned a key component of your costs of transportation and I certainly do understand that. One of the items that came up in the discussion last week was your access to the CSX, whichever railroad is just west of this property, how much of your inventory or your merchandise do you see coming in and out by rail?

Mr. Bradshaw: Very little and the key element, we have access to CSX and Northern-Southern there in Louisville. We are getting business from packing companies not Emge per se for export that is being trucked in from much nearer Evansville than Louisville but because we're certified for export, we can certify loads for export quality, you know all of the tests and everything, and it goes out on rail. It comes to us in Louisville so it's very key, we don't have a customer that's going to load 10 rail cars a day or even five or four so we see it as very crucial to have the rail connection because I think you are all aware of all these chicken plants that have been announced in the area in general and there's an awful lot of that going out export and if it goes to the west coast, it's going by rail, you know your cost level, it almost has to go by rail. Same thing with the gulf coast, NAFTA, stuff going to Mexico, it's almost exclusively by rail. I shouldn't say that, there's a lot of trucking going on but you can understand the cost savings if you can load out whole loads to go all the way to the west coast and then if you do that, there's certain reciprocal businesses coming the other way. We have cars loaded in both directions. The rail is very key, it's very expensive for us at this point and that is part of why we think this is one of the better incentive packages and for this site we certainly need that sort of incentive.

Commissioner Tuley: When we took a week to ask for more information, sometimes we get more than we can handle probably. Someone did call me and that person probably will speak to this early but I want to question the, on the breakdown of the 25 employees in the initial stage, can you give me a general idea how many are going to come from this area, how many are going to be transferred in from the Louisville based operation? The indication was that the 25 sounded high, they recognize you're going to need secretaries and a general manager and what have you, but it's a type of business that they believe and you can dispute it or back him up or whatever, that says it's probably not as much manual labor involved here as maybe there is a lot of people moving things by forklifts and what have you, can you give me a general feel for the 25, what the breakdown is so to speak?

Mr. Bradshaw: Well, you're absolutely correct in that if everything came in in pallet quantities and goes out pallet quantities but we do an awful lot of distribution business and one of the potential customers of ours would occupy only about 10,000 square feet and I believe it's estimated about nine employees in that area and the distribution count on this, it would be a major producer in the area has asked us to consider and we'll obviously have to get it contractually done, but we would put some relatively specialized space here to handle a major fresh as well as dry as well as frozen distribution for them and we'd have nine people in 10,000 square feet and this warehouse is going to be 85,000 to 100,000 square foot. Now again, I don't want to explode that to 90 people, that's not, no, and you're absolutely correct. In Louisville we handle some major distribution accounts which means we get orders in from all over the locations and we pick two cases of this and four cases of that and it all gets palletized and obviously that's much more labor intensive. I don't believe the 25 person figure is high. Obviously we want to do it with as few people from an economic sense as we can but on the other hand I don't believe that would be high particularly not if we handle this major distribution account and I want to emphasize, rather than costing jobs, this is going to bring jobs because a lot of the two customers I've already talked about, all that work is being done in Louisville and it goes straight to their plant or from their plants to Louisville and then elsewhere. It gives us a geographic advantage to be in this area from the transportation costs I mentioned earlier. It's the reason we're looking to build a plant here rather than just expand it on the backside of our facility in Louisville.

Commissioner Tuley: Okay, that was several parts of that question, do you intend then that most of the 25 or unless it's 20 or 30 or whatever it is, come from the Evansville area which I guess at that point would probably include Gibson County, Vanderburgh County maybe Posey.

Mr. Bradshaw: I would rather imagine the bulk will come from here. We do not have three people set out to come over here, as a matter of fact, we don't have a single person set up to come here at this point. We will have to hire additional personnel, yes, if there's somebody in Louisville who has obviously proven themselves and are looking for a promotion or wants to move in this direction, people we know, we're going to be very comfortable with but on the other hand, I could ask Paul Kinder who is here who runs our Louisville facility if he has a different opinion on that but I don't think we will be bringing many people from Louisville over here, I haven't heard any ...

people that want to come over. Most of them have lived in the Louisville area for a long time.

Commissioner Tuley: I started joking around, I had another question I was going to ask, I'll come back to it later. Oh I know what it was, you mentioned, I wasn't going to mention him by name because the letter I saw was marked confidential but you did mention Ragu and what have you, but there's also something.

Mr. Bradshaw: I called them to ask them if it was alright to do that.

Commissioner Tuley: Okay, no that's fine, that was your shot, not mine, you know, your call. But also in that letter you indicated that you really believe and this is why you chose it, maybe you've already addressed that a little bit here because if you're talking about future expansion rather quickly, and that's because you're importing or exporting certifications?

Mr. Bradshaw: That's just one element.

Commissioner Tuley: Just one facet.

Mr. Bradshaw: Just one element. For example, Emge, we're doing a certain amount of work for them right now and we can't do any more. We're 105% full in Louisville. Our glass capacity, a glass freezer you take a product in at room temperature or less and you reduce it's temperature as rapidly as possible, obviously to avoid any spoilage. Some of those things have very, very critical criteria, you've got to get down to zero within 36 hours and you've got to blow a lot of air over it and cool it down pretty fast. And we want to do a lot more and they want us to do a lot more, they gave me a priority of about six things or seven they want us to do and we don't have a bank commitment to build all we'd like to build right now. They want to take it one step at a time in a new area and that's nothing but wise. But if I had my wish list, we'd be around 125,000 square feet at the outset. Frankly, the minute this is full, the banks already understand, once you get this rolling, we're going to be very ready to expand and we're designing it in a modular fashion where we literally would expect to replicate what we produce if the business comes as we reasonably expect it to.

Commissioner Tuley: The only other question I have then for now and I'm going to pass on and let someone else ask questions. When we see a package that says project description it talks in terms of wages, \$7.50, \$8.00 per hour. Is that for the average person in the warehouse or the factory site so to speak or is that all inclusive and divided out including the manager at \$35,000 or whatever?

Mr. Bradshaw: I believe we quoted warehouse rates, I would have to turn to Paul on that because he's the one that generally ...

Commissioner Tuley: Office and warehouse, that's not management? Okay, alright.

Mr. Bradshaw: And we have a very significant benefit package. We pay in all the healthcare costs. We do not ask for contributions.

Commissioner Tuley: Oh you pay it all?

Mr. Bradshaw: So our benefits cost us big.

Commissioner Mourdock: Let me come back to one more if I may. As you may know, there was another, not a freeze type operation or blast freeze operation but another food processing company here in the area locally that left town not too long ago. They had a lot of contracts with the military and I was just curious, is much of your business through military preparation for anything, or do you have any military contracts?

Mr. Bradshaw: First, I don't think I know about whoever left town but okay, we have a subsidiary that's not a part of the partnership that ... it's a subsidiary of the corporation that I'm chairman of which is a general partner, I don't want to get into technicality, and we deliver to the military but we don't process, we deliver to commissaries, just the regular food items you see in your grocery stores and we deliver to about a five state area with that, Indiana, Illinois, Missouri, Ohio, etc. We don't process per se. In other words, we would like very much to have that and frankly a blast freezing thing is a process in our eyes but I'm not sure the tax law qualifies it for that otherwise we'd be eligible for industrial revenue bonds which is the issue but I'm not sure I can answer that quite, I mean, we're just not a processor and I notice, I'm not sure I know how to answer that.

Commissioner Mourdock: Politically I always look at the idea, I have this theory that anyone who depends upon the federal government will ultimately be disappointed and we've seen that happen here and I just wanted to be comfortable with the fact.

Mr. Bradshaw: Fortunately I've never had to depend on the federal government, they depend on me to support them last I saw.

Commissioner Mourdock: It is the 10th of April, yes, you're right.

Mr. Bradshaw: It's becoming ... Again, I hope I answered what you said I wasn't quite sure. We're very excited about coming here because it expands our geographic coverage. We will be somewhere, we've looked both sides of the river and this is our first choice. We do have one or two other sites that we're still looking at but this is our first choice.

President Borries: Thank you for your comments.

Mr. Bradshaw: I want to thank you and I want to thank all the help we've gotten to get this far.

President Borries: There's some other people here who wish to speak, if you'll give your name and address for the record.

Good afternoon, my name is Reed Schmitt. 223 Southeast Second Street, Evansville. I represent Ice Products and I thank Mr. Bradshaw for coming today and speaking. I do want to reiterate a couple of issues. This is not, Ice Products is not here, it's not a result of any competition question. Ice Products will not directly compete with American Cold Storage. These are issues that, it relates to accountability and it relates to specifics and we would like several issues to be resolved. Mr. Bradshaw has addressed some of those questions but we still have lingering questions. The first of which relates to who exactly is coming to town. We hear American Cold Storage but the question is, is it American Cold Storage Louisville Ltd., is it American Cold Storage, Inc., is it one of the other subsidiaries of their corporation. The other questions we need to have resolved is

what is the entire financing picture? They're coming here to request \$100,000. In previous meeting it was noted that they would be requesting a loan to be taken out through the City. We'd like to know what other incentives they're requesting. What are they requesting from the City, what are they requesting from the County, what are they requesting from the State? We would like to have some specifics relating to the positions and Mr. Tuley addressed some of those concerns relating to the employees. However, it doesn't appear as if a lot of those questions have been resolved. We would like to know exactly how many square feet, I believe they talked about the square footage. Our major concern is, what is the entire picture? We haven't received that and it seems highly unlikely for a corporation that has a negative net worth for the City to fund a loan with them so we would like, those are the specific questions we would like to have resolved. Who is it? What is the exact corporate name? What is that entity? What is the financial position of that entity? Does it have a positive net worth? Does it have a negative net worth?

President Borries: Thank you Mr. Schmitt. Anybody have any questions of Mr. Schmitt?

Commissioner Tuley: I really don't, I just have a comment. I'm glad you changed your line of questions so to speak from last week's meeting representing Ice Products who is a benefactor of a tax credit. You weren't here last week.

Mr. Schmitt: No sir, I wasn't.

Commissioner Tuley: It's just a comment, I'm glad to see Ice Products has sat down and come up with some different line of questions because I got the impression last week they were against any form of tax abatement or something in the form of a competitive advantage but you've asked the.

Mr. Schmitt: What are you specifically referring to, Mr. Tuley?

Commissioner Tuley: I believe it was Mr. Moll himself talking about and I don't have the minutes in front of me at the moment but I think he said they didn't want to see someone getting an unfair competitive advantage by receiving tax credits and tax breaks and incentive packages when they themselves by virtue of being an enterprise zone received one themselves but you're not coming from that point of view tonight, you're coming with some good questions.

Mr. Schmitt: Sure and I'd like to resolve some of those questions since you have brought that up relating to tax incentives or tax credits that Ice Products might receive. Ice Products is one of 200 businesses located in the enterprise zone and like all of the businesses, all of those 200 located in the enterprise zone, it does receive a tax credit. It would be wonderful if Ice Products received tax credits to the extent that American Cold Storage is requesting in this one lump sum \$100,000 request. Since 1984, in 11 years, Ice Products has received \$8,412 in credits from being located in the enterprise zone. That amounts to approximately \$775 per year. I think that's fairly minimal when one compares it to the request of the \$100,000 lump sum that American Cold Storage has requested.

Commissioner Tuley: Right, your point is well taken. They also pay approximately \$10,000 a year in taxes versus what's going to amount to an average of \$39,000 in taxes even if the abatement is

granted. Basically the only reason I brought it up, I just wanted it to be on record since there's been so much criticism the last week about a request for tax abatement from a company who's getting it. I don't want to sit here and argue with you about the dollar amount because I think it was more of a principle that someone themselves granted it may not be to the extent that \$100,000 is.

Mr. Schmitt: That was not what Mr. Moll was intending.

Commissioner Tuley: But along those lines, is there another, last week one of the other points made out by Mr. Moll and this is what got everybody's attention and it made us stop and think for a second. Are we still of the opinion that if this company locates here that we will lose employment at Ice Products?

Mr. Schmitt: Like any good business, Ice Products intends to do everything it can to do in order to keep its employees employed. As I reiterated in the beginning Ice Products will not compete head to head with American Cold Storage. Ice Products has been in business for 38 years. It does business in Illinois, Kentucky, Indiana, Missouri and Tennessee. It will do what it has to do to retain those employees. It was a possibility that if Ice Products lost some of its customers from their cold storage unit to American Cold Storage that there was a possibility that they would lose five employees. Ice Products is doing what it can as any prudent businessman would in order to forestall that possibility. I don't have a crystal ball, I can't tell you whether they would lose five employees but they could.

President Borries: Mr. Moll indicated to me in a phone conversation on Friday that that was not the case as what he saw at that point.

Mr. Schmitt: Right and that's why I stated that they have taken the steps necessary to alleviate that problem. Any other questions?

Commissioner Tuley: I'd like to have your question answered.

Mr. Schmitt: Okay.

Commissioner Mourdock: I was going to say as a public forum, those questions being raised and raised very eloquently I think it's only dutiful on our part to make sure they are answered so whomever.

Mrs. Kolb: I'll talk about the incentive package and then Mr. Bradshaw can speak to the financial condition of the company. With respect to Vanderburgh County, we are requesting \$100,000 which we use for infrastructure. We're going to be requesting \$30,000 from the State of Indiana which will also be used for infrastructure. Keep in mind too I believe we mentioned last week that the infrastructure that is needed by American Cold Storage is certainly in excess of \$130,000 and they are responsible for that cost themselves. We plan to entertain a request for a loan of \$150,000 and in accordance with all loans that we make, we will be looking at personal financial statements and all sorts of financial information prior to making any loan.

Commissioner Mourdock: Are we still talking from the County here, the loan?

Mrs. Kolb: We have several different pots of money and we probably will use the Economic Development Administration grant that we got several years ago, Commissioner Mourdock, to make that loan from.

Commissioner Tuley: In layman's terms, Mariann, what does that mean though, I'm not sure I know what that fund is.

Mrs. Kolb: It was a fund that in 1987.

Commissioner Tuley: Is it a combination, I guess, just real quickly.

Mrs. Kolb: It's federal money.

Commissioner Tuley: It's federal money.

Mrs. Kolb: And if the balance is such and if the money is there, we would prefer to make it out of that account because it's difficult sometimes to make loans from that to your loan fund. American Cold Storage would also apply for tax abatement. That would be up to the County Council to of course review. Essentially, I believe that's it.

Attorney Kissinger: Mariann, how much of this \$100,000 is going toward the railroad spur?

Mrs. Kolb: Approximately \$68,000 I believe and the total estimate for the railroad spur was \$260,000 if I remember correctly so American Cold Storage is responsible for the remainder of that cost.

Attorney Kissinger: Does American Cold Storage understand that it's going to be required that the County take a permanent easement in order to dedicate money in that fashion?

Mrs. Kolb: I have not spoken with him about that, however, to be very honest, it's one of those situations where when we got to that point, we would sit down and discuss it. If it's a problem then, the County would not put the money into the project. Any other questions relative to incentives?

Commissioner Mourdock: The City per se is not in this for anything?

Mrs. Kolb: Except for our time and enjoyment of the project and of course the loan from the Economic Development Administration was awarded to the City, not to the County so in that respect.

Commissioner Mourdock: As you said that's federal money, it's just going to come out of the City's coffers if it is received from the feds.

Mrs. Kolb: Yes.

President Borries: Thank you. Are there other persons who wish to speak at this time?

Mr. Schmitt: President Borries, we had the financial questions that needed to be addressed.

President Borries: And Mr. Bradshaw, just a minute folks, I think you may need to wait here, Mr. Bradshaw might want to reply here, thank you.

Mr. Bradshaw: As I indicated, I am Chairman of the Board of American Cold Storage and I didn't know it was to be crucial. We're only too happy to provide audited financials on all the entities. It is a Kentucky corporation. We have a partnership that owns the facilities in Tennessee called American Cold Storage Jackson LP. We have a partnership that owns facilities in Kentucky, American Cold Storage - Louisville Ltd. We are in the process of putting those together. We have appraisals on them that total in excess of \$20 million. We owe about \$10 million at this point. We are within a number of days to get not only the financing for this but to refinance all our debt in the major top 20, 30 bank in the country for \$17 million to not only refinance the \$10 million worth of debt to have the capital available to expand and build this facility. So when he asked me the question if it was done at this particular exact moment in time before we can pull the other partnerships together into a master partnership, it would be American Cold Storage - Louisville Ltd. would be the one. Given another week or so into the time we have the new financing in place, it will be American Cold Storage, probably we'll call it North America, but it will be a partnership. As is typical in most partnerships that have very rapidly depreciable assets, we went into Kentucky in 1981 and it was 10 years before we ever showed taxable income because of the heavy depreciation but in that time period we paid down \$4 million worth of debt and had excess cash flow in order to fund the activities going into Tennessee and other things which is very typical in a partnership, it will have a negative net worth particularly when you have half your facility treated as personal property or equivalent and as I kept telling our bankers, I'm proud of every dollar of the write-off but on the other hand, unless you understand partnership accounting where you're generating that. Fortunately, or unfortunately tax-wise, but fortunately for the balance sheet appearance, we've been reporting taxable income now for several years in Louisville and unfortunately we've run out of the depreciation, we'll be reporting a lot of taxable income. But we will be very pleased to make all the audited financials available, that's not a problem whatsoever. Is that clarified now?

Commissioner Mourdock: Just to make one point and I think I understand what you said even though the nature of the building is sort of a specialty building, it's still considered a building depreciation-wise and you're probably looking at something like 15 years to depreciate that at the shortest period versus the normal like five years on the other things that will be inside. Is that roughly accurate?

Mr. Bradshaw: We will have an awful lot of seven year equipment in there, an awful lot. Even the insulation in this particular business can be categorized at shorter life than I guess real estate now actually just structures up to 31 years. I'm not an accountant, I'm an engineer, my background but we figure our average depreciation, just average now, at about an eight to 12 year life, just as an average number so that's an awful lot of depreciation when you're talking about a \$5 million facility and we're very pleased and certainly we would even, should we need those and again I don't have the financing on that put in the package, we certainly are very anxious to have it but on the other hand, it is not a deal breaker if there was a problem on the other financing. The incentives are much more important.

Commissioner Tuley: Well, I just want to point out, Mr. Schmitt asked some good questions, I just want to make sure since he's

representing Ice Products and they were the first ones to stand up and question, I think we need to make sure they're all answered so we're kind of taking them one at a time it sounds like. Where are we still at?

Mr. Schmitt: Mr. Bradshaw has answered a lot of the questions and I appreciate that. He has made the offer for the Commissioners to receive the audited financial statements and I think that's only prudent that those be forwarded to you. I'm not their banker, I'm not going to be loaning the money but the funds that they will be receiving they are part of my money, they are part of your money and he's made the offer to let you review the audited financial statements, I think it's only prudent to receive them.

Mr. Bradshaw: We can provide them tomorrow, I'm just not, we're in the process of trying to break ground, we have customers who would like to be in our facility here in August and we can't make all this now and every day's delay becomes very important and I'm not sure, do you have audited financials to review yet or okay, they can be here tomorrow. It's not a problem with the audited financials. I mean, I know there can always be another question and another question and another question but we really don't need the delay is what I'm looking at from my standpoint because I've got customers that, we can't be finished in August now, we're going to be in September and Emge has a lot of things they'd like to move into the new business with them in August and we're going to have to just delay a little bit. ... can be provided to any and all who would like to have them.

Mr. Schmitt: Thank you.

President Borries: Some other persons here who wish to speak to this issue?

My name is Launita Seals and I come here as a taxpayer in the City here and my only concern is this. That the figures that Mr. Bradshaw has been speaking of tonight is very impressive about his financial situation. My concern is this, if his company is such a viable company, why does the County have to give away so much money to bring him in here? I just don't understand why this has to be done if you really add up all the dollars between the tax free loan, the tax abatements that will be given to this gentleman and his company, it amounts to a considerable amount of money and if his company is such a viable company financial-wise, then why does the County have to subsidize him coming into this area or his company? I just don't understand as a taxpayer, why we have to keep loaning people money all the time for nothing.

President Borries: Somebody want to respond to that?

Mrs. Kolb: Economic development whether it's right or whether it's wrong, and I certainly can't judge it, whether it's for a new business coming in or whether it's for an existing business, we are requested numerous times to provide an incentive package to a company so that they can grow and prosper and so that they come in and in turn create jobs which will create a spin-off effect in the community so that we can create and receive the local option income tax so that their property taxes, we can receive benefit of those, that is also a way that we grow. Even with tax abatement after year two, our assessed value of the County begins to grow from that so we are continually in a growth mode. If there were no incentives by any other state or city,

I'd be happy but until that time if there is, we have to be competitive.

President Borries: Anyone else wish to speak?

My name is Earl Harp. And I've got so many questions, I don't even know where to begin. My first question is tax abatement. What exactly does that mean? And I welcome thoughts from Patrick, whoever.

Commissioner Tuley: Just in a nutshell and Mariann you can help me if I stray here, but a tax abatement is a phasing in of taxes on the real estate, on the improvement. It starts out that there, it's a 10 year program or what's being requested in this case is a 10 year abatement wherein the first year they pay no taxes on the real estate and then each year for a 10 year period it increases up to the point that in year 10 they only receive a 5% break. In year 11, then they pay 100% of the taxes due on that real estate. It's a phasing in. Now, on the improvements only, the land does not qualify for abatement. And apparently one other point on this in this particular type of work then the equipment, personal equipment inside would not qualify apparently from a ruling or a letter from the State Board of Tax Commissioners who have the final authority to grant it or not.

Mr. Harp: So it would be only on the real estate?

Commissioner Tuley: On the improvements.

Mr. Harp: The improvements, not the equipment. Okay, and the other question is, according to the newspaper, it's leased land and they're not buying the land, is that correct?

Mr. Bradshaw: (away from microphone).

Mr. Harp: You are buying the land?

Mr. Bradshaw: There are a number of areas in error. It is not leased land. We are buying the land. We are putting it under option literally so if you want to cover the errors, they said we're going to do a bunch of business with Azteca. We have no knowledge of any business that Azteca needs frozen stuff.

Mr. Harp: No that's fine, you don't know whether to believe the newspaper or not which is typical. I think Mariann made the comment that it's available, the money is available from grants, federal money which happens to be our money again and that's why we're in the shape we're in right now I guess. I don't see any problem with opening arms to new business, I mean we wish you welcome, new business with open arms, but I really don't think we should be welcoming new business by opening the bank vault, that doesn't make any sense to me. There are a lot of developers in town and I happen to be one of those people that pay for their own streets. A good example was this evening with Bill Spurling up here. Rose has, EUTS is strong on wanting developers to pay for streets whether they are needed or not. I've been in the same position as Bill has where they hold you hostage and won't issue permits unless you dedicate property and you made the right decisions by the way. In order to get my project done at Green River Road and Vogel, we had to more or less threaten a suit and called that constructive condemnation and so they backed off and we got our permits. I think that if you give \$100,000 from the County, that you're going to be setting a precedent that could come back to haunt you. There's a lot of developers in town and

I'm one of them, I have property on north Green River Road just north of Morgan, 39 acres. I'm going to need to put some roads in and I'm sure there are other developers in town under the same situation. You'll have a parade of developers saying well you did it for this guy, how come you can't do it for me? I see advantages of the County helping to build Burkhardt Road from the Expressway to Morgan Avenue. It's needed and that's for general use of public, it's really not development of one single developer. And then I had another situation here.

President Borries: Earl, what would be your feeling on incentives that were given to another firm coming in from out of town?

Mr. Harp: I think incentives should be for manufacturing type operations and that sort of thing. I have been in the warehousing business when I was in the food distribution business and warehousing is more of a service type business and I think if you start giving these incentives to service type businesses and retail stores and offices, that to me doesn't make any sense. For 25 jobs, at Green River Road and Vogel, I built Vogel Road and dedicated it to the City, created in the neighborhood of 400 jobs in that area, we've got Bob Evans Farms Restaurant, Signature Inn, Sam's Wholesale. I've got Big Sur Waterbeds, these are all new people in the city, Midas just moved across the street but I built my own road, I didn't ask for any help, built our own sewers, we did all our own infrastructure and I think there are other developers in here, Bill's doing the same thing, Bill Spurling, and you know, we're not asking for those, to my knowledge he hasn't asked for any help. I just think you're opening a Pandora's box here. I could go on and on but I don't want to hold you up all evening. There is an advantage by the way. I will say this, locating where they're talking about because you're going to pay county taxes instead of city taxes. It's already an advantage and this rapid depreciation, that's a great advantage. I happen to have an accounting background and shoot, if you can write off \$5.5 million in eight years, that's great. I had that situation on my freezer and as far as freezer space, apparently he will not be in competition with Ice Products. And he won't be in competition with me but as a matter of information I have a freezer that's about one-tenth the size that he wants to build, 90% vacant because Shelf Stable Foods was leasing space from me and they left town. It didn't take a lot of work, a lot of labor to handle frozen product on our part. We handled that business with about three people. And so the hot spot or the hot button I think that everybody uses is to create jobs but you know this gets to the point where you're buying jobs and I'm not sure that's the best way to do it. Thank you.

President Borries: Thank you Mr. Harp. Any questions? Are there other people wishing to speak?

Mr. Schmitt: If I could just reiterate, Ice Products is for employment. Ice Products is for development. Obviously American Cold Storage wants to locate here because Evansville has the location that it needs. We shouldn't be giving away \$280,000 to try and get them here. They obviously want to be here.

Mr. Bradshaw: As I mentioned, we looked at about six locations, drawing a line from Fort Branch down to Owensboro. Every one of the locations we looked at has offered incentives. As a prudent businessman, we're talking about spending \$5 million and the tax on that, I mean I realize probably the Commissioners are aware, we'll be paying \$100,000 in taxes. I don't know how much your

firm or his firm pays or whatever. By the time the tax abatement has run out, then I think our tax bill will be running over \$100,000 to the local community. Every place we've talked, they have offered incentives and as I say, this offers an attractive location. It isn't the only location, everyone knows that. And we would like to be there. As I said, we still, this is our principal, number one interest but there are other viable sites that have a dollar for 10 acres and free rail coming to the site but the road access may not be quite as good and that sort of thing. Those are things that we would have to take in and as, I have responsibility to stockholders and everybody else to use good business judgment in trying to get the most advantageous site at the least cost. And I appreciate all the help we've been given, thank you and if you've got any more questions, I'll answer them.

Mr. Harp: Along with Attorney for Ice Products, I think Mr. Bradshaw has kind of hit it on, it is a good location for Emge who is within driving distance which is a much better location then they were now located. And Emge will I suppose realize some transportation benefits unless Mr. Bradshaw is going to pass it on to them and they will accept it. I don't think they do any transportation. I have to agree that they certainly must have done their research that this is a good market or they wouldn't even consider it at least that's been my experience with other developments in this area so that's all I'm going to say.

May I ask a question?

President Borries: Yes ma'am.

My name is Janet Watkins and I'm interesting in what's going on today. As far as tax abatements, they are being given away quite easily in this area. One of the things that has been brought up is if we are going to give out a tax abatement, are there going to be any penalties if the company leaves town at the end of their tax abatement period or before? Is this in any of the contracts that we are pertaining to? The other question I ask is, they said that their depreciation would be very quick, five to seven years. Does that mean that the building is going to be used up or will they rebuild? I would like those questions answered. Thank you very much.

Mr. Bradshaw: When I use the five to seven years on equipment, that is the useful life in the IRS Code. Let me assure you, those compressors have to work every day and we have to keep it cold and we can't burn them out and then walk away. We're not going to put \$5 million out here on this road and just because the tax abatement dies, we're going to leave. The only way we'll leave is if we can't make any money. And, I mean, did that answer the ones you have on that? I mean, the worst thing that can happen to me, it would probably cost me my job, my partners and everything else if this thing didn't work because we had \$5 million out here and it's not only not returning a profit, but we'd have to walk away from it. Tax abatement is very crucial and you start planning particularly in the start-up phase and that's why a phase-in is very important but I think if anybody stops and thinks, we have a facility in Louisville that was built in 1976 and it's as clean and better today than it was the day it was built. It has to keep running and so it isn't like it is truly used up and there's nothing left and you've depreciated your assets. But I think if somebody stops and thinks, we're asking for infrastructure help, things like getting the rail to us and roads and most of you enjoy roads in this County and most

have had it. If we built in a place where there were existing roads I'm sure we wouldn't need infrastructure help but those are the things we have to take into consideration and I think in a positive sense, we're bringing not only jobs but by the time the taxes are paid, then we'll be paying almost as much per year as we're talking about in the initial \$100,000 from the County. I think maybe even slightly more I don't know the exact numbers and that goes into accounting and everything else. I don't want to be argumentative in any sense and I thought that was a fairly important thing.

President Borries: Thank you again. Let me read Councilwoman Jerrel's letter in for the record. She had submitted this letter addressed to me. For the record, I would like to encourage the Commissioners to provide some basic ground rules to DMD and Vision 2000 relating to Economic Development incentives. No one should be placed in a position that you find yourself this evening. I'll agree with that. As you know, Vanderburgh County includes all coet revenues in the formula for the General Fund. We have been very stressed in recent years due to many unfunded mandates. The unappropriated dollars from the General Fund must serve to meet all County emergencies and now also to pay the Azteca bond payment. The County Council agreed to place any additional coet dollars in an interest bearing account to fund the Azteca bond payment. During this past year, Mr. Wortman and I met with Ms. Kolb, Mr. Hafer and Mr. Robinson and shared our financial condition and our plans. This was fully discussed during the August 9, 1994 budget hearing. The decision is clearly the Commissioners', however, we need your guidance so that future needs may be met. I would also urge you to consider loans rather than outright gifts. What's the feeling of this Board this evening?

Commissioner Mourdock: Has it been traditional over the years the minority member always gets to voice his opinion first? It always seems to work that way, you guys are looking at me.

Commissioner Tuley: It worked that way until Hunter came on board and somehow a lot of times he seemed to get the last word.

Commissioner Mourdock: Is that right? Maybe I'm not veracious enough.

President Borries: I don't know if I ever did with previous Boards, I've been where you've been.

Commissioner Mourdock: I think in summary we've heard pretty well all the arguments for, all the arguments against, at least the most substantive ones. I think it's appropriate to go ahead and vote on this issue tonight. The one question that was raised by Ms. Watkins though is a very valid one and rather than point the question at Mr. Bradshaw, I guess Mariann, I'll let you take a shot at this one. We have seen and certainly other communities have seen incentives given to businesses and those businesses didn't fulfill the contracts. They were gone before then and I understand as a businessperson, they probably didn't want that to happen but it did. When a community goes out on a limb and does something be it an outright, Councilwoman Jerrel's comments of a gift or an abatement package or whatever, how do you get those back? What would you recommend to us?

Mrs. Kolb: That's a legal issue that legal counsel is going to have to, in relationship to tax abatement to see if there is any

remedy for that. That question was raised on the City side of City Council. I believe the legal staff is looking into that. Thus far they've been able to find absolutely no way to retrieve that within the law, the framework of the law. To retrieve that, our experience has been that we've had over the past 10 years or so and I can't remember the exact number of years, one or two businesses that that has occurred to. You have to realize that once, if a company does leave during the time of their abatement, that abatement of course stops at that time, it's not going on and on. You have to look at it thus far too, with respect of what the community has been able to gain up until that time and in the two instances, the one with Hudson Valley which was recent was due to absolutely no fault of their own. The reason they left was not because they wanted to, it was because Wal-Mart decided to buy trees from the Chinese. And I cannot remember the name of the other company that left before their abatement was over with but right now we don't have a mechanism for doing so.

Commissioner Mourdock: And I think just for the record and to be fair here, the companies that that happened to did not come anywhere close to the size of investment that Mr. Bradshaw's firm is talking about, is that accurate?

Mrs. Kolb: They were going to hire more employees and their investment, I honestly, it was 1987, I can't remember what it was but if a company has a loan with us and they pull out, of course what we do, they are making payments on that loan, whatever arrangements have been made. In the case of Hudson Valley, as we had indicated, we accelerated, requested the acceleration of that payment and we would expect payment from any company.

Commissioner Mourdock: Did Hudson Valley own its facility or were those leased?

Mrs. Kolb: I cannot remember.

Commissioner Mourdock: My point being if that happened in this case there would be more hard assets out there.

Mrs. Kolb: Right and we always take a position whenever we do a loan, it's sometimes subordinated but we do have to do that.

Commissioner Mourdock: Thank you.

Commissioner Tuley: Before you leave, Mariann, we talked about this being federal grant money. Are there not federal guidelines and stipulations and what have you that you must follow before you can use those monies or is it at the sole discretion of the City?

Mrs. Kolb: No, we have a lot of guidelines on the money. The most difficult one is that the company cannot leave jobs behind in another community. There must be all new jobs that are created and it's difficult sometimes to use that money just because of that requirement alone when we're looking at new industry so therefore when we have the opportunity like the case of American Cold Storage to use that money, we'd like to do so but there are guidelines and there are guidelines that we establish. You do not loan money to a company that is not credit worthy. They have to be financially able to repay the money and to be a good risk in doing so.

Commissioner Mourdock: Who makes that judgment?

Mrs. Kolb: In this particular case with the Economic Development Administration money, right now it's under the control of the Metro SBAC Loan Committee which is CDC which established back in the mid-'80s and it's a 10 member executive board and it's made up of persons from banks. There's a realtor on there, I mean, it's university types, so it's knowledgeable people, it's not unfamiliar people with banking and financial statements and those type of things.

Commissioner Tuley: I guess this probably goes to Mr. Schmitt, I'm sorry, Mr. Reed Schmitt, sorry about that. You raised some questions about the financial stability and can you publicly explain, was there something that triggered that in your mind and the reason I'm asking that is, I can appreciate Mr. Bradshaw's not wanting to be delayed, on the other hand, I know where you're coming from which is a follow-up to my question. That information to those people for that loan is going to be decided down the road and we're faced with making the decision tonight.

Mrs. Kolb: But in order for this all to keep moving along, please remember even if this, you approve this tonight, it still has to go to Council which is May. Even after it goes to Council, we have to do all the work to get it ready to go out for bid, I mean just because we begin now, we could be months before the whole thing is ready to move forward with construction of that road.

Commissioner Tuley: So what you're saying is all the pieces have to be.

Mrs. Kolb: Yes, in some kind of order. In the meantime, if Mr. Bradshaw is ready to apply for his loan and he could come in tomorrow to do that, we will have, what I'm saying to you is, we will have all that financial information and that loan would be approved or not approved prior to that road ever being constructed. I mean, that's timing and life to be able to do that.

Commissioner Tuley: So what you're saying, there is an avenue that if Mr. Schmitt's questions.

Mrs. Kolb: Yeh, but remember too that I mean I believe Mr. Bradshaw indicated that a bank is going to finance this deal, \$5.5 million. We have \$150,000 in the financial portion on which we will take a secured position.

Commissioner Tuley: You're dealing a loan but where it is an outright give away.

Mrs. Kolb: Right, on the infrastructure it is.

Commissioner Tuley: Right.

Mrs. Kolb: And this road is adjacent to the Azteca road so we are doing something for the community for the use of this road, I mean, it's.

Commissioner Tuley: Yeh, because you didn't just come up here and come up with that question, I don't believe, it's something that triggers your.

Mr. Schmitt: No, I wouldn't do that and I believe the Commissioners probably have that information in front of them. And the reason why we wanted specifics, we wanted to know who the

entity was and Mr. Bradshaw came up and he has explained who the entity was that is coming to build. Apparently it is a limited partnership known as American Cold Storage - Louisville Ltd. and a recent Dunn & Bradstreet report that was run on that entity shows that Mr. Bradshaw is the Chairman of the Board and CEO, that they had sales of \$5,060,000 but they have a negative net worth of \$1,634,000.00. They employ 60 individuals but on the report, the Dunn & Bradstreet report, it states that the financial condition is unbalanced. And I said I'm not going to be, I'm not Mr. Bradshaw's banker and if the bank is going to loan \$5.5 million so be it, we're just raising the concerns to the Commissioners and the Commissioners have that information and have had that information. They are also not rated, there is not a rating for American Cold Storage - Louisville Ltd. Dunn & Bradstreet does not have a rating for them, that's the reason why we wanted to know what the entity was, was it American Cold Storage, Inc.? Or was it American Cold Storage Ltd. and he has answered those questions and the Commissioners have that information in front of them.

Mr. Bradshaw: We applied to Dunn & Bradstreet approximately six years ago. There were so many errors in their report and they couldn't get Inc. separated from Ltd. that we've declined to apply any more. I will be absolutely happy to provide you with every accurate financial and a complete exact structure of the way we are, that's not a problem of any kind. We have paid down in the last four or five years over \$4 million in debt and we're about to get financing that would be up to \$17 million. We have appraisal of our two facilities that exceeds \$20 million, not counting the new one to be built. And I don't, it gets so complex talking partnership accounting versus, and the people if they don't understand that a partnership is typically run in negative net worth, they've never looked at an apartment house development or anything else, it will run a negative net worth. That's just the way it works on most of those projects, particularly where you have this much depreciation but we have borrowed up to \$11 million from DNC in Louisville, they made a proposal to finance this, we have a bank that's even larger that we think we will be doing the loan with in a matter of about a week or week and a half and I'll be happy to provide and sit at length on any financial question. If it is a help, we will delay even asking for any loans because I think our financing is going to be sufficient any how to do everything we want to do in the construction of this warehouse. One final point and again, I'm not trying to overstate the obvious, but when we talk about abating taxes, we're abating taxes that wouldn't be here unless we put \$5 million out there on the road and we're talking about them being in excess of \$100,000 by the time the abatement slowly phases out so we need the infrastructure, we need a road in front of our facility and yes, we need help bringing the rail in and we certainly would like to be located there and will if we can justify our position.

Commissioner Mourdock: Mr. Bradshaw, before you leave then, you've had the pleasure or displeasure, I'm not sure which of sitting through the earlier part of this meeting when we were talking about roads and Commissioner Borries on my right said the County just doesn't have the money to put every road in every project. That was a very good quote and one of the things that the three of us have to deal with constantly is where does the money come from for these types of projects. I just heard you say that you'd be willing to defer the loan, a portion of it, put that off into the future.

Mr. Bradshaw: It's ... a question of our ability to pay it back, if somebody really thinks that what this balance sheet shows is detrimental, then we would just go to other sources of financing.

Commissioner Mourdock: Well, the total portion of what we're talking about here from the County for the infrastructure side is less than, even combined with the State's part of it, if I had it correct, I think \$100,000, \$130,000, is that right? And a loan portion from the City was going to be more than that if it were all wrapped up in one loan as opposed to the outright payment basically up front, is that something you could live with?

Mr. Bradshaw: Well, what I'm saying is we need every bit of incentive in order for me to tell everybody that's involved in this project that this is the best place for us to be. What I'm telling you, I think we have financial ability to borrow the money elsewhere on a loan because we need to balance off every proposed site by what are the incentives, what is the tax abatement, whether it's cheaper in Kentucky or not and Kentucky has been competing and all that, so we're here because we think this is our best spot. Minor point but there's going to be \$3 million pumped into the local economy over the next five months if we build this facility. I mean, I'm just talking about contractors and moving dirt and building a facility so again I don't want to get in a discussion.

Commissioner Mourdock: You don't want to negotiate?

Mr. Bradshaw: I mean I'm just here to try to build a warehouse and try to make it economically viable in the best location and incentives. Thank you.

Commissioner Tuley: Sometimes when you talk, you prompt another question, \$3 million in terms of contractors and what have you, are you going to come in here and use local contracting companies, are you bringing your own from Louisville or where are your workers coming from?

Mr. Bradshaw: Mr. Erik Fiskars is here from Fiskars Construction. He built our expansion in Louisville. He's out of Benton Harbor in Michigan. He's very, very experienced in refrigerated warehousing, building processing facilities. We have a great deal of confidence but I would leave it up to Mr. Fiskars, he's going to go out for bid but I would be very surprised, he's building another project within 50 miles of here and is very familiar with subcontractors in this area and I think a fair ballpark number would be at least 60% of the subcontracting would come from this area and that's my contractor, he's got to get the low bid so.

Commissioner Tuley: I saw a nod but for the record, would you.

Mr. Bradshaw: Mr. Erik Fiskars.

Commissioner Tuley: Okay.

Mr. Bradshaw: Do you want him to come forward?

Commissioner Tuley: I would, if he's going to be your general contractor, he's the person I'm going to look to, if we use somebody else I want him.

Mr. Bradshaw: He has to take low bids.

Commissioner Tuley: I'm not arguing, I just want to hear that he's going to take bids and he's going to get bids from local contractors.

I'm Erik Fiskars and let's define contractor, construction manager, depends on how you phrase it. We're here representing American Cold Storage, to take competitive bids on all portions of work in this area. At this time, we are building a large rubber mixing plant in Carmi, Illinois. Three of the major subs are from your community and don't ask me the names of them because I can't.

Commissioner Tuley: No, no, that's fine.

Mr. Fiskars: Our intent is to use local good construction quality labor. We have no intention of bringing anyone in.

Commissioner Tuley: Okay, thank you.

President Borries: Well, you gentlemen want to make any final comments or what do you want to do?

Commissioner Tuley: I just have a couple things I'll make once we get to the time to vote, no they're not, I'll make them, you said you didn't know we could do that before, I've got several comments.

Commissioner Mourdock: I'm going to take full advantage myself.

President Borries: Is it your feeling that you.

Commissioner Tuley: If there's no other comments, we need to bring it to the table, we've got several more issues to deal with yet tonight.

President Borries: Okay, comments by Commissioner Mourdock.

Commissioner Mourdock: Comments and the vote?

President Borries: Comments and the vote, that's fine.

Commissioner Tuley: Do you want to make it in the form of a motion and let everybody understand the motion has to be made in the form of a positive before we vote?

Commissioner Mourdock: Alright, then I will make a motion that the Vanderburgh County Board of Commissioners act to approve the incentive request for American Cold Storage as presented by the Evansville Metropolitan Development.

Commissioner Tuley: I'll second. Now you can take your vote and comment.

Commissioner Mourdock: I think Mark Twain once said there's nothing more exciting than riding on a horse that's going both ways at one time and that's kind of how I feel on this one. I am going to vote no and the reason I'm going to vote no, first of all I want to say, that it is not a vote against American Cold Storage in any way. The financial information that was discussed here tonight, I'm very comfortable with, I think you would be excellent and I hope you are, coming to Evansville, I think you'll be an asset to Evansville. I'm not voting against it because I feel I owe something competitively to Ice Products or any of the other companies. Competition is competition, if

there's 50 other ice products companies locating in Evansville, I think that will help the consumer and I'm for that. This is not a vote against Vision 2000 because Mariann, Ed and the whole Board do a good job as far as providing companies with information about us and coming to us. What it is a vote for is a vote for the best use of public, and that is the key word, public funds. Especially given Commissioner Borries' comments earlier tonight about the fact that we don't have a pot of money sitting there, we don't have a grant fund in the County to say here it is, we don't have those sorts of resources. I wish that we did and I hope part of the outcome of this experience tonight is it is next year's budgeting process somehow we can find some money to begin doing something like that and work closely with Vision 2000 and Metro Development to get that done. This is a vote as much as anything simply as I said for the use of public funds and I have a difficult time given that two-thirds of the County's money would be used for a railroad easement that would have no other ... I am not against and if we want to split the baby here and vote again, I will certainly do this, I am not against the incentive plan as far as the tax abatements. I'm not an accountant but I understand enough of the value of money today versus the money tomorrow, knowing how that can help your cash flow and help the overall project. If somehow in lieu of the funds up front there could be a reasonable program of tax abatement put together, I would certainly support that. I realize too and the lady who spoke, Ms. Seals, I wish we weren't in this situation where we had to vote on incentive packages but Mariann's right, it is the game that's out there right now if we want new businesses, that is what we are going to have to do in some form and it's difficult, it is very difficult. Having said all that, it is with regret that I will register a vote no.

President Borries: Okay, Commissioner Tuley?

Commissioner Tuley: I'm on that same horse. Every time we face an issue, there's always two sides and everything else. I'm going to follow your couple of comments with some comments of my own. I'm going to vote yes but it comes with and I don't want to be used like the word 'warning' but I think Vision 2000 and Metro and the people that are working on behalf of economic development for this community has to bear in mind what Commissioner Mourdock has said in terms of, we have limited resources. If they can be applied in the form of a tax incentive or a package to some company that more than that company is going to get the benefit from, i.e., the rail spur, we need to be looking in those areas, sewer extensions and stuff that will in and of itself help create more or future development but I did take all that into consideration along with a couple of other things and last week I expressed concern, does this business hurt, help existing businesses in the community? In this case, it appears and maybe not through actions of American Cold Storage but by actions taken by Ice Products, the answer is no in this case. I think it does provide based on their findings and their report maybe an avenue for future and additional growth, not within their own company but some new businesses that can tie into the kind of services they can provide. Does it provide better jobs than currently exist in this community? I know \$7.50 to \$8.00 an hour may not sound like a whole lot of money, if you'll add benefits to it at 35% as stated in this information we were provided, that's not a bad package particularly when you drive down the road in Evansville on Green River Road, First Avenue and some of these areas in town and what you see are jobs at Burger King, McDonalds, and these kind of places and they tell you they'll pay you \$4.50 an hour and they say, benefits available. Well I work

for a company right now that we have benefits available in terms of health insurance, I can't afford it as well as some of the other people in there so I'm not sure about that benefits available. If I understand his 35%, it sounds like he makes it all available to them. Echoing the tax abatement program and those things, incentives, I don't know if it's right or wrong, I do know it's the only game, if you're going to play the game, you've got to play that game. Otherwise, we're not in the game and we have to decide, my final point is, we have to decide in this community, are we going to try to grow and get larger and attract more industries and provide futures for our kids and our neighbor's kids or do we want to grow stagnant. And this is one case I think in the long run the good benefits that come with it outweigh the negative aspects so therefore I'm voting yes.

Commissioner Mourdock: You're on the horse going four ways.

President Borries: Amen. Let me give you just a very quick comment about the County's financial position. Currently in our unappropriated balance, we had about \$990,000 and you can lower that by about \$400,000 as of last month so right now, the unappropriated balance in the General Fund for Vanderburgh County is about \$590,000. I say that because Vanderburgh County is an entity that is roughly half the size of the City of Evansville or less and coupled with the courts and many of the law enforcement problems that we face, it is an extremely tight situation for Vanderburgh County. Having said that, I guess I have to use one other term and I'm going to be very blunt about it because it's one that is becoming a buzz word in the United States right now and one that I think is unfortunately being used in a negative way. That's the term welfare. Welfare has become a ground it seems like to point to nameless, faceless individuals who supposedly are ruining this country and pulling it down in all sorts of negative ways. I suppose what we're here to consider this evening and what we have considered in a very complex way is a different form of welfare. In this case we are as I think it's been eloquently stated by my two fellow Commissioners looking at ways in which we can give welfare or assistance to a business entity that wishes to locate in this area. It is complex because we don't seem to appear to have concrete guidelines about what form of assistance or welfare we want to give in various occasions. We hear about what incentives that other states and other cities give and frankly it's about mind boggling to have to consider all those unless I guess you have your own personal accountants, computers, lawyers, everybody else here to advise us. And in these meetings as I have found in some 16 years it's nose to nose and you often times don't have that kind of backup that I just described. I'm going to vote yes on this because I believe that in this case there have been certain commitments made and negotiated which frankly I think would send a very negative signal to the business community at this point in relation to our overall economic development goals. But I share Commissioner Mourdock's concerns that we are going to have to, this Board insists, on some firm guidelines in the future as to what will qualify for assistance and what will not. We are rapidly reaching a point where that assistance is not there. The County Council will have to, as you know, this Board then has just given approval, but the County Council will have, we propose but the County Council will have to dispose of this in a way in which they will have to take money additionally planned for what they use a debt service on the Azteca and now re-appropriate part of that and that is going to be a very complex thing for them to do. This is not an easy situation, it is terribly complex. I think each of our Commissioners here have voted from the heart

this evening on an issue that as I say is one that has so many edges to the sword that they're difficult to describe. But in the end, I want to welcome Mr. Bradshaw. I hope that he will hang in there with us and that we will be able to in the future again look at some pretty firm guidelines as to what constitutes some economic development funds and I guess I would also have to stress that in the future, I'm going to look very carefully at loaning money rather than perhaps some outright grants and I am going to ask this Board to consider when and if and we all probably are in as nebulous a situation with this riverboat aspect as we are with what we've had to consider this evening given the complexity of it but if, if, the riverboat comes and if there are funds that are going to be distributed, we have many needy individuals and very worthwhile groups but we must establish an economic development fund with guidelines. Having said that, I want to thank everybody for what you sat through this evening.

Mrs. Kolb: Commissioner, does your motion include also the resolution that will go to the State? We had two things before you, one was the windfall money to the Council, that recommendation and then we had a resolution asking that you pass so we could apply for a State grant. Is that included also?

Commissioner Mourdock: A resolution basically for the \$30,000.00?

Commissioner Tuley: I'll quickly move on that one, if we're going to get our fingers in this pie we better get the State.

President Borries: Will you second that?

Commissioner Mourdock: I'll second it for vote, yes.

President Borries: There has been a motion, moved and seconded. Commissioner Mourdock?

Commissioner Mourdock: For the sake of consistency and that is the bottom line of everything I try to do while sitting in this chair, I'm going to vote no on that simply because if I say we shouldn't be using Vanderburgh County funds in this way then it would seem to be logical to carry through for State funds.

Commissioner Tuley: And I'll vote yes for the same reasons.

President Borries: And so will I vote yes for the same reason. Thank you very much.

Commissioner Mourdock: And before you all leave if I could make one statement here very quickly as the nay vote. I'll repeat what I said at the very start of my remarks which is I think Cold Storage will be a good corporate citizen here. I'm very pleased that you're going to be here despite the fact that I vote and I would also say to Mariann and Ed, please let's work together to have some set of criteria and also to do something else, which is to make sure that the business people of this community understand as you told me the other day, Mariann, that there are other incentives out there for them. I've received many calls on this about the issue of the level playing field and I would say very bluntly, if we believe giving incentives to businesses coming into town helps create jobs and I believe that, incentives, then we should say the same thing about our local businesses in a louder fashion and I think then you have to ask yourself the question, if we gave every business in town that

same kind of incentive, would the County be hurt for the money and if the answer is no, then we're hypocrites because if we're saying yes, it's good for new ones coming in, then it ought to be across the board because if it's going to create jobs, it's going to create jobs and again we have to be consistent. So one last point if I may, the financial information that Rick spoke of you know, yes, we've gone from \$991,000 and we used up almost \$400,000 the first three months, it does reflect on where the County is at, when we get in this dilemma, it isn't the fault of Vision 2000, indeed it's a credit to your success. You're bringing these opportunities to us and that's great. We'd hate to think we wouldn't have them, we just need that resource base to deal from.

Commissioner Tuley: I just want to follow up your first part of your comments there. I don't know, Mariann, if we worked through the Chamber you know and I know there's a lot of people who don't belong to the Chamber but through the Chamber and maybe through the Small Business Development Corporation or somebody, in defense of their company I understand you guys did something like \$1.5 million in improvements or expansions here in the last few years.

Mrs. Kolb: Ice Products mentioned that last year.

(Someone inaudible).

Commissioner Tuley: And knew nothing about any breaks you were eligible for and we need to change that because I have a very, it may not seem like it tonight with this vote just to some people sitting in here but I have a very strong concern about the people who have been in this community for a while.

Mrs. Kolb: And I agree with you, I'm not sure the best way to do it you know, the Chamber works with existing business, they work with many businesses and they're consistently talking to those businesses about incentives. I continually talk to them, 99% of the tax abatements that we do give out and we give out the investment is in the multiple millions of dollars annually. 99% of those do go to existing businesses. Another interesting thing is that in working with existing business and trying to put together an incentive package for them which I've done again today for two more local businesses which I think is fantastic but in doing that, many times I will go ahead and take that a step further and offer them a loan, a low interest loan, nine out of 10 times they don't want it.

Commissioner Tuley: That's okay, you offered, keep offering.

Mrs. Kolb: Exactly.

Commissioner Mourdock: You've got money to offer.

Mrs. Kolb: But I think that's interesting in that differentiation between business coming into a community and local business. Most of the time the amount of money that we can offer them is not large enough for them as they say to deal with, even mess with, and all the paperwork.

Commissioner Mourdock: You're talking the loan side?

Mrs. Kolb: Yes, but tax abatement is something that they really want, we work with the Small Business Development Center now, we work with the Chamber now, we will continue to try and get that

word out. The best way to do it of course is through the news media right over there and every time they run a little article about a company that's getting an abatement, we will then get three calls the next day which is great, we look forward to it but I hear you.

Commissioner Tuley: But just real quick, before that little article they're going to write tomorrow that's going to be probably on the front page or second page.

Mrs. Kolb: It will be on the third page tomorrow.

Commissioner Tuley: Okay, these people, the existing businesses, to start that process, they actually have to start it not after the fact and that has to be pointed out in this article that if they're going to come to you, that if they're thinking about it or considering or just want to know, now is the time to get in contact with you, not after it's done because that was the question I asked you for these guys, it's too late.

Mrs. Kolb: We need an application for equipment 60 days before they think they're going to install it.

Commissioner Tuley: Guys, please.

Mrs. Kolb: The burden is on your shoulders now, guys, carry it.

President Borries: We've had these remarks and again we need to end this and take a break, we've done that length again, it has been complex. A level playing field, there is a mood, a feeling, we've heard it this evening. It's been a bit unusual and I must say for people to come forward on this thing perhaps because there have been other businesses or groups who are in existing kinds of activities, this one again is not going to be strictly competitive with these existing businesses but that was one of the reasons that Vision 2000 was set up and the original mission was to look at new businesses, bringing them into the community. The Chamber of Commerce needs to work with those who are here to access those kinds of benefits that can come through government or other areas so that they can grow because the real growth often times does come from existing businesses.

Mrs. Kolb: And the Chamber does work with them.

President Borries: Every one of these has been different but this one has really been tough because finances are getting tough and we must begin to make some decisions in accounting so that we can plan and attract new jobs and new growth and again I certainly didn't want to send Mr. Bradshaw the wrong decision, we welcome you here to the Hoosier State. We're not going to tell you to take off your blue and white when you come over here but we do welcome you and want to work with you so thank you very much.

Mrs. Kolb: Thank you.

President Borries: We're going to take a brief break here.

President Borries: County Commission meeting, Item G, Harris Howerton, Director of Community Corrections, Ordinance establishing funding of County Corrections Fund. This has been discussed. Is it my understanding that this evening then is actually first reading so it's a formality, it will be entered

into the record and we're going to advertise it. Again, is that okay with everyone? May I have approval at this point then to.

Commissioner Mourdock: I move upon first reading the advertisement of the Ordinance concerning the establishment of funding of County Corrections Fund.

Commissioner Tuley: I will second.

President Borries: So ordered.

President Borries: This Ordinance will be heard in final fashion tonight. This is a third reading for the Ordinance to Amend Title III, Chapter 36 of Vanderburgh County Code wherein is described as a change in the reverting account, it's a semantics but what it does is basically change the structure of the Burdette Park Revolving Fund to include certain concession funds and gift shop funds that were not included in the original Ordinance.

Commissioner Mourdock: I guess I'll start some discussion here. When last we talked of this issue and it seems like we've had it for about six weeks in a row although I know we haven't, I'd asked County Attorney Alan Kissinger to confer with the Council attorney to make sure that he was comfortable with the use of the Fund and how the monies were, how issues were going to be bid and also how the accounting was going to be done through the ... of the County Council.

Attorney Kissinger: Okay, I have not reconferred although immediately after that and before the County Council's last meeting, I faxed another copy of the proposed Ordinance to Joe Harrison, Jr., indicated to him that some concerns had been made known, set out for him what those concerns were and told him specifically if anyone had any other questions, basically it was like saying invite me to your meeting if you would like more, let me know. Nothing else was brought up. Once again I'll go, in order to allay any fears. There is nothing in the Ordinance that should be misconstrued as permission for the manager of Burdette Park to do anything in reference to purchasing equipment or supplies that is presently not allowed by law to do. If he's going to purchase equipment, if he's going to purchase supplies, if he's going to purchase routine maintenance items, then he's going to have to comply with bidding requirements or he's going to have to honor agreements that we already have as a result of bids. No, it does not, as a matter of fact, that part of the Ordinance has not changed. It was that way to begin with in reference to the park manager purchasing. And I have received no comment from the attorney for the County Council, I received no direct comment from any member of the County Council.

Commissioner Mourdock: Wait a minute, Alan, did I understand you, you did send something over to the attorney for the County Council but did not get a response, is that what you're saying? I just wanted to clarify that.

Attorney Kissinger: I did and I didn't send anything that required a response. I sent and invited questions. No one responded to that invitation. I believe that Mr. Harrison is very familiar and comfortable with what is occurring here, whether or not that information has been disseminated to all the Council members, I don't know, but Mr. Harrison himself is very knowledgeable as far as this Ordinance is concerned and the previous Ordinance and what changes are being made now and why.

President Borries: And let me just say maybe as a matter of somewhat clarification or part clarification too, that this is not an incentive fund. I know there have been some Council people and other individuals that are very concerned about the large areas of what are called incentive funds. This fund will clearly state that any funds remaining in the fund at the end of each fiscal year plus the amount of \$10,000 for unanticipated expenses shall revert to the Vanderburgh County General Fund. So it cannot be one of these funds that continues to accumulate large sums of money.

Attorney Kissinger: No, they can never accumulate a surplus, an unbudgeted surplus, in excess of \$10,000.00.

Commissioner Mourdock: Let me pose this question, then, and Mark, if you like you can jump in on the answer to this too, hypothetically. The end of the year is coming through, your budget shows you've got \$80,000 worth of expenditures out there. In fact, you've got \$200,000 in the fund. You know that anything over \$10,000 and what's budgeted, in other words, that \$80,000 will revert to the General Fund. Do you have a mechanism by which you can use that remaining \$110,000 in some other way?

Mark Tuley: No sir, I do not. Not through that Ordinance. That Ordinance, only the Commissioners have the power and through the Ordinance, only any excess over \$10,000. The first of April I have to come to you according to the Ordinance, correct me if I'm wrong, present a budget to the Commissioners which before I never had to do when the Ordinance was established in 1991, basically we just had control over it. Now we did go through Purchasing. A good example of that, we're already doing that. The equipment you guys, was bid through here, the equipment for the concessions. The food stuff, supplies and all by-products are coming through here now through Purchasing.

Commissioner Mourdock: Well, that answered my question. I just wanted to make sure it was on the record because that is and you've mentioned some of the Council people are concerned, there is this image out there and you've convinced me otherwise here, that there could be monies that were not appropriated that are in excess of the \$10,000 that could somehow be used as the Director of Burdette Park saw fit for other things that weren't already specified in that budget. You've just said that if it's not in the budget in April.

Mr. Tuley: Yes, and it can only be used in the operation of those three businesses, part of the Aquatic Center, only can it be used for the Gift Shop, the Float Stand, which is a rental of rafts and etc., and it includes concessions.

Commissioner Mourdock: But it can also only be used in those categories if it was previously budgeted in the April budget, is that correct?

Commissioner Tuley: If it was identified, right?

Mr. Tuley: Yes, and if not in the April budget, like let's say we had an emergency during the summer, because that account will accrue money daily once we're open. If we had an emergency it's my understanding from Alan that during the middle of summer, if something unbudgeted over and in excess of \$10,000, only the Commissioners, I'd have to come back before this Board and say we've got a problem here for these three businesses. This is what the problem is, how do you want me to handle it? Do you

guys want to approve the expenditure? If not, it cannot be spent. A check cannot be written out of that account without your approval.

Attorney Kissinger: As you well know, the Ordinance presently contains language as to the sources of revenue and also one of those possible sources is additional appropriations by the County Council. That is in the present Ordinance. Also, the present Ordinance allows the Park manager to do exactly what you are concerned could be done under this Ordinance. This Ordinance will prevent the Park manager from doing what is feared because presently there is no formula incorporated in the Ordinance for arriving at what the \$10,000 is in excess of. It's open-ended right now.

Commissioner Mourdock: And this is saying it's in excess of that that was presented in the budget of April?

Attorney Kissinger: Yes, this will close that loop.

Commissioner Mourdock: Okay.

Mr. Tuley: And let me add one more thing to you, it really gives you a better checks and balances in regard to the total operation of those three little businesses inside Burdette for the simple fact that when we put the budget together for you from those, those are revenue generating accounts. We will also put in there to set aside money for the labor part of that business. That will be put into the budget and at that point will be reverted back, in essence, that money will go back to the General Fund. Those jobs relating to those businesses will pay this expense. But right now, there is no mechanism in place shall we say to do that. It cleans it up a lot.

President Borries: In the interest of time, I'm going to let you bring up your other thing here because I want to move forward here. First of all, may I have approval of then on third reading, this Ordinance we have done. We have discussed it, it only provides for one signature and then that of the Auditor and the Attorney so this is an Ordinance and I'll call for a roll call vote at this time. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Borries: Commissioner Tuley?

Commissioner Tuley: Yes.

President Borries: And I vote yes.

Attorney Kissinger: If there's a question there in reference to one signature, Mr. Borries, Indiana law provides that an Ordinance becomes final after it has been voted on, approved by the Board of Commissioners and after it has been signed by its President so having the other two members sign accomplishes no purpose unless they just want to sign.

President Borries: Your explanation is very clear and reasonable, the trouble is everything we sign is different, sometimes we sign four copies, two copies, one person signs, I've never seen two sign, it's either one or three.

Attorney Kissinger: Well there was a time we had problems in the County Council with the budget, some wouldn't sign the budget

because they didn't vote yes on it so we finally found out they didn't have to.

President Borries: Request for appropriation, while Mark Tuley is here I wanted him to briefly give explanation here of this request.

Commissioner Mourdock: And even before you start, Mark, this is basically the April date we just talked about in that Ordinance, is that right?

Mr. Tuley: It's my understanding that we will, Alan, we are to present our first report a next April 1st, is that not correct?

Attorney Kissinger: That's correct.

Mr. Tuley: Again, to a lot of you, no monies have ever been taken out of that account that Commissioners have not approved. The way that account is set up from its inception in 1991, if you would like for me as it's ongoing, right now we're taking money out of there and not putting anything in. Probably by the first of June, once we're on line with everything and our computer, right, I can probably start submitting to you a monthly report in reference to that if you would like. I know I have to give a yearly but I mean if you would rather have a quarterly or a monthly or something, I'll be glad to do that as soon as get all of our software and everything set up.

Commissioner Tuley: I think to alleviate your concerns and the concerns of the Council that probably during this first it would be appropriate, Mark, just to do it monthly that way if there's any question, I mean, it's not to the end of the year that somebody comes back and says, hey boy, hang on a second here.

Mr. Tuley: I guess I understand that but I guess if they'd have looked at the account, my only thing I wondered about is they gave us \$10,000 to start the first of those three businesses, right. In four years we built that to \$70,000 which is in there now which was in there before we started buying all this equipment. Obviously we weren't out spending it on everything.

Commissioner Tuley: Then you shouldn't have any problem submitting a monthly report.

Mr. Tuley: I don't have problem one. Again it's just a matter of getting our software set up and as soon as I get that done, we'll be glad to present it.

Commissioner Tuley: Now do you need help from the computer people to get that software done, Cappalletti's people?

Mr. Tuley: Yeh. We definitely need some help.

President Borries: But that's another topic for another day, let's please stay on target here. I'm getting, I must stay focused here. Mark, summarize really succinctly here, what are these requests all about?

Mr. Tuley: Basically to bring it up to you in a nutshell, these are to try to bring our accounts back up to the 1994 allocated request by Council which we're cut out at budget time so they can get underneath their freeze and just try to bring us back to 1994 levels and hope to hec we live within our budget last year, we hope to hec we can live within it again.

President Borries: And what they do is specifically though relate to the summer operation of the Camp which is obviously your Park, the busiest time of the year, is that correct?

Mr. Tuley: Yes, real quick here, and Alan, I don't know, we don't want to get into this, but Alan will tell you the \$3,000 for the overtime which they cut out, we've had an ongoing off the record agreement with the union that "x" number of dollars would be set aside for overtime. Over and above that they would use the word comp time which comp time you don't find in your contract and Alan will probably advise you to try to get the money for that.

Attorney Kissinger: As a matter of fact, if the union chose to, they could say to us, we've decided not to accept comp time, pay us money in which case, or they won't work, in which case we would not get the work done that needs to be done there. It is an accommodation.

Mr. Tuley: And it's very reasonable, to give you an idea, we spend in our overtime, and that will take us up to \$13,000. Of all your four bargaining units, I believe our overtime account is lower than the Auditorium across the street by half, the highway, who knows how much, it's not an unreasonable request. The only other thing in here that's different, the Day Camp supplies which is a new request over and above 1994 money. They gave us \$15,000 each year prior to that. We had a trade agreement years ago approved by the Commissioners with Great Scot for snacks for the Day Campers, snacks and beverages which we have to provide as part of our program. Great Scot as you know moved out of town. We have not been able to successfully negotiate the same type of working agreement with another company and that \$2,500. I don't understand, I mean I understand their dilemma at budget time, I don't think we'll have a problem with putting that in there. Last year that Day Camp generated over \$125,000 in gross receipts, probably netted out \$30,000 or \$40,000.00.

President Borries: Okay, are there questions of Mark at this time?

Commissioner Mourdock: I guess looking at these amounts and not having full background on them, if you're going through them line item by line item, I would make a suggestion we take them under advisement and possibly have just a paragraph as you spoke on each one of these, why these things are there.

Mr. Tuley: I can do that but you would delay me going to the Council for another month and then approval by the State will be another month after that and then some of these accounts, I will be in serious trouble right in the middle of the heart of the season. I'll be glad to go through here and see which ones of these I can delay for a couple of days, or a couple of months or weeks but I already tried to do that with our bookkeeping staff and said don't put anything on here that we can wait until later in the year like utilities which were cut, we'll try to go back later and we don't know how hot the summer is going to be yet. We may not need as much as we think, etc. Most of these accounts that are in here, we have to do before opening, the sand and gravel account, I mean I've got roads, parking lots, people that have to park their cars are in desperate need of repair.

President Borries: Would you be able to provide this information to Commissioner Mourdock so we can.

Mr. Tuley: I can do it.

Commissioner Mourdock: Let me ask you a question, Mark, I read this note here explanation. These accounts were cut at budget time. We were then told to come back after the first of the year and request funds in the accounts that we will not have sufficient funding in for the year. So what this is saying is, these were bad budget estimates and don't take that as finger pointing bad, but what that means is that you had expected one number and in fact those numbers were coming greater, right?

Mr. Tuley: No, not really, they were the exact same figures we submitted to them and they chopped them.

President Borries: What happens is the Council.

Commissioner Tuley: You requested 1995 figures on 1994 budget. Okay, and Council at that time said, cutting to get under the budget, and they do it to a lot of people and then they say come back after the first of the year on those accounts that you really don't have any fat in and ask for the money again to bring it back up. And all you're asking and correct me if I'm wrong here, is where this \$3,000 for this overtime or let's choose a better account, uniforms, that's just to bring that level back to what was expended in budget for 1994.

Mr. Tuley: And not only that, uniforms is a contract item that you are legally bound to by a contract to provide those uniforms.

Commissioner Tuley: But we have a new Commissioner so we just need to bring him along.

Commissioner Mourdock: Pardon my ignorance.

President Borries: Mrs. Farrell, B.J. Farrell?

Mrs. Farrell: I don't mean to interrupt, but the Council has a different deadline this month because of the holiday. Mr. Tuley will need to file this in our office before Thursday. If the Commission allows him to file it, it can always be withdrawn and you can discuss it next week and make the new changes but he can make those changes.

Mr. Tuley: That was my whole point, I've had to get it filed. I guess I should have explained it better.

Commissioner Mourdock: And really all you're asking for here is just to go before the County Council, I've got no problem with that.

Mr. Tuley: Believe me, it will be a lot tougher standing up later.

President Borries: Okay, may I have a motion to approve?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Mr. Tuley: Thank you very much.

President Borries: Thank you, Mark. Ken Colbert, Evansville Housing Authority, surplus property, Kathleen Avenue. Is Mr. Colbert, surely not.

Commissioner Tuley: Just a letter. We said they could give us some info.

President Borries: It is addressed to Mrs. Mayo, I will enter it for the record and not read it. They have a quit claim deed attached so I'm just going to turn it over to Mrs. Mayo.

Cindy Mayo: This is one of the 1993 properties, they are aware of the legal problem that is going on with this but they have two or three adjoining properties and they would like to go ahead with this and I do have the original quit claim. Mr. Kissinger has not looked at that yet.

Attorney Kissinger: Looks great to me. This needs to be added on to that list, if you would contact Keith Rounder. Does Keith know of this?

Mrs. Mayo: I have not contacted him on this.

Attorney Kissinger: Right. This needs to be added on to the list.

Mrs. Mayo: I did tell Mr. Colbert that it would be added on to the ones that were being.

Attorney Kissinger: Good, thank you.

President Borries: Do we need to take action tonight?

Attorney Kissinger: No, as a matter of fact, we shouldn't take action on it tonight because if we sign this deed now we're right back in the same spot we were in.

President Borries: Okay. Department Heads, Alan Kissinger, County Attorney.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Attorney Kissinger: Wisely, I've chosen not to have anything to report.

President Borries: Okay, Mrs. Cindy Mayo, Superintendent of County Buildings.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Mrs. Mayo: I have the report, the progress report from the County Highway which I will submit. I do have one quit claim deed that had been signed that has been submitted to Mr. Rounder to be taken before the Judge. It just was something that was never entered into the record. It's with Echo Housing, they had requested this on September 12, it was omitted off the properties, that was the big thing where everything went through at that time so it was not entered into the record that Echo had requested this. They submitted a letter timely, they submitted their letter September 2 and it was omitted so I just wanted it to be officially entered into the record that the quit claim deed has gone through but the record did not reflect that they had originally requested this.

President Borries: Okay, so it will now be reflected.

Mrs. Mayo: And just so I can tell you, that property address is 824 Governor. The last thing that I have and I really just need some guidance on this, I did speak to Mr. Tuley about it. The properties that we received in December of 1994. The Redevelopment Commission is requesting five pieces of property and the only reason that I'm bringing this to you before anyone else has done anything with this is because two of these properties currently have someone living there and Redevelopment is willing to pay relocation costs for these people and they would like to know if they can proceed with this and they do know that it is now County property but they still are willing to pay and relocate the people that are living in these properties.

Commissioner Mourdock: Where are these properties, Cindy?

Mrs. Mayo: There are four of them that are on Evans and they're all adjoining properties. The one where someone is living and then there is one on John Street and that is also one that is, someone is living in that property.

Attorney Kissinger: I will also note this is a transfer from one government entity to another so we don't have to go through the charitable corporation etc.

Mrs. Mayo: They have given resolutions that they would like to have signed if this goes through so that they can proceed with the relocation of these people.

Commissioner Tuley: (question inaudible).

President Borries: Okay, is there a motion then to approve the transfer of these pieces of property to the Redevelopment Commission with the understanding that these people will be assisted and paid to relocate?

Commissioner Tuley: Yes, so moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Mrs. Mayo: And the last thing that I have is that I would like to go on Council call and I apologize, I don't have the account numbers or the amounts, we had a problem with our old computer, it was cold and we were having problems with the hard drive so we couldn't put the information in, we now have a new system and we do have new software and we are entering data so if I just could get permission to go on Council call, I will get the figures to you next week and if you see fit to take any of those off, that's fine but I would like to get some appropriation requests in. And I need your guidance on what, do I need to turn the appropriation requests in on the \$100,000, do we need to set an account up for that because I know they do want that to go on Council call for May and it will be coming out of the fund that is now the Azteca fund but it will have to go into some account.

Commissioner Tuley: So what, you just need to set up an account and ask for \$100,000 and transfer it from that account to the new named account which would be the American Cold Storage account?

President Borries: I think that's what you have to do.

Commissioner Tuley: You've got to be consistent...

Commissioner Mourdock: Yeh, that's the thought going through my mind.

President Borries: Did you want a roll call vote?

Commissioner Tuley: I'll move at this time though that Cindy Mayo be given permission to file the application or request with the Council for the \$100,000 for deposit we just voted on tonight. That was a motion, you need to second it.

Commissioner Mourdock: I'd rather we do it as a roll call vote actually.

Commissioner Tuley: Well we can.

Commissioner Mourdock: Okay, I'll second then.

Commissioner Tuley: Now we can roll call vote.

President Borries: And a roll call vote has been requested.
Commissioner Mourdock?

Commissioner Mourdock: No.

President Borries: Commissioner Tuley?

Commissioner Tuley: Yes.

President Borries: I vote yes.

President Borries: Mrs. Mayo, anything else this evening?

Mrs. Mayo: I just want to, this is more for your information, I am going to be checking, Evansville Plating is one of the surplus properties that we did acquire in 1994. I have been told, not directly that there are no hazardous materials in there but that is something that I will be talking to the people at Redevelopment and in the City, not Redevelopment, with Building Commission with Mr. Lehman, we need to find out exactly what we have there.

President Borries: Okay.

Commissioner Mourdock: When we need to have that property environmentally assessed, how would we pay for that? Do we have an account in place? A property like that I can think of the Azteca example that everyone thought it would be \$10,000 or \$15,000 and it ended up being 15 times that.

Mrs. Mayo: Well, I don't know, isn't this, wasn't there something put in place where counties did not have to accept a liability?

Commissioner Tuley: The County has a right to refuse to accept it, yeh.

Mrs. Mayo: I just wanted to make you aware that I'm going to be checking into this. That's all I have.

President Borries: Thank you.

RE: BILL MORPHEW - COUNTY HIGHWAY/GARAGE

President Borries: We have a report that has been submitted from Bill Morpew's office, from the County Garage.

RE: JOHN STOLL - COUNTY ENGINEER

President Borries: John Stoll is with us, County Engineer.

Mr. Stoll: First I've got an Agreement between the County and Bernardin Lochmueller and Associates for construction engineering services for the Ohio Street bridge. It's for an amount not to exceed \$204,930.00. This will be for the construction and inspection of the Ohio Street bridge. Of that \$204,000, 20% would be our actual local cost and I recommend that the Agreement be approved.

President Borries: Motion?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered.

Mr. Stoll: The second Agreement I've got is also with Bernardin Lochmueller. It's for the right-of-way engineering for Lynch Road, Phase II. This is the section between Burkhardt Road and State Road 62. This is for an amount not to exceed \$52,400.00. This is 100% local funds rather than federal aid. I've got a fee justification if any of you would like to see that and recommend that the Agreement be signed.

Commissioner Mourdock: I'll move that we accept the right-of-way engineering Agreement with Bernardin Lochmueller for Lynch Road, Phase II.

Commissioner Tuley: Second.

President Borries: So ordered.

Mr. Stoll: Next I'd like to go before Council to transfer \$3,834.66 from Volkman Road bridge account to the Other Supplies account and to the Furniture & Fixtures account. These are all cumulative bridge accounts. The Other Supplies account we need to establish because in the past we've paid for our office supplies out of Engineering Equipment and rather than do that any more, we've been requested to set up an office supply account and rather than get into problems with County Garage and us using the same account, this Other Supplies was what we figured we could use for our office supplies.

President Borries: The Volkman Road bridge project is now completed, right?

Mr. Stoll: Yeh. The remainder of the money would go to the Furniture & Fixtures account to pay for some additional dividers for the area around Tom Goodman's desk and some blinds for us so we can see the computers in the afternoon.

Commissioner Mourdock: I move we accept his Council call request.

Commissioner Tuley: Second.

President Borries: So ordered.

Mr. Stoll: Next I've got a right-of-way grant that is up off the frontage road at I-64 and Highway 41. This is on the east side of 41, it's directly across from Busler's Service Station area. Mr. Tom Dirsch is putting in a Shell.

Commissioner Mourdock: East of the highway?

Mr. Stoll: East of the highway, yes, where that frontage road wraps around back to the Elpers property.

Commissioner Mourdock: And what, we're taking the easement, are we, is that right? Just happen to have a map.

(Discussion regarding location).

Mr. Stoll: What's being done here is, Tom Dirsch is putting in a Shell Gas Station out here and when he was putting together his plan, the EUTS plan called for an extension of a frontage road straight east off of the intersection of Ruffian Way and 41 so rather than him go directly east, this right-of-way similar to what we're looking at with the Spurling property is being dedicated now for future extension of a road. The road won't be built at this time, it's just dedication of the right-of-way to provide for the road if need be. I just need it to be accepted as a right-of-way and it can be recorded.

President Borries: May I have a motion to approve?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Mr. Stoll: And next I have a Notice to Bidders for concrete repair contract. This will be for repair of some roads out in Melody Hills as usual and this will be on Twickingham and the intersection of Dusseldorf and Twickingham, in that area. We've got some rather large holes that have appeared out there over the past few months and we need to get those repaired. I recommend that this.

President Borries: This isn't an area that we've repaired before, is it?

Mr. Stoll: No.

Commissioner Mourdock: I move approval of Contract VC95-04-01.

Commissioner Tuley: Second.

President Borries: So ordered.

Mr. Stoll: And one final item, in the two years I've been with the County, we've gotten numerous requests from the farmers down in Union Township about the height of the walls on the bridges down, all up and down Old Henderson Road and Dave Franklin in my office has done some checking and he's found some contractors who have given him some price quotes on sawing those walls down to a level about curb height so it would be about four to six inches and we'd like to go ahead and put a contract out to remove those if you approve.

President Borries: Okay, may I have a motion to approve that? What they're going to try to do is put them all together.

Mr. Stoll: So the farm equipment can get across there.

We're not taking them off the ... of the bridge.

Mr. Stoll: One other item now that Bill brought that up is that several of those bridges in the bridge inspection report were questionable as far as the actual need for the bridge. I believe there were three of them that the last bridge inspection report recommended a hydraulic analysis be done to determine if we could just flat out remove the bridge. We've done some checking with DNR and they say it's not in their jurisdiction, we don't have a response from the Corp of Engineers as of yet so we don't know if we can totally remove the bridges as of yet but that's an interim step, this is what we're looking at.

President Borries: But let me just say without delaboring this, there's one individual down there that farms quite a bit of that ground who is really opposed to removal of it. He says it's going to negatively impact his ground and there is a little bit of something like, I might see you in court, so I don't want to go that far yet, I just would like to kind of go with what we're planning to do at this point. I think we better study that carefully before we.

Commissioner Tuley: Wait a minute before I get lost here, we're talking about just taking them down at this point.

President Borries: We're just taking them down at this point, we're not going to remove them.

Mr. Stoll: Right.

President Borries: I would not want to do that until we thoroughly discuss that with this individual and you know, make sure that we're not going to impact him to end up in any kind of lawsuit here.

Commissioner Mourdock: Before I make the motion ... material needs to be considered. I take it for granted sitting here, John, that obviously you're the County Engineer, you are an engineer, and it's your responsibility to make sure nothing we're going to do to those bridges is going to adversely affect the structure.

Mr. Stoll: Right.

Commissioner Mourdock: So with that word of warning or at least acknowledgment, caution, I move that we move to lower the bridge walls on Old Henderson Road.

Commissioner Tuley: Second.

President Borries: So ordered.

Mr. Stoll: That's all I've got unless you have any questions.

Commissioner Tuley: Sit down, John.

President Borries: Thank you, John. Okay, I think this finishes our Department Head reports.

RE: CONSENT ITEMS

President Borries: We have consent items for your review at this point.

Commissioner Tuley: I move they be approved.

Commissioner Mourdock: Second.

President Borries: So ordered.

President Borries: There is a schedule of meetings attached.

RE: OLD BUSINESS

President Borries: Is there old business this evening?

Commissioner Tuley: I have none.

Commissioner Mourdock: If I had any, I didn't have the courage to bring it up.

RE: NEW BUSINESS

President Borries: Any new business this evening? There is one item. I would like to consider at this point an appointment to the Convention and Visitor Board. The gentleman's name is Stan Atchison. It's a vacant seat on the Evansville Convention and Visitor's Bureau. That name has now been forwarded from the Evansville Convention and Visitor's Bureau. May I have a motion to approve?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

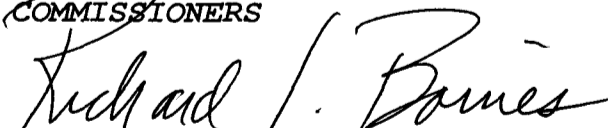
President Borries: Is there other new business this evening? We will have to sign some things obviously. If there's not, there's been a motion and second to adjourn and we're adjourned.


THOSE IN ATTENDANCE

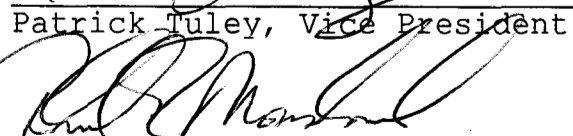
Richard J. Borries
Richard E. Mourdock
Cindy Mayo
Teri Lukeman
John Stoll
Bill Spurling
Mariann Kolb
Launita Seals
Erik Fiskars
Reed Schmitt
Members of the Media

Patrick Tuley
Bill Fluty
Alan Kissinger
B.J. Farrell
Gary Payne
Randy Rohlfer
Sam Bradshaw
Earl Harp
Mark Tuley
Janet Watkins

**VANDERBURGH COUNTY BOARD OF
COMMISSIONERS**


Richard J. Borries, President


Patrick Tuley, Vice President


Richard E. Mourdock, Member

Mr. Folz replied, "Right. Or, whomever the County Assessor happens to be. And I think we tried to spell that out in the letter -- that we're looking for technical supervision."

Commissioner Borries asked, "Mr. Cappelletti, do you have any reaction to this request? Are you capable of doing this?"

Mr. Tuley asked, "Do you have room for the equipment?"

Mr. Cappelletti replied, "Certainly our staff is capable of assisting in a supportive system. We, in no way, have any desires of changing or diminishing the responsibilities of Mr. Angermeier. But we do feel that in a complex system like that we can add some value and we'd like to work together to make sure that this is the best and most functional system that we can implement for the County. So we can support it. We can add staffing to it with our current staff and support the process."

Mr. Tuley said, "Before you leave, let's just say the County Assessor wants a report or something. He can call from his office on the system and have that report generated and go down and pick it up?"

Mr. Cappelletti replied, "His system would basically be the same as the public safety system, the Police Department, Sheriff, Fire Department -- those systems reside in our environment simply for the purpose of technical support and to insure that back-ups are performed properly, providing the proper electrical environment, climate control and security, as well. Each of those systems has their own administrators that have full access to the system at all functionality. We don't decide who has access to the system or how. All we do is carry out their directions and make sure that the back-ups are successful, that the system performs properly, and we react as quickly as possible when there are problems."

President Tuley entertained further comments. There being none, he entertained a motion for approval of the request from the Township Assessors, as outlined, with the understanding of a clear line of administrative authority pursuant to the law.

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

Commissioner Tuley said, "Cap, I know you've worked hard and I know you have been put in the middle. It's unfortunate and I'm sorry for that, but I guess as Facilities Manager we try to put someone in there who can make that decision if we cannot come to an agreement amongst the other players."

Attorney Kissinger said, "If I may, basically as far as Mr. Cappelletti's information was concerned, I think he was as objective as he possibly could have been. I don't see how he could have been more objective and how he could have approached this thing in a fashion that was designed to do exactly what the law requires us to do. I think he did an excellent job, as well."

RE: LAKESIDE MANORS DEVELOPMENT - BILL SPURLING

The meeting continued with Mr. Jim Morley of Morley & Associates being recognized. Mr. Morley said, "I am here with Mr. Bill Spurling and I will briefly tell the Commissioners -- but what the concern here is, is the continuation of an apartment project that Mr. Spurling is developing on North Green River Road (Lakeside Manors). I do have a copy of the apartment project here with me. I will tell you briefly that this is primarily one and two bedroom units catering to elderly tenants. Everything is one story front door/back door approach. This is the second phase of the project and at one point in time there was brought up in a meeting with EUTS the possibility of the extension of Cullen Avenue north to intersect with Lynch Road as a possible unit through here. That particular approach, of course, would make Mr. Spurling's proposal to continue on essentially impossible, because if that were to be done -- and I have here in front of me an aerial photograph. The aerial photograph shows Cullen as it exists out at

Eastside Industrial Park. Pointing to the aerial photo, Mr. Morley said, "This is Bill Spurling's property right here -- Spring Valley Drive -- this is all Bill's right here. And he has currently developed back to this line right now. This is Phase I; he does have some commercial out front. This is Phase I of his apartment project. This is Phase II and if Cullen were to be extended north through the project, recognizing that this is a project that essentially caters to the elderly and the creation of Cullen through the project would essentially mean that he would have to cancel it. Mr. Spurling is here and can certainly explain his position to you. He has enough density within the site that it would technically be possible for him to rearrange the buildings I've shown you on the site plan and allow room for it to swing around to the north. The particular problem that Mr. Spurling has with this, as with many of our master plans, we depend upon anticipated rezoning and development to occur. The odd thing about this particular property is that in between is a small parcel of property that accesses off Colonial Garden Rd. It is only about 10 ft. wide and has no access to Green River Rd. It is low -- below the flood plain -- and in such a case I would assume that probably twenty years from now there will be no development on that property. So the red line on the map indicates -- as I was searching for other solutions, solutions that would allow Mr. Spurling to develop and still allow the potentiality. The problem that we're faced with here is that without a rezoning and without a crutch or any ability at a rezoning to commit that developer -- that person or farm or the land in between -- the County is going to have to try to acquire the property and to build Cullen. What Mr. Spurling is concerned about is giving up his project on something that you may not decide to do. And if you do not decide to do it, I don't think it will ever happen -- because there is no impetus; there is nothing out there to make it happen. We did have a meeting with Rose Zigenfus of EUTS. We've discussed this. We went to Site Review Committee with them and Rose took the position that, well, she had always planned for Cullen and she'd like to see it. Therefore, that was her opinion. So we had a very frank discussion and the Commissioners, of course, are the final decision. It is you who decides how monies are to be spent and what commitments are placed with zonings. And so we're here tonight to tell you that Mr. Spurling does want to go ahead with his project; that if Cullen had to be forced through the middle of his project he does have to essentially abandon the remainder of the project. And I can let Bill speak to that. He is here and I am sure you want to hear from him. What the property to the north -- Spring Valley Drive has been pushed a portion of the way east; it's right there at the north end of Bill's project. A portion of that has already been built. That property is owned by the Hirsches. There is a light there. The Hirsches have not come in for rezoning for their property. Their property has potential. Their property may even be listed at the moment. There are several people who have asked us about that -- so there are inquiries about that. In fact, Mr. Spurling has also looked at that and talked to the Hirsches. But it is AG today and before anything happens to that property, they are going to come to you, as Commissioners, and if you stick to the anticipated things that you have looked at in the past, I would anticipate that you will look very hard at the continuation of Spring Valley -- at least back to a point and then the looping north to Cullen as something that you would want to see taken into consideration at the time of zoning. It is Mr. Spurling's contention that given the way Eastside Industrial Park developed there on Cullen, that it did not turn out to be a large traffic producer; it's kind of a quiet industrial park -- Concrete Pavers, the Homebuilders Association -- a lot of fairly low traffic users -- not a lot of large trucks; some local service trucks there, some sign company, there are some heating and air conditioning -- you know, small users now occupy that. Most of their work is within the City of Evansville, so they travel south and over and service. It is a service industry for the City of Evansville -- not a terminal location that has great need to go to the north. So in the meeting with Ms. Zigenfus we did go through a possibility that they should re-look at their traffic projections and realize that the development has occurred all around it now; it is all tied up and it doesn't have the potential that was once thought about five years ago. I would point out that Mr. Spurling has proper zoning for all of his property without any commitment whatsoever for Cullen. So Mr. Spurling is not asking for a release of a commitment that he had made. It had not been asked for at the time of zoning, so he is asking now to go ahead with this project without being held up and, of course, Mrs. Zigenfus essentially needed the same thing. Her opinion was -- I put it on a drawing, it is there. We now have to turn to the Commissioners to reach a decision. I think that is about all I can tell you about the project. As I said, Mr. Spurling is here and you may wish to ask him more specific questions about his project."

Commissioner Borries asked, "Explain to me then the red line here that would veer here to the east."

Mr. Morley said, "What I did, I took that aerial photograph along to the meeting with Mrs. Zigenfus and the EUTS staff. What I asked them, 'If you have projected -- and you think this is going to carry so much traffic, is this a possibility? Will this affect your model?' They did a traffic model and a flow model and her response was that the model would turn out the same. In other words, it wouldn't affect the model whether it went straight through or whether it did loop around the project. Of course, then, at that meeting, I asked, "What then is the issue? Why would you insist upon going through and actually killing a project when the model is going to create very similar results on capacity -- if it is really decided it is necessary. I think one of the things we were concerned about -- Mr. Spurling especially, is that this may not be high on your priority list. And if it can't be done through zoning and through development of the property to the south, do you, as Commissioners, really feel that this extension is important enough that it is your intention to create and put this on your program of priorities to build a portion of this? And he is afraid that if he gives up the project and then you don't do anything - you know, if he gives up because and you don't do anything, then we're all losers."

Commissioner Tuley said, "Maybe this should be addressed to Bill. Right before the meeting Rose Zigenfus did come to the Commissioners' office and she was showing me some maps and she expressed some of the concerns that you talk about and asked that we not take any action on this -- because she wasn't aware that you guys were coming tonight according to her -- ad she had to be somewhere else -- until next week, so that at least she could give her point of view. So I don't know if she was advised about tonight or not."

Mr. Morley countered, "Yes, I had told her office this evening. I didn't know if she knew, so I told her office that we were on the agenda. You know, I'm completely above board -- trying to work everything out."

Mr. Tuley said, "You know, there was one other concern. I don't know how much of an impact this is in terms of, John? On this segment of Lynch -- because she said in the plans she said it is planned for this interchange at Cullen. But is that not something so far down the road that that couldn't be modified or changed?"

Mr. Stoll said, "There is a break in the limited access right-of-way at the point she is talking about to accommodate extension of the road. And since the right-of-way on further east was purchased as limited access right-of-way, I'd say it would be unlikely to be able to switch it like that. We could easily switch it. It was purchased that way."

Mr. Morley interjected, "Let me address that just a little bit, John. We would be talking about exactly the same property owner -- not off onto somebody else's property -- so isn't that -- the movement from here to here - that distance of 400 ft. or 500 ft. -- would be within exactly, it would not affect any of his properties at this point. So whether or not he could agree to modify the location on the plans -- it's not a modification that would affect a different set of property owners."

Mr. Stoll said, "That might be something that Alan will need to address -- as far as how easily something like that could be accomplished."

Attorney Kissinger said, "Yes, this took me almost totally by surprise. I would like to discuss it with John and perhaps other people concerned before I give the Commissioners an opinion on that."

Mr. Stoll said, "If the road remained at its present location, it could still tie into Spring Valley -- even if it didn't go all the way down to the Industrial Park area. So that lane could still be constructed."

Commissioner Hunter commented, "That sounds kind of silly. In other words, this road (Spring Valley) would go to Cullen and die right there? Is that what we are saying?"

Mr. Tuley responded, "No, it would come across. We would go across Spring Valley and up to Cullen this way, is that correct?"

Mr. Spurling explained, "What they want to do is give this property access to Lynch Rd. without running people through this intersection and you have 60 or 70 acres here that could be developed and move this traffic onto Lynch Rd. without going through this intersection. The traffic that would be generated to the south of us really doesn't have any access, because this is all private property around this industrial park. So actually there is not that much traffic that is going to be developed down in this area to come up and use this anyway. The majority of it will be right here (pointing to the map)."

Commissioner Borries asked, "Bill, do you want to identify yourself? These comments here -- would you give your name for the record please?"

Mr. Spurling said, "Sure. My name is Bill Spurling."

Mr. Borries continued, "Bill, in your development as it proceeds east, do you intend to provide more housing? Do you intend to continue?"

Mr. Spurling responded, "That's right."

Mr. Borries continued, "And if a road goes in the middle of this it disrupts your development?"

Mr. Spurling replied, "It just makes it impossible. It would just kill the development."

Mr. Borries said, "In the age of persons that you're serving in this particular development -- is there a certain age they have to be in to qualify to get into your development?"

Mr. Spurling replied, "We just lease to people age 55 and over. And these folks are very security conscious. We don't want a back entrance. They walk a lot."

Commissioner Borries asked, "At this point, in the development of that area so far have you reached your capacity -- everything is pretty well rented out?"

Mr. Spurling replied, "Yes. We have eight (8) apartments that aren't spoken for out of 186 and they are not even finished yet. So we've been leasing them faster than we can build them."

Commissioner Borries said, "Well I, personally, don't see a problem with this in terms of some residential development, as well. I think the reason why I was asking Bill about this particular project is that it seems to me it's probably filling a major community need in terms of focusing on a particular area of the population that wants affordable housing; that wants housing that is convenient near the shopping areas. As you pointed out, you probably can't build these fast enough. And I think that perhaps Mrs. Zigenfus protests too much -- because we are faced now with a major dilemma on Indiana street in another subdivision where there has been a commercial development literally go right in the middle of what was proposed to be Indiana Street. So I think some of these changes are made and I'm not sure exactly what her reasoning is on that particular thing, but in view of the residential nature of this development I don't see a problem. Would there be at some point a willingness that you might dedicate some right-of-way in the back end for a proposed road?"

Mr. Spurling replied, "We could do that. That wouldn't hurt us to dedicate right-of-way at the east end of the property so that road could continue on around if you ever got to the point where you needed it to be put in place."

Mr. Tuley said, "I don't have a problem whatsoever with what you are suggesting -- it's probably a good project and probably makes a lot of sense to continue it. But I want John Stoll and Alan Kissinger to sit here and either deny or confirm by next Monday night that there is not a legal problem with the existing plans for Lynch Rd. or whatever."

Attorney Kissinger said, "We will either confirm or advise by next Monday night -- one way or the other."

Mr. Tuley said, "I mean, I don't have anything against it. I just don't want us to do something tonight that may affect this Lynch Rd. without making sure we've got everything set."

Attorney Kissinger said, "My immediate concerns right now -- to let everybody know -- is we acquired certain real estate for a certain purpose and we went according to a plan when we did so. And if this is going to call for us to vary from that, we're going to have to find out who is going to be affected and whether or not we can actually do it without violating some other law. So with that in mind, the project sounds great. Hopefully, we can do it."

Mr. Tuley again said, "That would be my only concern -- is if that messes us up from a legal standpoint here. Other than that, I don't have a problem with what you are suggesting and it makes sense to me."

Commissioner Borries said, "The only other thing about it is if Mr. Spurling, as Mr. Morley pointed out, if he has not dedicated any right-of-way there now, then should the County ever build that road -- and I mean it would have to get in line with a whole bunch of other ones in so far as the available money -- so we would be talking about maybe years in the future. We would have to purchase that since there is no dedication in there. As we so often have to do, we have to rely on the cooperation of developers to work with us to insure that we do have a workable traffic configuration for the future. And I think on our Green River Rd. extension Mr. Spurling was required to put in at his expense a turn blister that was required -- particularly in a State project -- that I object to from the standpoint that if it was part of a State project, it should have been funded that way. I don't know how a requirement like that could be forced on one particular property."

Commissioner Tuley asked, "Bill, what kind of problems would it cause for you to wait until next Monday night to have this settled? You're not ready to sign contracts or move on this -- it's going to be killed if this doesn't happen tonight? That's my concern."

Mr. Spurling said, "No, it won't do anything if it doesn't happen tonight. I am anxious to get it going as soon as possible, because it is the time of year when we need to be digging -- and we can't go ahead with drawings or anything -- we're kind of dead in the water until we get this thing clarified."

Mr. Tuley said, "My intent is not to stop your project. Like I said, I want to make sure when we say do this, that when we get down to Lynch Road we're not going to have any problems. That's my only concern."

Commissioner Hunter noted that John Stoll looks like he wants to say something.

Mr. Stoll said, "As I said earlier, if the location of the break in the right-of-way can't happen, that still wouldn't eliminate the potential for Cullen to extend between Lynch Rd. and Spring Valley Rd. It wouldn't go all the way through the Industrial Park, but at least there still would be that connection which would open up those properties."

Mr. Tuley asked, "Is that the best way to approach it in terms of traffic flow?"

Mr. Stoll replied, "There are two ways to look at that really. One that the people who bought down in that industrial park knew what kind of access they had to Green River Rd. and all the other roads back when they got into that. So they weren't buying contingent upon getting direct

access to Lynch Rd. The other is, yes, it probably would be nice that there would be a direct link-up to Lynch Rd."

Mr. Tuley asked, "So from a technical aspect, you don't particularly see a problem?"

Mr. Stoll replied, "No."

Mr. Tuley continued, "Even if this, in itself, wouldn't happen -- is that right? Is that what I'm hearing?"

Mr. Stoll said, "I don't know of any commitments -- I think we're much more likely to use this section."

Mr. Tuley said, "But I'm saying, if we don't go through Mr. Spurling's property here."

Mr. Stoll said, "Right."

Mr. Tuley said, "As an alternative, I guess what I'm asking is -- let's assume we can't legally take this road here - what you're saying is we're not out of the woods, because if you will grant us the property here we can come down here and connect to the existing road system or build this road and then take it from there?"

Mr. Stoll said, "Yes. Some configuration. Yes, something could be made to work."

Mr. Tuley asked, "Alan, do you...."

Attorney Kissinger said, "John addressed this with me some time back and at that time some red lights went on. I want to see if they're still on. And, for the record, I do want to mention that everyone concerned -- and, whether or not there is an agreement to grant additional real estate to the county that may be dedicated for roadway purposes for the future, I will advise the Commissioners and it should have no bearing on how they ultimately vote on this."

Mr. Tuley said, "No. The only concern I have is from the legal standpoint. If it doesn't put us in a bind, I have no problem with granting him his request. If in a few days you tell me that, that's fine with me."

Commissioner Tuley said, "You see, I was not aware there were going to be any cuts on Lynch Rd. between Green River Rd. and Burkhardt Rd."

Commissioner Hunter said, "That's the only one."

Mr. Borries continued, "Well, I think it can be modified. I don't think that design has even been -- as long as it is on paper, frankly, I think it can be modified. I think that's a local call."

Mr. Stoll said, "The only thing I'd wonder about is that since the contract has already been let I mean the plans have been through all the Federal approvals -- that might be the only problem."

Mr. Tuley said, "I'm inclined to want to table it for a week, just from the legal standpoint of Alan checking something. If we'd have no problems, I see no reason this couldn't go through next Monday night. But that's my point of view -- one vote."

Mr. Borries said, "That's fine with me."

Mr. Hunter said, "I think it's a good idea to wait and postpone it for a week."

Mr. Tuley said, "I think it's great project. Do we need that in the form of a motion to defer it for one week pending Alan's legal interpretation?"

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

RE: COUNTY ATTORNEY - ALAN KISSINGER

Having been recognized by the Chair, Attorney Kissinger stated, "I am going to give all of my time to John Stoll. I don't have anything to report. Basically, John and I have conferred and I just want the Commissioners to understand that John is kind of running somewhat without guidance, except that he comes back to me from time to time when he feels he's getting off track. We are treating this in the spirit of the Commissioners' finding that this is an emergency situation -- the Waterworks Road project -- and, as I say, John has called from time to time for guidance and we're going with all deliberate speed, continuing to treat it as an emergency. If the river cooperates, we'll be fine. But, as I said, John will probably need my time, so I will defer to him.

RE: SUPERINTENDENT OF COUNTY BUILDINGS - MARK ABELL

Commissioner Tuley said this is another long meeting. Is Mr. Abell also going to defer to Mr. Stoll?

Mr. Abell replied, "No, but I will be real quick. I would, except I have a check for \$11,973.61 that we received for sale of the old phone system. This completes the bid in its entirety. We shipped the phones and we'll go ahead and quietus this in to the telephone account. We'd also received a monthly check from Koester in the amount of \$200 for the building they have out on Green River Rd. I will just pass this down to Joanne and we will be done."

Motion to accept the check for the phones, endorse same and give to the Secretary for deposit was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: COUNTY HIGHWAY - BILL MORPHEW

Weekly Progress Report: Mr. Morpew submitted copies of the Weekly Progress Report for period of April 29, 1994 thru May 5, 1994.....report received and filed.

Waterworks Road/Barricades: Commissioner Borries said he wants to thank Mr. Morpew and his group for their prompt barricading work on the Waterworks Road situation. He thinks they have monitored things up and down there daily. It is a hazardous site and one in which you really worry that people will not obey those barricades. Fortunately, things have stayed secure and he appreciates Mr. Morpew's prompt work down there and frequent checking in that particular area. It definitely is a hazardous site.

Road Paving List: Mr. Borries asked if Mr. Morpew will be putting together a road paving list when he and Mr. Stoll have an opportunity to do so.

Mr. Morpew said he has the road list together. He is waiting on a little more input from John Stoll and the program he has for pricing it out. They expect to have this completed by Wednesday. He has all the roads listed that we would like to pave this year -- about 30 miles of roads that we'd like to do. It does involve the widening of a couple of other roads and some minor things like that.

Mr. Tuley asked, "The Council took COIT money away from roads for the rest of this year, is that going to have an adverse affect on us for this year?"

Mr. Morpew said it will not. This is money that is in his bituminous account.

Equipment List: Mr. Morpew indicated he also just about has this list completed. He will turn that in at the next meeting -- a list of all the equipment, the inventory, the hours and mileage

Mrs. Townsend asked, "Well then, do I need to get on the same County Council agenda, or not?"

Mark Abell said, "I think yesterday was the cut-off day for that."

Mrs. Townsend asked, "So then I go again -- at a later date?"

Mr. Borries said, "Oh, I think it ought to be added..."

Mrs. Mayo stated, "I think maybe it can be added -- unless the ad has been put in the newspaper."

Mrs. Townsend asked, "All right, it would all be at the same time -- on the 24th and then June 1st? I appreciate that."

Ms. Mayo nodded affirmatively and Commissioner Borries said, "And it will save us on advertising, too."

Mrs. Townsend said, "Okay. Thank you."

Mr. Tuley so ordered.

RE: LAKE SIDE MANOR II RESIDENTIAL DEVELOPMENT/BILL SPURLING

Mr. Jim Morley was recognized, introduced himself and stated, "Bill handed me a copy of the letter that was written the other day by Rose Zigenfus of EUTS and we met last Wednesday with EUTS. To refresh your memory as to where we are, I'll pass this photograph along. What the issue is, of course, is whether Cullen Avenue should extend straight north across the property I've marked in yellow (Goldman, an absentee landowner, who holds that property that is farmed); north of this property is the Hirsch property, and then the Kay Lant property -- and then you hit Lynch Rd. I understand the Lant property is in litigation. Is that correct? That is one of the litigation parcels?"

Attorney Kissinger responded affirmatively.

Mr. Morley continued, "I have no knowledge as to whether or not that litigation involves the location of the access point or the number of access points -- or whether it is just money."

Attorney Kissinger said, "It's just money."

Mr. Morley continued, "Knowing that it is in litigation -- it probably makes it somewhat difficult to bring, you know, in Rose's letter she suggests that we ought to wait and talk to the adjoining landowners. There are only four (4) landowners involved here, as you can see. That is Lant, the Hirsches, Mr. Spurling and the Mrs. Goldman or whatever that name is immediately to the south. Those are the four landowners that are involved in this property. Although my plans originally prepared for this did not show Cullen coming through at all, Bill is willing to set aside and let it run around the end of the property as shown on that photograph. So that is where we are today on this. As we left the meeting we weren't sure what was expected to be accomplished by meeting -- we don't know who the other landowner is she suggested -- or what was actually going to be accomplished by doing so. Our thoughts are that if we do this -- set aside the property that gives the option of making the connection, at the Wednesday meeting with EUTS Rose did say that as far as the computer model shows, that the computer model would show the same unloading or traffic movement whether or not it moves through the middle of Bill's project or whether it moves around the east end. That the computer model would show a link and that the results would be the same in so far as how the computer model treated this ability to unload traffic. So Bill -- perhaps he'd like to say something now -- is anxious to move forward with something. We're on hold. Thank you."

Mr. Tuley said, "Bill, the only question I've gotten -- the way this reads -- and I think you said this last week, this is just for the record. I talked to Alan about it and he said there is no way we can require you to do this. But for the record, you have stated, I think, that you would be willing to give up the necessary right-of-way around the eastern end of your property should Cullen ever be extended. Is that right?"

Mr. Spurling responded, "That is correct. I'd agree to that."

Mr. Tuley continued, "We can't require you to do that -- but you, voluntarily -- on your own -- agreed to do that."

Mr. Spurling said that is right.

Attorney Kissinger asked, "Mr. Morley, is that what you anticipated when the commitment was to be made for the future? Or that..."

Mr. Morley replied, "Yes. And I don't know if there's -- what I would do now at this point in time is to re-design the site plan; move all the buildings over and finish the site plan and bring the site plan to the Site Review Committee (which meets every Monday) and show them that site. They will have that down as a commitment. Then, I guess, Bill was concerned about would he dedicate right-of-way in the middle at this point in time in case you did not do it? Or, would he leave it as something he owned, with a commitment to dedicate in the event that it came through in the future? The question is, does it come off the tax rolls or does it stay on the tax rolls?"

Attorney Kissinger said, "Obviously, if he dedicates the right-of-way at this point, it comes off the tax rolls. The only concern that we may have is the possibility that some time in the future Mr. Spurling might not be the owner of this real estate."

Mr. Morley asked, "Is there a way to -- I gather -- we really don't want to transfer the property right now. But, on the other hand, you don't want to lose the commitment."

Attorney Kissinger said, "That's exactly right."

Mr. Morley asked, "What can we do?"

Attorney Kissinger replied, "We can't. We either have to have "A" or "B" -- but in this case we can't have all of them -- or both of them. And, as I said, my concern is -- I don't know what Mr. Spurling's intentions are at the present time. However, he can't plan for next month or next year; anything could happen. And my concern from a legal standpoint is if that right-of-way -- if it is not dedicated right-of-way now or in the very near future, then anything could happen and perhaps we would have a problem as far as extending Cullen in the future was concerned. Now, all that is said with the understanding that if you say, "No, I don't want to do it that way -- I would not advise the Commissioners to deny your petition because of that."

Mr. Morley said, "I don't know."

In response to query, Mr. Morley said they would still drain across it.

Attorney Kissinger commented, "Just no permanent structures or other improvements."

Mr. Morley said, "But you could mow it and there could be, you know"

Attorney Kissinger said, "Quite frankly, for future purposes, that is what I would recommend. That is what I would suggest you consider -- although we can't compel you to do that."

Mr. Morley asked, "Do the dedication of right-of-way?"

Attorney Kissinger said, "Yes."

Mr. Morley continued, "And then we would continue to essentially plant it or whatever -- let it grow up -- and...."

Attorney Kissinger interjected, "Yes, with no permanent structures or permanent improvements be made on it. If you need to drain across it -- you know, water is going to drain its natural way -- and things such as that. It's just because all of us can make these agreements in good faith. Some new owner in the future may come in and say, 'no' -- and there seems to be some very real concern with the various agencies that are involved in this that at some time in the future if they choose to extend Cullen that they have the ability to do so with right-of-way. Because it is not inconceivable at some point that they could come in and say we now want to extend Cullen and you could literally say, 'I know I agreed to that earlier, but I am not legally bound by that and I'm not going to do that.' I'm not saying you would do that. A future owner could do that. And if what we hope to accomplish is that we have that land available for future use if necessary, then that is the only way I know of to do it. Mr. Morley, if you know of another way to do it, I'm open to suggestion."

Mr. Morley said, "I was just about to suggest to Bill that it might -- because it will be reassessed after developed -- and later on -- you know, someone later on could petition -- if a decision is made that Cullen is never going to happen, they could come back and petition for abandonment. But it might be..."

Attorney Kissinger interrupted, "I think that would be totally appropriate."

Mr. Morley continued, "But it might be the best thing almost to dedicate the right-of-way, because that would take it off your taxes and you would still be there. I mean, you could still use it and it might be a tax benefit. We could probably create a vehicle of covenant that would run with the land that would agree to sell that for \$1.00 or \$10.00 and let that covenant run with the deed with the land for the next twenty-five years. And we could create it in that kind of document. But all during that point in time that you did that, you would be paying taxes on it and then the moment they wanted it for \$1.00 they could have it. In other words, there's not much difference between dedicating it and not dedicating it. The only difference here is the tax implications."

Attorney Kissinger asked, "Am I correct, Mr. Morley, that you are going to do some re-design work through a procedure here, so you will be coming back before us at some point?"

Mr. Morley responded, "Yes. Well, before the Site Review Committee. We could, of course, return and show it to the Commissioners before. That's no problem."

Attorney Kissinger, "All we've done is open that topic for discussion and at some future date the final decision can be made."

Mr. Morley asked, "We could create a vehicle either way, couldn't we? We could create that covenant to dedicate it at a point in the future and let it run with the land?"

Attorney Kissinger responded affirmatively.

Mr. Morley said, "Whichever way -- why don't we let Bill think about that and talk it over with his attorney, tax advisor or bank -- determine which way would be most beneficial to him -- then we'll create the document that he comes up with and set it aside."

Commissioner Hunter asked, "I think John Stoll brought this up last week. In the EUTS plan of 1978 or whatever it was -- obviously, it was expected that Cullen would be extended to Lynch Rd. and provisions were made for a curb cut. Now, are we sure there is no problem with us moving the curb cut east?"

Mr. Morley said, "Maybe John could address -- the property owner is the same -- that is the Kay Lant parcel, which they are under litigation."

Commissioner Hunter said, "There was something brought up last week about a plan having been submitted to the State and their approval is based on a curb cut at a certain point."

Mr. Morley said, "I can't answer that very well -- maybe John could."

Mr. Stoll said, "I talked to Rick Bennett over at Bernardin-Lochmueller, who is in charge of their right-of-way acquisition. He told me it would be just a matter of re-writing the legal description, closing up the existing break in limited access right-of-way and relocating it farther to the east if the property owner was agreeable to that. So that is basically all he told me."

Commissioner Hunter asked, "If the property owner -- referring to Lant here -- was agreeable to moving the curb cut from Point "A" to Point "B"?"

Mr. Stoll responded, "Right."

Mr. Hunter asked, "So we're still not sure of that?"

Mr. Borries stated, "I'm not sure we even have a commitment for a curb cut period."

Mr. Hunter said, "Well, I was just a little confused."

Mr. Morley said, "The first set of plans out of their office didn't have any curb cut and I had gone back to Rose and said, "Rose, remember, you had a discussion you wanted one and it's left off the plans."

Commissioner Borries said, "I can't recall that we'd ever discussed a curb cut in the planning of Lynch Rd."

Mr. Morley said, "I think the only planning was this 1987 or 1988 discussion, which Bill brought out at the EUTS meeting -- which, you know, was two years after he had bought the property and had it rezoned. I mean, he was running on this before the 1987 concept that just maybe we might want Cullen to go through."

Commissioner Borries said, "Well, that was a question I was going to ask Bill. From what I can recall, again, not having the volumes of minutes here where we can instantly go back through all of this -- originally, Bill, didn't you rezone the whole thing for some type of commercial development -- that is what you envisioned?"

Mr. Spurling responded, "Yes."

Mr. Borries continued, "And then you developed the concept of providing the residential for the senior citizens, which has been a big success. So that really has changed that whole plan. And I guess my point is -- to me, it seems like a bad plan when you're trying to hang onto some kind of an outdated road concept that is going to go right through a residential area where you have senior citizens. That is bad planning. People go out there because they would want some peace and quiet or some serenity and some kind of a plan. At this point, Bill, in effect, I think you kind of down zoned is what you ended up doing -- because I think originally it was a C-4 -- so the whole concept was based on a C-4."

Mr. Spurling said that is correct.

Mr. Borries continued, "So it seems to me we get into these plans -- particularly with this agency -- I mean, it's come out on Mill Rd., for example, in another one. It comes out on Indiana Street. We seem to sometimes put the horse before the cart. Plans change. People change. I mean, I think as our role in government here we don't have a way of condemning all

this property and buying all this. I think that this reflection seems to be much better, because it is now of a residential nature out there rather than commercial."

Mr. Morley said, "The primary issue that Bill brought before EUTS Wednesday is that is either or. He either can accommodate Cullen on the east side of the property, or he abandons his project. There is no way that he is about to let Cullen go through the center of an elderly housing development. You cannot do it. That is such bad planning to do that, that you just can't do it. It would be financial disaster. Therefore, if Cullen does go in a straight line, he has to abandon his project and hope for later commercial development in the area. He has to change. There isn't any other real feasible way to develop this."

Commissioner Borries said, "It is bad planning and, frankly, we've got more than enough commercial. I mean we're flat firing away at this commercial. But it is obvious I think, also, from the success of your development out there that we need housing for senior citizens. That is definitely fulfilling a need. And to put a road in the middle of a residential development is bad planning."

In response to query from Commissioner Borries as to the age of the senior tenants, Mr. Morley said it is age 55 and up.

Mr. Borries humorously said, "Some of us are tippy-toeing around. I have a few years yet -- but there might be one of us that is real close -- I'm not saying which one."

Commissioner Hunter said he could stay home and be insulted.

Commissioner Borries continued, "Mrs. Cunningham asked me to make a correction -- bad traffic planning, I'm supposed to say."

Mr. Spurling commented, "Either way, we will dedicate that right-of-way back there outright or we will have a covenant to run with the land so it can happen if -- and when -- Cullen would come through."

Mr. Tuley said, "Just for the record, I'd like to take that copy of Ms. Zigenfus' letter of May 16th and enter it into the record, even though she is not here. He then entertained a motion for approval.

Motion to approve made by Commissioner Hunter, with a second from Commissioner Borries. So ordered. (Copy of letter attached hereto as part of the formal minutes of this meeting.)

RE: COUNTY ATTORNEY - ALAN KISSINGER

Recap on Bids/VC-94-04-01/Culvert Replacements on Old Petersburg Rd.: Attorney Kissinger said the bids have been opened and are as follows:

1) Phoenix Construction Co.	\$76,164.68
2) Deig Bros. Lumber & Construction Co.	\$87,810.00
3) CCC of Evansville, Inc.	\$69,433.00

Commissioner Borries moved that the bids be taken by the County Engineer for one week for review, with a possible recommendation at the next meeting (May 23rd). Seconded by Commissioner Hunter. So ordered.

Request for Settlement/Hawkins vs. Vanderburgh Co.: Attorney Kissinger said he is requesting permission to settle this case. We have an offer to settle from Plaintiff's Attorney for the amount of \$500 that would be paid by the County to settle its portion of the lawsuit. He would recommend that the Commissioners give favorable consideration to approval of that settlement figure.



VANDERBURGH COUNTY COUNCIL
STATE OF INDIANA

ROOM 303A, CIVIC CENTER COMPLEX
1 N.W. SEVENTH STREET
EVANSVILLE, IN 47708-1833
(812) 426-5790

April 10, 1995

Richard Borries, President
Vanderburgh County Commission
Civic Center
Evansville, IN 47708

Dear Rick:

For the record I would like to encourage the Commissioners to provide some basic ground rules to DMD and Vision 2000 relating to economic development incentives. No one should be placed in the position that you find yourself this evening.

As you know Vanderburgh County includes all COIT revenues in the formula for the General Fund. We have been very stressed in recent years due to many unfunded mandates. The unappropriated dollars from the General Fund must serve to meet all county emergencies and now, to also pay the Azteca Bond payment. The County Council agreed to place any additional COIT dollars in an interest bearing account to fund the Azteca Bond payment. During this past year Mr. Wortman and I met with Ms Kolb, Mr. Hafer and Mr. Robinson and shared our financial condition and our plans. This was also fully discussed during the August 9, 1994 budget hearing.

The decision is clearly the Commissioners, however, we need your guidance so that future needs may be met. I also would urge you to consider loans rather than outright gifts.

Sincerely,

Betty Lou Jerrel, county council member

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ATTN: 009000724

IN DATE

Statement Date: DEC 31 1993

DUNS: 13-152-5230
AMERICAN COLD STORAGE-
LOUISVILLE, LTD.
LOUISVILLE FREEZER CENTER
PO BOX 2287
LOUISVILLE KY 40201
607 INDUSTRY RD
LOUISVILLE KY 40208
TEL: 502 634-4753

DATE PRINTED
APR 06 1995

SUMMARY
RATING --

FROZEN FOOD STORAGE
SIC NO. 42 22
STARTED 1981
SALES \$5,060,000
WORTH F \$(1,634,335)
EMPLOYS 60
HISTORY CLEAR
FINANCIAL
CONDITION UNBALANCED

SAM C BRADSHAW, CHB & CEO

* * * CUSTOMER SERVICE * * *

If you need any additional information, would like a credit recommendation, or have any questions, please call our Customer Service Center at (800) 234-3867 from anywhere within the U.S. From outside the U.S., please call your local D&B office.

* * * SUMMARY ANALYSIS * * *

The Summary Analysis section reflects information in D&B's file as of April 3, 1995.

RATING SUMMARY

The absence of a Rating (--) indicates that the information available to D&B does not permit us to assign a Rating to this business. In this case, no Rating was assigned because of D&B's "unbalanced" assessment of the company's December 31, 1993, fiscal financial statement.

Below is an overview of the company's D&B Rating(s) since 01/01/91:

RATING

DATE APPLIED

01/01/91

=====

The Payment Summary section reflects payment information in D&B's file as of the date of this report.

The PAYDEX for this company is 71.

AMERICAN COLD STORAGE-

APR 06 1995

PAGE 002

This PAYDEX score indicates that payments to suppliers average 14 days beyond terms, weighted by dollar amounts. When dollar amounts are not considered, approximately 78% of the company's payments are within terms.

Below is an overview of the company's dollar-weighted payments, segmented by its suppliers' primary industries:

	TOTAL RCV'D	TOTAL DOLLAR AMOUNTS	LARGEST HIGH CREDIT	% W/IN TERMS	DAYS SLOW			
	#	\$	\$	%	<31	31-60	61-90	91+
Total in D&B's file	19	16,650	5,000					
Top 10 Industries:								
1 Mfg photograph equip	2	3,500	2,500	64	-	-	36	-
2 Books-print/publish	2	600	500	92	8	-	-	-
3 Mfg corrugated boxes	1	2,500	2,500	100	-	-	-	-
4 Railroad	1	1,000	1,000	50	50	-	-	-
5 Mfg prepared seafood	1	1,000	1,000	-	100	-	-	-
6 Air courier service	1	750	750	50	-	50	-	-
7 Mfg metal doors/trim	1	750	750	50	50	-	-	-
8 Whol printing paper	1	500	500	100	-	-	-	-
9 Whol misc coml equip	1	500	500	100	-	-	-	-
10 Mfg misc primary mtl	1	100	100	100	-	-	-	-
11 OTHER INDUSTRIES	2	150	100	100	-	-	-	-
Other Payment Categories:								
Cash experiences	1	50	50					
Payment record unknown	4	5,450	5,000					
Unfavorable comments	0	0	0					
Placed for collection								
with D&B	0	0						
other	0	N/A						

The highest "Now Owes" on file is \$2,500

The highest "Past Due" on file is \$50

D&B receives over 220 million payment experiences each year. We enter these new and updated experiences into D&B Reports as this information is received.

=====

PAYMENTS (Amounts may be rounded to nearest figure in prescribed ranges)

Antic - Anticipated (Payments received prior to date of invoice)
 Disc - Discounted (Payments received within trade discount period)
 Ppt - Prompt (Payments received within terms granted)

REPORTED PAYING HIGH NOW PAST SELLING LAST SALE

AMERICAN COLD STORAGE-

APR 06 1995

PAGE 003

	RECORD	CREDIT	OWES	DUE	TERMS	WITHIN
03/95	Ppt	1000	100			2-3 Mos
	Ppt	100	-0-	-0-		4-5 Mos
	Ppt-Slow 90	2500	-0-			2-3 Mos
	Slow 30	1000	-0-	-0-	N15	6-12 Mos
02/95	Ppt	50	-0-			2-3 Mos
	Ppt-Slow 30	750	-0-	-0-		2-3 Mos
	(007)	5000	50	-0-		1 Mo
	(008)	250	-0-	-0-	N30	6-12 Mos
01/95	Ppt	500	-0-	-0-		6-12 Mos
	Ppt	100	-0-	-0-		6-12 Mos
	Ppt-Slow 60	750	250	-0-	N15	1 Mo
	(012)	100	100	-0-	N30	1 Mo
12/94	Ppt	500	-0-	-0-	N10	2-3 Mos
07/94	Ppt-Slow 15	1000	1000	-0-		1 Mo
	(015)	50	50	50		
	Cash account					
05/94	Disc	2500	2500			
04/94	Ppt	500	-0-	-0-		6-12 Mos
	Ppt-Slow 30	100	-0-	-0-		2-3 Mos
	(019)	100	-0-	-0-		6-12 Mos

* Payment experiences reflect how bills are met in relation to the terms granted. In some instances payment beyond terms can be the result of disputes over merchandise, skipped invoices etc.

* Each experience shown represents a separate account reported by a supplier. Updated trade experiences replace those previously reported.

FINANCE

01/19/95

	Interim Jan 31 1992	Fiscal Dec 31 1992	Fiscal Dec 31 1993
Curr Assets	684,802	646,727	832,744
Curr Liabs	9,402,261	2,492,178	572,818
Current Ratio	.072	.076	1.45
Working Capital	(8,717,459)	(7,845,451)	259,926
Other Assets	6,307,426	5,925,336	5,598,749
Worth	(2,410,031)	(1,920,115)	(1,634,335)
Sales		5,137,186	
Net Profit (Loss)		594,710	
Fiscal statement dated DEC 31 1993:			
Cash	\$ 148,285	Accts Pay	\$ 97,853
Accts Rec	631,346	Accruals	474,963

Curr Assets	832,744	Curr Liabs	572,818
Fixt & Equip	5,598,748	L.T. Liab-Other	7,493,010
Loan Costs	66,061	NET WORTH	(1,568,274)
-----		-----	
Total Assets	6,497,554	Total	6,497,554

Submitted JAN 19 1995 by Paul T Kinder, president. Extent of audit, if any, not indicated.

AMERICAN COLD STORAGE-

APR 06 1995

PAGE 004

--0--

Item worth shown in summary section was computed after deduction of intangibles, loan costs, totaling \$66,061.

On JAN 19 1995 Paul T Kinder, president, submitted the above figures.

He submitted the following partial estimates dated JAN 19 1995: Sales for Jan 1 - Dec 31 1994 were \$5,060,000.

----- INVESTIGATIVE PROCESS -----

As of Jan 19 1995, a search of Dun & Bradstreet's Public Record Database found no suits, liens, judgments or UCC's to which American Cold Storage-louisville, Ltd at 607 Industry Rd, Louisville, KY was a named defendant or debtor. Public records received hereafter will be entered into the Databan Cold Storage Inc, this companyts which contain a Public Filings secon Co Inc, (Duns #17-843-1284), Louisville,

KY.

Started 1985 and transports refrigerated and frozen products. 2. American Military Distributors, Inc, (Duns #78-365-9113), Louisville, KY. Started 1991. Operates as a food distributor. 3. American Cold Storage Of Tennessee, Inc, Jackson, TN. Started 1991 and provides management services. Intercompany relations: None.

=====

OPERATION

01/19/95 P0%). Secured by railroad spurs
 capable of handling 80 railroad ca United States.
 Nonseasonal. StoragCILITIES: Owns 200,000 s building Freezer
 building: One s fire
 control and burglary alarm systems. Freezer space: 4,464,130 c frige
 ration: Two stage ammonia system, -20 degrees to +50 degrees.
 Establishment Number CS 3308 for handling and
 storage of fresh or fro and Receiving: Enclosed 40 degree truck
 dock with 22 truck platforms car capacity. Our own Track Master switch
 ing engine for free
 int and CSX System. Open to reciprocal switching on all other lines

LOCATION: Indction on side street.
 04-06(362 /362) PLAY COMPLETE

D OF SIGNIFICANT CHANGEPO 1971-73 with Merrill Lynch. Active with E F Hutton f
rom 1971

until it was acquired by Shearson Lehman Brothers Inc. Continued with Shearson Lehman Brothers Inc until he retired in 1991. Not active here on a daily basis. Currently is chairman and CEO at American Cold Storage Inc.

At E F Hutton and at Shearson Lehman Brothers Inc in Dallas, TX, he devoted most of his time to the tax shelter or direct investment segment of the investments business. In his capacity as regional director for direct investments, he participated in the structuring, analysis and marketing of investments in real estate, oil and gas, equipment leasing, cable television and other industries.

PAUL KINDER, born 1942. 1963-67 U S Army. 1967-73 employed Hemingway Transport, Washington, DC. Graduated with Masters degree in Economics from the University of Maryland, Landover, MD in 1973. 1973-75 employed Frito-Lay, Washington, DC. 1975-77 active with Kentucky Transport, Louisville, KY. 1977-84 with Coldway Carriers,

Clarksville, IN. Since 1984 active here and with American Cold Storage Inc. Currently is president and COO with American Cold Storage Inc.

AMERICAN COLD STORAGE INC, Louisville, KY. Incorporated 1981. Active as managing general partner in this business. Intercompany relations: Guarantees are extended.

FREEWARE INVESTMENT CO (NA) N V, Zurich, Switzerland. Active as a limited partner in this business. Intercompany relations: Guarantees are extended.

FREEZER FINANCE B V, ZURICH, SWITZERLAND. Active as a limited partner in this business. Intercompany relations: Guarantees are extended.

DALLAS INVESTMENT GROUP LTD, Dallas, TX. Active as a limited partner in this business. Intercompany relations: Guarantees are extended.

Through American Cold Storage Inc, this company is related to: 1. L F C Transportation Co Inc, (Duns #17-843-1284), Louisville, KY. Started 1983 and transports refrigerated and frozen products. 2. American Military Distributors, Inc, (Duns #78-365-9113), Louisville, KY. Started 1991. Operates as a food distributor. 3. American Cold Storage Of Tennessee, Inc, Jackson, TN. Started 1991 and provides management services. Intercompany relations: None.

=====

OPERATION

01/19/95

POX). Secured by railroad spurs
capable of handling 80 railroad ca United States.
Nonseasonal. Storage CILITIES: Owns 200,000 s building Freezer
building: One s fire
control and burglary alarm systems. Freezer space: 4,464,130 c frige
ration: Two stage ammonia system, -20 degrees to +50 degrees.
Establishment Number DS 3308 for handling and
storage of fresh or fro and Receiving: Enclosed 40 degree truck
dock with 22 truck platforms car capacity. Our own Track Master switch
ing engine for free
int and CSX System. Open to reciprocal switching on all other lines

LOCATION: Indction on side street.
04-06(362 /362) PLAY COMPLETE

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ATTN: 009000724

IN DATE

Statement Date: DEC 31 1993

DO NOT CONFUSE WITH AMERICAN COLD STORAGE-LOUISVILLE, LTD.

DUNS: 19-467-0253
AMERICAN COLD STORAGE, INC.

DATE PRINTED
APR 06 1995

SUMMARY
RATING --

PO BOX 2287
LOUISVILLE KY 40201
607 INDUSTRY RD
AND BRANCH(ES) OR DIVISION(S)
LOUISVILLE KY 40208
TEL: 502 634-4753

TRANSPORTS
REFRIGERATED &
FROZEN PRODUCTS
SIC NO.
42 13

STARTED 1981
SALES F \$251,359
WORTH F \$61,751
EMPLOYS 18(3 HERE)
HISTORY INCOMPLETE
FINANCIAL
CONDITION UNBALANCED

CHIEF EXECUTIVE: SAM C BRADSHAW, CHB

=====

* * * CUSTOMER SERVICE * * *

=====

If you need any additional information, would like a credit recommendation, or have any questions, please call our Customer Service Center at (800) 234-3867 from anywhere within the U.S. From outside the U.S., please call your local D&B office.

=====

* * * SUMMARY ANALYSIS * * *

=====

The Summary Analysis section reflects information in D&B's file as of April 3, 1995.

RATING SUMMARY

The absence of a Rating (---) indicates that the information available to D&B does not permit us to assign a Rating to this business. In this case, no Rating was assigned because D&B does not have sufficient historical information about this company to assign a Rating and because of D&B's "unbalanced" assessment of the company's December 31, 1993, fiscal financial statement.

Below is an overview of the company's D&B Rating(s) since 01/01/91:

<u>RATING</u>	<u>DATE APPLIED</u>
---	11/07/91
ER8	01/01/91

AMERICAN COLD STORAGE, INC.

APR 06 1995

PAGE 002

D&B has not received a sufficient sample of payment experiences to establish a PAYDEX score.

D&B receives over 220 million payment experiences each year. We enter these new and updated experiences into D&B Reports as this information is received. At this time, none of those experiences relate to this company.

FINANCE
01/19/95

	Fiscal Individual Dec 31 1991	Fiscal Individual Dec 31 1993
Curr Assets	190,411	385,564
Curr Liabs	325,365	533,813
Current Ratio	.58	.722
Working Capital	(134,954)	(148,249)
Other Assets	201,000	241,200
Worth	66,047	61,751
Sales		251,359
Net Profit (Loss)		40,569
Fiscal Individual statement dated DEC 31 1993:		
Cash	\$ 29,882	Accts Pay \$ 125,307
Accts Rec	355,682	Notes Pay 405,000
		Taxes 3,506
Curr Assets	385,564	Curr Liabs 533,813
Investment In		
Subsidiaries	210,000	
Intangibles	31,200	EQUITY 92,951
Total Assets	626,764	Total 626,764

From JAN 01 1993 to DEC 31 1993 sales \$251,359. Operating expenses \$168,378. Operating income \$82,981; other expenses \$35,492; net income before taxes \$47,489; other tax \$6,920. Net income \$40,569.

Accountant: internal. Prepared from books without audit.

--Q--

Item worth shown in summary section was computed after deduction of intangibles, unspecified, totaling \$31,200.

Notes payable are due to principals and subsidiaries on an open and unsecured basis.

On JAN 19 1995 Paul T Kinder, president, submitted the above figures.

INVESTIGATIVE PROCESS

As of Jan 19 1995, a search of Dun & Bradstreet's Public Record Database found no suits, liens or judgments to which American Cold Storage, Inc. at 607 Industry Rd, Louisville, KY was a named defendant or debtor. Public records received hereafter will be entered into the

AMERICAN COLD STORAGE, INC.

APR 06 1995

PAGE 003

HISTORY
01/19/95

SAM C BRADSHAW, CHB
BARBARA K DUVALL, SEC-TREAS
DIRECTOR(S): The stockholders.

PAUL KINDER, PRES

CORPORATE AND BUSINESS REGISTRATIONS REPORTED BY THE SECRETARY
OF STATE OR OTHER OFFICIAL SOURCE AS OF 02/28/1995:

BUSINESS TYPE: Corporation -
Profit

DATE INCORPORATED: 05/26/1981
STATE OF INCORP: Kentucky

Business started 1981 by current officers. 65% of capital stock is owned by Sam Bradshaw. 25% of capital stock is owned by Walter Haemmerli. 10% of capital stock is owned by Ed Stewart.

American Cold Storage Inc is also listed as managing general partner in American Cold Storage-Louisville, Ltd which was started in 1981 and operates as a frozen food freezer warehouse. The corporation provides guarantees to the partnership.

SAM C BRADSHAW. Graduated from the University of Texas with a BS degree in Mechanical Engineering. He also did graduate work in Engineering and Business Administration. Prior to entering the investment business with Goodbody & Co in 1984, he served three years as a lieutenant in the U S Air Force, worked in research, manufacturing and marketing with Texas Instruments and was employed and trained by IBM. He managed the regional corporate finance operation for Goodbody & Co before its acquisition by Merrill Lynch in 1971. 1971-73 with Merrill Lynch. He then was active with E F Hutton & Co, Dallas, TX, from 1971 until it was acquired by Shearson Lehman Brothers Inc. Continued with Shearson Lehman Brothers Inc until he retired in 1991. While at E F Hutton & Co and Shearson Lehman Brothers Inc devoted most of his time to the tax shelter or direct investment segment of the investments business. In his capacity as regional director for direct investments, he participated in the structuring, analysis and marketing of investments in real estate, oil and gas, equipment leasing, cable television and other industries.

PAUL KINDER born 1942. 1967-73 employed Hemingway Transport, Washington, DC. Graduated from University of Maryland, Landover, MD with Masters degree in Economics 1973. 1973-75 employed Frito-Lay, Washington, DC. 1975-77 employed Kentucky Transport, Louisville, KY. 1977-84 with Coldway Carriers, Clarksville, IN. Active here since 1984.

BARBARA K DUVALL born 1938. 1976-81 employed Louisville Freezer, locally. Active here since 1981.
STEWART, not active here.
HAEMMERLI, not active here.

AMERICAN COLD STORAGE, INC.

APR 06 1995

PAGE 004

products. Also provides management services, active as an investment firm and operates as a food distributorship.

Terms are net 10 days. Sales to commercial accounts. Territory : Primarily east of the Mississippi River. Nonseasonal.

EMPLOYEES: 16 which includes officer(s). 3 employed here.

FACILITIES: Occupies premises in two story concrete block building in good condition. Premises neat.

LOCATION: Industrial section on side street.

SUBSIDIARIES: 1. Owns 100% of stock in L F C Transportation Co Inc, (Duns #17-843-1284), locally. Started 1985 and transports refrigerated and frozen products. 2. Owns 100% of American Military Distributors, Inc, (Duns #78-365-9113), Louisville, KY. Started 1991. Operates as a food distributor. 3. Owns 100% of American Cold Storage Of Tennessee, Inc, Jackson, TN. Started 1991 and provides management services. Intercompany relations: Loans are extended periodically.

04-06(362 /362)

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009 009 H

FULL DISPLAY COMPLETE

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ATTN: 009000724

Our information indicates this business is no longer active at this location. If you have reason to believe this business is currently operating, please call our Customer Service Center at the phone number listed below to request an investigation.

DUNS: 03-890-6731	DATE PRINTED		
AMERICAN COLD STORAGE WHOLESALE	APR 06 1995	RATING	N3
(FORMERLY: LOUISVILLE			
FREEZER CENTER)	GENERAL WAREHOUSE		
LOUISVILLE DISTRIBUTION	SIC NO.		
CENTER	42 25		
6200 LADD AVE			
LOUISVILLE KY 40216			
TEL: 502 634-1444			

SPECIAL EVENTS

05/07/87 On May 7 1987 local authorities had no knowledge of subject engaged in business of any kind at this address.

* * * CUSTOMER SERVICE * * *

If you need any additional information, would like a credit recommendation, or have any questions, please call our Customer Service Center at (800) 234-3867 from anywhere within the U.S. From outside the U.S., please call your local D&B office.

04-06 (SUM /75)

009 237

FULL DISPLAY COMPLETE

** TOTAL PAGE.012 **

47



**BOARD of
COMMISSIONERS**
of the County of Vanderburgh

RICHARD J. BORRIES

RICHARD E. MOURD

PATRICK TULEY

AGENDA REQUEST

NAME OF REQUESTOR: Mariann Kolb

REQUESTOR TITLE: Director

DEPARTMENT: DMD

REQUEST(S) BEING MADE:

American Cold Storage

DATE TO BE PLACED ON AGENDA: 4-10-95

ACTION ✓ CONSENT OTHER

Department of Metropolitan Development

306 Civic Center Complex
1 N.W. Martin Luther King, Jr. Blvd.
Evansville, Indiana 47708-1869

Phone: (812) 426-5580
Fax: (812) 426-5384
TDD: (812) 426-5483

memorandum

TO: Cindy Mayo, County Commissioners Office
FROM: ^{MDK} Mariann D. Kolb, Executive Director
DATE: April 6, 1995
RE: COIT Windfall Fund

The Minutes of the August 18, 1994 Special Meeting of the Vanderburgh County Council indicate that Councilman Bassemier made a motion to "set aside \$600,000 for the Azteca bond issue" from the \$2.5 million one time distribution of the local option income tax. The motion was adopted unanimously.

Work is progressing on the bond issue for the Azteca project. At such time as Gary Malone, the County's bond consultant finalizes the numbers, it will be necessary to formally appropriate these funds.

I would appear that the balance of the \$2.5 million in COIT Windfall funds is still available to be appropriated for other purposes.

— different customers —
— number of employees —

cc: Phil Hoy

The infrastructure improvements for the American Cold Storage Project at Baseline Road West are as follows:

Frontage Road - The frontage road will provide access to Baseline Road to the north only. The estimated cost of extending the frontage road from the Azteca site 680 feet south (the length of the American Cold Storage site) is \$68,000.

Rail Spur

The estimated cost of a rail spur from the existing CSX track to a point approximately 50 feet west of the frontage road right-of-way (2100 feet) to serve the American Cold Storage facility is \$260,500. This estimate includes the switch, track, ties, stone road bed, and grading & drainage.

\$ 68,000

President Hoy: "I would like to reserve questions. I would like to ask for a motion."

Councilman Bassemier: "Since the county will receive a special one time distribution of the local option income tax of approximately 2.5 million, I would like to make a motion to set aside 600,000.00 dollars for the Azteca bond issue since this will greatly reduce the county financial obligations."

Councilman Jones: "Second."

Councilman Wortman: "This may not pertain directly to him but has there ever-has anybody ever received the appraisal on the land yet?"

Ed Hafer: "To the best of my knowledge neither of the appraisals has been completed as yet."

Councilman Wortman: "Will that have an effect on that, Mr. Hafer?"

Ed Hafer: "I believe that is part of the question for Buddy."

Buddy Downs: "The bond ordinance as it is drafted basically is going to put a cap on the amount of money that could be paid for the land so you can't go above the amount that the bond ordinance authorizes in terms of this short term borrowing that you are considering today, I think."

Councilman Wortman: "And what happens if it would go above?"

Buddy Downs: "Then that would have to come back to the council for reconsideration."

Richard Lythgoe: "I appear to protest the abuse of local taxpayers. I protest the 'fix-is-in' syndrome in which abuses are imposed on people. The Azteca scheme would never be passed if the scheme were put on the ballot in the pending elections. It would never get a couple hundred votes. The voters would question...who benefits from this? Is it the consultants...and do they enjoy 'conflicts of interest'? The fix-is-in syndrome shifts taxes to the remaining taxpayers. It has always been that way for the last quarter of a century. These schemes imposed in the past have caused our population to drop. If all the TIF's, EZ'S, and Tax Abatements would have increased employment as promised the population of Evansville and Vanderburgh would be more than any city and county in the tri-state area. No question about it. Just add the promises up. Purdue did a three year study of the EZ abuse and concluded that these corporate welfare freebies are only a gift and a waste of taxpayer's money. I know that what taxpayers say to protest will be ignored. Which reminds me of a quote from the Old Farmer's Almanac, 'If Patrick Henry thought that taxation without representation was bad, he should see how bad it is with representation'. These fix-is-in imposed taxation abuses are also a violation of the 14th Amendment because this scheme denies local taxpayers equal protection of the laws. It burdens one employer for corporate welfare for some other firm."

(inaudible)

Richard Lythgoe: "The first year we were confused but after 10 years of these tax abatements we have found that the corporate welfare increases human welfare. The first 10 years of the EZ doubled the human welfare because it produced part time non-union temporary employment. Not jobs. Non-jobs. This will just be another and I hope that the taxpayers will not permit you to abuse them any further. Thank-you."

There being no further speakers or questions a roll call vote was taken.

Councilwoman Jerrel: "Yes."

Councilman Raben: "Yes."

Councilman Wortman: "Yes."

President Hoy: "Yes."

Councilman Bassemier: "Yes."

Councilman Sutton: "Yes."

Councilman Jones: "Yes."

President Hoy: "It is unanimous. I believe that I need a motion for the approval of 1.65 million dollars for the Azteca bond ordinance which was adopted on the first reading by the council on July 28, 1994. We need a second approval of that and I am asking you for a motion to do that."

Motion made to approve by Councilwoman Jerrel and seconded Councilman Raben. No discussion. Roll call vote taken.

Councilwoman Jerrel: "Yes."

Councilman Raben: "Yes."

Councilman Wortman: "Yes."

President Hoy: "Yes."

Councilman Bassemier: "Yes."

Councilman Sutton: "Yes."

Councilman Jones: "Yes."

President Hoy: "This concludes the stated business for this meeting as you know on a special meeting we can only deal with the issues that are announced."

There being no further business the meeting was adjourned at 2:20 p.m.

NOTICE OF HEARING DATES
ORDINANCE CONCERNING ESTABLISHMENT AND FUNDING OF
COUNTY CORRECTIONS FUND

NOTICE IS HEREBY GIVEN that the Board of Commissioners of Vanderburgh County, Indiana, has scheduled Hearing Dates at 5:30 p.m., in Room 307, Administration Building, Civic Center Complex, Evansville, Indiana with regard to the subject Ordinance as follows:

First Reading Monday, April 10, 1995
Second Reading Monday, April 17, 1995
Third/Final Reading Monday, April, 24, 1995

(insert ordinance here)

Richard Borries, President
Patrick Tuley, Vice-President
Richard Mourdock, Member
Attest: Suzanne Crouch, Auditor
Approved as to Form:
Alan M. Kissinger, Attorney
B.J. Farrell, Secretary

(Courier and Press April 3 and April 10)

ORDINANCE NO. _____

ORDINANCE CONCERNING ESTABLISHMENT AND FUNDING OF
COUNTY CORRECTIONS FUND

WHEREAS, Senate Enrolled Act No. 395 added a new Chapter 6 to Indiana Code 11-12, which new Chapter 6 provides for the establishment and funding of a County Corrections Fund; and

WHEREAS, I.C. 11-12-6 provides that a County Legislative Body may adopt an ordinance before May 1 of each year to elect to receive deposits from the Indiana Department of Correction and to establish a County Corrections Fund; and

WHEREAS, the County Corrections Fund may be used only for funding the operation of the county's jail, jail program or other local correctional facilities; and

WHEREAS, the County Legislative Body shall designate either Level 1, Level 2 or Level 3 funding as defined in I.C. 11-12-6 with respect to deposits to be received thereunder; and

WHEREAS, Level 3 funding is the most appropriate level of participation for Vanderburgh County, Indiana;

THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA, AS FOLLOWS:

1. The Board of Commissioners of Vanderburgh County, Indiana elects to receive deposits from the Indiana Department of Correction (the "Department") in accordance with Senate Enrolled Act 395, I.C. 11-12-6 (the "Act").

2. The Board designates Level 3 funding, as defined in the Act, with respect to all deposits to be received by Vanderburgh County under the Act and this Ordinance.

3. A fund, to be known as the "County Corrections Fund", is established. The County Corrections Fund shall consist of deposits made by the Department in accordance with the Act. Such Fund shall be administered by the County Fiscal Body.

4. The County Corrections Fund shall be used for any purpose authorized by the Act. Any money remaining in the County Corrections Fund at the end of the year does not revert to any other fund, but remains in the County Corrections Fund.

5. This Ordinance shall be in full force and effect upon adoption.

ANADOLU
APR 25 1965
IND
PERMIT
6312954
0258
HSG-10452
SF 19346 (R4/10-91)

**ALBANY COUNTY
FILED**

Auditor
vanderburgh County
Co. Civic Center
Evansville, IN 47708

APR 09 1995

James W. Conner
AUDITOR

1. The first step is to identify the problem or question that needs to be addressed. This involves understanding the context and the specific requirements of the task.

2. Next, it is important to gather relevant information and data. This can be done through research, consultation with experts, or by analyzing existing resources.

3. Once the information is gathered, the next step is to develop a plan or strategy. This involves breaking down the problem into smaller, manageable parts and determining the best approach to solve each part.

4. The fourth step is to implement the plan. This involves putting the strategy into action and monitoring progress as you go.

5. Finally, it is important to evaluate the results and make adjustments as needed. This involves reflecting on what worked well and what didn't, and using that information to improve future performance.

41

**THE HOUSING AUTHORITY
OF THE CITY OF EVANSVILLE**



JOHN W. COLLIER
Executive Director

Telephone (812) 428-8500
FAX # (812) 428-8560
TDD # (812) 428-8566

411 S. E. Eighth Street
Evansville, Indiana 47713-1818

April 7, 1995

Ms. Cindy Mayo
Vanderburgh County Commissioners
Room 305
Civic Center Complex
1 N.W. Martin Luther Drive
Evansville, Indiana 47708

Dear Ms. Mayo:

It was a pleasure speaking to you about the property at 2130 Kathleen Avenue. This property is currently owned and maintained by the county. The Evansville Housing Authority is requesting this property be transferred to our governmental control and development.

We are in the process of purchasing property adjacent to 2130 Kathleen and this additional property would further enhance our development plans for constructing additional housing in the City of Evansville.

A quitclaim deed is attached for the commissioners consideration and signature.

If additional information is needed, please contact me.

Best Regards,

Kenneth L. Colbert
Assistant to the Director

cc: file

Equal Housing Opportunity

VANDERBURGH COUNTY HIGHWAY DEPARTMENT
PROGRESS REPORT
FRIDAY MARCH 31, 1995 THRU THURSDAY APRIL 6, 1995

FRIDAY MARCH 31, 1995

One Gradall and crew worked on installing a pipe on Fitzgerald.
The other gradall ditched on Short Petersburg Road.
The Trash Crew ran their routes.
The Tree Crew cleared brush on Broadway and also on Short Petersburg Road.

MONDAY APRIL 3, 1995

One Gradall cleaned the ditch and installed culvert at 6720 St Joe Ave.
The other gradall ditched out on Petersburg Road.
The Paint Crew striped the parking lot at the Sheriffs Training Center.
The Patch Crew was on Old State Road. and on Orchard Road.
The Tree Crew worked on Broadway Ave.
Two Trucks spread rock on roads in Union Township.

TUESDAY APRIL 4, 1995

One Gradall and crew cleaned the ditch and installed the culvert at 3630 Bromm Road.
The Patch Crew worked on Orchard Road.
The Trash Crew worked on their routes.
The Tree Crew worked on West Terrace Drive.
One Crew worked on preparations for the land farm remediation at the garage.
Three Trucks rocked King, and Newman Roads.

WEDNESDAY APRIL 5, 1995

One Gradall and Crew removed trees and a fence on West Terrace Drive.
The Patch Crew Worked on Upper Mt. Vernon Road and Koressel Road.
The Tree Crew Worked on West Terrace Drive.
The Trash Crew worked their routes.
Grader and two Trucks rocked and graded Union Township Roads.

THURSDAY APRIL 6, 1995

Gradall and crew replaced a pipe on White Pine Drive.
Patch Crew worked on Upper Mt. Vernon and Hogue Roads.
One crew worked on preparing the Garage Yard for remediation.
The Trash Crew worked their routes.
The Tree Crew worked on West Terrace Drive.

VANDERBURGH COUNTY BRIDGE CREW

PROGRESS REPORT

FRIDAY MARCH 31, 1995 THRU THURSDAY APRIL 6, 1995

FRIDAY MARCH 31, 1995

CREW #1 - Saw road for bridge approach on Boonville-New Harmony Rd. East of I-164.

CREW #2 - Clean Bridges and box Culverts on Baseline, Heppler, Owensville, and Volkman Road.

CREW #3 Replace Culvert on Fitzgerald Road.

MONDAY APRIL 3, 1994

CREW # 1 - Dig out and refill hole on Schaeffer Road

CREW # 2 - Install Driveway pipe on St. Joe between 6720 and 6804

TUESDAY APRIL 4, 1995

CREW #1 - Boonville - New Harmony Road East of I -164 to Dig out and back fill bridge approach.

CREW #2 - Install driveway pipe at 3630 Bromm Road.

CREW #3 - To pick up new foremans truck in Columbus, In..

WEDNESDAY APRIL, 1995

CREW #1 -Finished working on Boonville-New Harmony Rd. Bridge.

CREW #2 -Sawed road for culvert removal on Burkhart road and two (2) pipes on Evergreen Rd.

THURSDAY APRIL 6, 1995

CREW #1 - Moved Dirt at Bixler Road Bridge Project for Engineers Office.

CREW #2 - Replace pipe on White Pine Drive .

CREW #3 - Attended pipe seminar in Washington, In.

Notice to Bidders

Sealed Proposals, or Bids, for contract number **VC95-04-01 Concrete Repair of Various Roads** in Vanderburgh County, Indiana will be received at the office of the County Commissioners, Room 305, until 5:30 p.m. on **May 1st, 1995** local time, as prescribed by the Acts of the Indiana Legislature in Chapter 172, year 1957, at which time all bids will be publicly opened and read aloud in the County Commissioners Hearing Room 307.

- Any bids received after the designated time, for any reason, will be returned unopened.
- Contract documents are on file in the Office of the Vanderburgh County Engineer.
- Bids shall be delivered in a sealed envelope bearing the name and address of the bidder indicating identification of the project and the branch of the work on which is being bid.
- Bids shall be submitted on the Itemized Proposal Form included in the contract documents and on Indiana Form 96, revised in 1987, provided separately, with a non-collusion affidavit, also provided in the contract documents; all properly executed, signed and sealed. The non-collusion affidavit must also be properly notarized.
- Each bid shall be accompanied by a bid bond, certified check, cashier's check, bank treasurer's check or bank money order in the amount of five percent (5%) of the total bid submitted.
- No bid shall be withdrawn after the opening of the bids without the expressed consent of the Vanderburgh County Commission for a period of thirty (30) days after the scheduled time of the bid opening.
- The Contractor receiving the award will be required to furnish a performance bond, Indiana Form 86A revised in 1947, in the amount of one-hundred percent (100%) of the award amount, which is to remain in effect for twelve (12) months from the date of acceptance of the completed work.
- Attention is called to the fact that prevailing wage minimum salaries and wages are set forth in the Contract Documents. A signed copy of the prevailing wage letter (included in the contract documents) must be submitted with the bid.
- The Contractor shall list any subcontractors and the percentage of the contract to be performed by each subcontractor in the bid submittal.
- Construction and installation shall be in full accordance with the contract drawings, specifications, and special provisions. Applicable sections of the 1993 Edition of the Indiana Department of Transportation Standard Specifications and any current Supplemental Specifications to the 1993 Standard Specifications

The Vanderburgh County Commissioners reserve the right to reject any and/or all Bids and waive any informality in the bidding.

DATED THIS 10TH DAY OF APRIL, 1995

VANDERBURGH COUNTY BOARD OF COUNTY COMMISSIONERS
COUNTY OF VANDERBURGH, INDIANA

Richard J. Barnes
Robert J. Jones
Robert J. Jones

ATTEST:

Stephen Crouch
Vanderburgh County Auditor *W2*

RECOMMENDED:

John H. Hall
Vanderburgh County Engineer



VANDERBURGH COUNTY ENGINEERING DEPARTMENT

201 Northwest Fourth Street • Suite 307
Old Vanderburgh County Courthouse
Evansville, Indiana 47708 • Tel. (812) 424-9603

Agenda for April 10, 1995

1. Construction engineering services agreement with Bernardin Lochmueller and Associates for the Ohio Street bridge replacement *Rm/PT So ordered*
2. Right of way engineering agreement with Bernardin Lochmueller and Associates for Lynch Road Phase II *Rm/PT So ordered*
3. Council call request to transfer \$3,834.66 from Volkman Road Bridge to Other Supplies and Furniture & Fixtures *Rm/PT So ordered*
4. Right of way dedication along U.S. 41 frontage road at I-64 *PT/RM So ordered*
5. Notice to Bidders for Contract Number VC 95-04-01 Concrete Repair of Various Roads
Rm/PT So ordered.
Call paper 1st
thing Tues AM



VANDERBURGH COUNTY ENGINEERING DEPARTMENT

201 Northwest Fourth Street • Suite 307
Old Vanderburgh County Courthouse
Evansville, Indiana 47708 • Tel. (812) 424-9603

VANDERBURGH COUNTY ENGINEERING DEPARTMENT

CONSENT AGENDA

APRIL 10, 1995

CLAIMS:

BIXLER ROAD BRIDGE #7 203-4349 ~~203-4349~~ ~~so added~~
American Timber Bridge (Inv. #S787-94A) \$13,812.50

LYNCH ROAD BRIDGE 203-4395
Bernardin Lochmueller (Inv. #92-032-2(19)) \$ 6,863.00

LYNCH ROAD EXTENSION 216-4827
Bernardin Lochmueller (Inv. #92-032-2(19)) \$ 8,921.27

GREEN RIVER ROAD NORTH 216-4910
United Consulting Engs. (Inv. #14/Final) \$ 4,565.00

Instrument # 95-07520

RECEIPT
DATE: 04/11/95
REC# 00010018
TIME: 09:00:56
OPR: CA2
Betty J. Hermann
Recorder of Vanderburgh County
1 NW M. L. King Jr Blvd
Evansville, IN 47708

DESCRIPTION	TRN AMOUNT
OTHER FEE	
Book Code MI	
Book Number 000000004	
Page Number 000005544	8.00
RECEIPT ADJUSTMENT	
TRANSACTION TOTAL	8.00-
CHECK	
CHANGE	
HAVE A NICE DAY!	0.00

44

NOTICE OF HEARING DATES
ORDINANCE TO AMEND TITLE III,
CHAPTER 36 OF THE VANDERBURGH
COUNTY CODE OF ORDINANCES

NOTICE IS HEREBY GIVEN that the Board of Commissioners of Vanderburgh County, Indiana, has scheduled Hearing Dates at 5:30 p.m. in Room 307, Administration Building, Civic Center Complex, Evansville, Indiana with regard to the subject Ordinances as follows:

✓ Second Reading Monday, April 3, 1995
✓ Final Reading Monday, April 10, 1995

(insert ordinance here)

(Courier and Press March 24 and March 31)

ORDINANCE TO AMEND TITLE III, CHAPTER 36
OF THE VANDERBURGH COUNTY CODE OF ORDINANCES

WHEREAS, the Burdette Park Float Stand Revolving Fund was established by ordinance dated May 6, 1991; and,

WHEREAS, proceeds from the operation of the float stand were designated as the sole source of revenue for the Fund; and,

WHEREAS, the Burdette Park gift shop and concession stand now represent additional sources of revenue which are appropriate for deposit in the Fund.

BE IT HEREBY ORDAINED by the Board of Commissioners of Vanderburgh County, Indiana, that Title III, Chapter 36, of the Code of Ordinances of Vanderburgh County be amended as follows:

Chapter 36.50 ESTABLISHMENT

The Burdette Park Float Stand Revolving Fund, established May 6, 1991, is redesignated the Burdette Park Revolving Fund (hereinafter referred to as the "Fund").

Chapter 36.51 SOURCES AND DEPOSITS

(A) The Fund shall be comprised of all funds deposited therein pursuant to subsection (B), and any funds deposited therein pursuant to any appropriation for that purpose by the County Council.

(B) All proceeds from the sale or rental of property from the Burdette Park float stand, gift shop and concession stand, and any other revenue generated by the Burdette Park float stand, gift shop and concession stand, shall be deposited in the Fund pursuant to the Indiana Depository Act, I.C. 5-12-1, and as that Act may be amended from time to time.

Chapter 36.52 PURPOSES AND EXPENDITURES

(A) The Fund shall be used exclusively for the purchase, rental or other procurement of property to be offered for sale or rent at the Burdette Park float stand, gift shop and concession stand and any necessary expenses incidental to the operation of the Burdette Park float stand, gift shop and concession stand.

(B) The Manager of Burdette Park is hereby authorized to purchase, rent or otherwise procure property to be offered for sale or rent at the Burdette Park float stand, gift shop and concession stand, with funds then present in the Fund.

(C) The Manager of Burdette Park is hereby further authorized to make such other expenditures for the payment of any necessary expenses incidental to the operation of the Burdette Park float stand, gift shop and concession stand with funds then existing in the fund.

Chapter 36.53 REVOLVING FUND

(A) The Fund shall be a revolving fund, and shall not be commingled with any other funds. Monies remaining in the Fund at the end of each year shall remain in the Fund and shall not revert to any general fund, except as provided in subsection (B)

(B) At the first scheduled meeting of the Board of Commissioners of Vanderburgh County in the month of April, each year, after the date of this ordinance, the Manager of Burdette Park shall submit a report to the Board of Commissioners regarding the funds remaining in the Fund at that time and an itemized estimate of the anticipated expenses for the operation and maintenance of the Burdette Park float stand, gift shop and concession stand. Any funds remaining in the Fund at the end of each fiscal year in excess of the anticipated operation and maintenance expenses, plus the amount of Ten Thousand Dollars (\$10,000.00), for unanticipated expenses, shall revert to the Vanderburgh County general fund.

ADOPTED this ____ day of _____, 1995.

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

ATTEST:

Suzanne Crouch
Vanderburgh County Auditor

APPROVED AS TO FORM:

Alan M. Kissinger
Vanderburgh County Attorney

REQUEST FOR APPROPRIATION

DEPARTMENT: Burdette Park

DATE: April 10, 1995

ACCOUNT	LINE ITEM	AMOUNT
1450-1850	Overtime	\$ 3,000.00
1450-2120	Day Camp Supplies	2,500.00
1450-2300	Uniforms	1,000.00
1450-2310	Laundry and Cleaning	1,500.00
1450-2550	Sand and Gravel	5,000.00
1450-3120	Postage	1,000.00

EXPLANATION OF NEED FOR REQUEST:

These accounts were cut at budget time. We were then told to come back after the first of the year and request funds in the accounts that we will not have sufficient funding in for the year. We are only requesting funds at this time for the accounts that we need most. We will review all other accounts as the year progresses.

BALANCE OF ACCOUNTS:

ACCOUNT NO	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER APPROPRIATION
1450-1850	\$10,000.00	5,000.00	5,000.00	8,000.00
145-2120	15,000.00	2,897.25	12,102.75	14,602.75
1450-2300	2,500.00	1,156.15	1,343.85	1,343.85
1450-2310	5,000.00	920.07	4,079.93	5,579.93
1450-2550	1,000.00	997.45	2.55	5,002.55
1450-3120	1,000.00	640.00	360.00	1,360.00

DEPARTMENT HEAD: Marl T Tulay

REQUEST FOR APPROPRIATION

DEPARTMENT: Burdette Park

DATE: April 10,1995

ACCOUNT	LINE ITEM	AMOUNT
1450-3440	Advertising	\$10,000.00
1450-3520	Equipment Repair	3,000.00
1450-3580	Vehicle Repair	2,000.00
1450-3590	Pool Operation	5,000.00

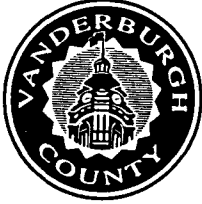
EXPLANATION OF NEED FOR REQUEST:

Page 2

BALANCE OF ACCOUNTS:

ACCOUNT NO	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER APPROPRIATION
1450-3440	40,000.00	5,626.45	34,378.55	44,378.55
1450-3520	15,000.00	3,602.36	11,397.64	14,397.64
1450-3580	5,000.00	798.25	4,201.75	6,201.75
1450-3590	40,000.00	9,478.21	30,521.79	35,521.79

DEPARTMENT HEAD: Mah T. Tubey



VANDERBURGH COUNTY ENGINEERING DEPARTMENT

201 Northwest Fourth Street · Suite 307
Old Vanderburgh County Courthouse
Evansville, Indiana 47708 · Tel. (812) 424-9603

VANDERBURGH COUNTY ENGINEERING DEPARTMENT

CONSENT AGENDA

APRIL 10, 1995

CLAIMS:

BIXLER ROAD BRIDGE #7 203-4349	
American Timber Bridge (Inv. #S787-94A)	\$13,812.50
LYNCH ROAD BRIDGE 203-4395	
Bernardin Lochmueller (Inv. #92-032-2(19))	\$ 6,863.00
LYNCH ROAD EXTENSION 216-4827	
Bernardin Lochmueller (Inv. #92-032-2(19))	\$ 8,921.27
GREEN RIVER ROAD NORTH 216-4910	
United Consulting Engs. (Inv. #14/Final)	\$ 4,565.00

NOTICE: IN ORDER FOR PAYMENT TO BE PROCESSED, AN ORIGINAL INVOICE AND TWO COPIES MUST BE PROVIDED AND THE ATTACHED CLAIM FORM MUST BE PROPERLY COMPLETED AND RETURNED.

PURCHASE ORDER
CITY OF EVANSVILLE AND VANDERBURGH COUNTY, INDIANA
DEPARTMENT OF PUBLIC PURCHASE
ROOM 323, 1 N.W. MARTIN LUTHER KING, JR. BOULEVARD
EVANSVILLE, IN 47708-1833

PURCHASE ORDER NUMBER
MUST APPEAR ON INVOICE,
CLAIM, OR DELIVERY MEMO.

DATE 04/05/95 REQ. NO. VC2802 P.O. NO. 001950670
SHIP TO:

000000001633

AMERICAN TIMBER BRIDGE & CULVERT INC
PO BOX 232

FISHERS IN 46038-0232

BILL TO:
COUNTY ENGINEER
201 NW FOURTH ST
SUITE 307
EVANSVILLE IN 47708

TERMS: NET 000 ACCOUNT NUMBER 2030000043490000

QUANTITY	UNIT	DESCRIPTION	UNIT COST	AMOUNT
1.00		22 PCS PILING @ 40' LENGTHS (880 LF @ 12.50 EA)	11000.000	11000.00
1.00		5 PCS PILING @ 45' LENGTHS (225 LF @ 12.50 EA)	2812.500	2812.50
		CREOSOTE TREATED TIMBER BRIDGE PILING		
		TOTAL ORDER		

THIS ORDER ISSUED IN
COMPLIANCE WITH THE LAWS
OF THE STATE OF INDIANA

U.D. ENGINEERING
MAIL ALL INVOICES AND CLAIMS TO THE
DEPARTMENT AS LISTED IN THE "DELIVER TO"
SECTION OF THIS PURCHASE ORDER

TOTAL ORDER 13812.50

ONLY QUANTITIES ORDERED WILL BE ACCEPTED

I HEREBY CERTIFY THAT THERE IS AN UNOBLIGATED BALANCE IN THIS
APPROPRIATION SUFFICIENT TO PAY FOR THE ABOVE ORDER.

ACCEPTANCE OF THIS PURCHASE ORDER ESTABLISHES THE ABOVE
PRICES AS FIRM PRICES. NOT SUBJECT TO CHANGE.

DIRECTOR OF PURCHASING

INDIANA RETAIL TAX EXEMPT CERTIFICATE NO.S

00110015 001 7 (COUNTY) 001 001100554 001 0 (CITY)

RECEIVING COPY

001950670

I hereby certify that the above items have been received in good
condition, or services performed, except as noted.



- TREATED TIMBER BRIDGES
- SALT STORAGE BUILDINGS
- LAMINATED BOX CULVERTS
- DECKING MATERIALS AND SUPPLIES

AMERICAN TIMBER BRIDGE & CULVERT, INC.

P.O. Box 232 • Fishers, IN 46038-0232 • (317) 841-9727

INVOICE NO. S 787-94A

SOLD TO

Vanderburgh County Engineering Dept.
Suite 307 Old Vanderburgh County Court House
201 North West Fourth Street
Evansville, IN. 47708

INVOICE DATE March 30, 1995

SHIPPED TO Job site Bridge #7
Bixler Road over Big Creek

OUR ORDER NO. S787-95A	YOUR ORDER NO.	SALESMAN WJS	TERMS Net 30	SHIPPED VIA our truck	PPD. OR COLL.
QUANTITY	DESCRIPTION			PRICE	AMOUNT
	Bridge #7				
	CREOSOTE TREATED TIMBER BRIDGE PILING:				
22 pcs.	Piling @ 40' lengths = 880 LF @ \$12.50/LF.....			\$11,000.00	
5 pcs.	Piling @ 45' lengths = 880 ²²⁵ LF @ \$12.50/LF.....			\$ 2,812.50	
	TOTAL ORDER DELIVERED TO SITE:.....			\$13,812.50	
<div>PAID APR 03 1995 BY [unclear]</div>					

A Finance Charge of 1½ % per month, which is an annual percentage rate of 18%, will be applied to your unpaid past due balance.

Board of Commissioners

TOTAL	13,812.50
-------	-----------

BERNARDIN · LOCHMUELLER & ASSOCIATES, INC.

PLANNERS · ENGINEERS · SURVEYORS

20-24 N. W. FOURTH ST., SUITE 606

EVANSVILLE, IN 47708

TEL. (812) 426-1737

FAX (812) 426-7369

March 29, 1995

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

I N V O I C E

Project: Lynch Road Extension
INDOT Project No.: STP-M-E185(1), STP-E185(4)
& STP-E185(5)
Contract No.: R-20843
Invoice No.: 92-032-2 (19)
Period: February 1 - 28, 1995
Work Description: Construction Engineering

TOTAL SALARY COSTS (See attached Schedule for Breakdown)	\$ 4,925.03
Overhead Rate 160.00%	<u>7,880.05</u>
TOTAL SALARY + OVERHEAD COSTS	12,805.08
Fixed Fee $\$ 4,925.03 \times \$74,581.00 =$	1,972.97
$\$186,173.00$	
Overtime Premium Costs	5.22
Direct Non-Salary Costs	1,001.00
(See attached Schedule for Breakdown)	<u> </u>
TOTAL AMOUNT DUE THIS INVOICE:	<u><u>\$15,784.27</u></u>

SALARY COST BREAKDOWN					
EMPLOYEES	HOURS		RATE	STRAIGHT TIME AMOUNT	1/2 TIME OVERTIME PREMIUM
Thomas G. Bernardin	0.00	@	\$37.07	0.00	
James R. Gulick	0.00	@	\$27.21	0.00	
Thomas A. Turi	0.00	@	\$25.61	0.00	
Matthew Wannemuehler	3.50	@	\$24.81	86.84	
Richard Z. Bennitt	11.00	@	\$20.24	222.64	
Charles R. Mills, Sr.	6.00	@	\$18.48	110.88	
Richard A. Poelhuis	0.00	@	\$17.77	0.00	
Daniel Farvardin	127.00	@	\$16.35	2,076.45	
*	0.00	@	\$16.35	0.00	0.00
Brian S. Randolph	29.00	@	\$15.80	458.20	
Donald Potter	0.00	@	\$14.85	0.00	
Alvin Paul	0.00	@	\$14.44	0.00	
Richard Schaefer	0.00	@	\$14.26	0.00	
Mark Barton	0.00	@	\$13.70	0.00	
Gregory Thomas	0.00	@	\$13.69	0.00	
*	0.00	@	\$13.69	0.00	0.00
George Frauli	24.00	@	\$10.90	261.60	
*	0.00	@	\$10.90	0.00	0.00
Jeffrey Okes	4.50	@	\$10.56	47.52	
Robert Girdley	153.00	@	\$10.43	1,595.79	
*	1.00	@	\$10.43	10.43	5.22
Lloyd Carson	0.00	@	\$10.29	0.00	
*	0.00	@	\$10.29	0.00	0.00
Randall Hahn	2.00	@	\$9.79	19.58	
Roland Harlan	0.00	@	\$9.57	0.00	
Kevin Klein	2.00	@	\$9.33	18.66	
Gary Burress	0.00	@	\$8.24	0.00	
George Berry	2.00	@	\$8.22	16.44	
				\$4,925.03	\$5.22

DIRECT NON-SALARY COSTS BREAKDOWN

Mileage - Personal Vehicles:	\$986.50
Mileage - Company Vehicles	14.50
Miscellaneous (Supplies, Printing, etc.)	0.00
	<u>\$1,001.00</u>

Allocation of Costs:

Project No.: P-M-E185(1) - Road Grading	
\$15,784.27 x 56.52%	\$8,921.27
Project No.: STP-E185(4) - Pigeon Creek Bridge	
\$15,784.27 x 33.06%	5,218.28
Project No.: STP-E185(5) - Crawford-Brandeis Ditch	
\$15,784.27 x 10.42%	1,644.72
TOTAL	<u>\$15,784.27</u>

CONTRACT BALANCE:

Maximum Contract Amount:	\$605,734.00
Total Invoiced to Date:	(406,887.64)
Billable Amount Remaining:	<u>\$198,846.36</u>

* Indicates Straight Portion of Overtime Pay

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDEBURGH COUNTY, INDIANA

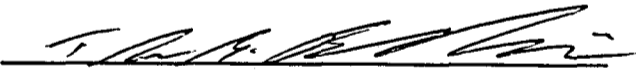
VENDOR NAME Bernardin, Lochmueller & Assoc., Inc. # 985

On Account of Appropriation for VARIOUS

Invoice No.	Itemized Claim	Amount	
92-032-2(19)	Fee due for Construction Engineering for	15,784.	27
	Lynch Road Extension. INDOT Project No.:		
	STP-M-E 185(6).		
216-4827	ROAD GRADING: 8921.27		
203-4395	BRIDGES: 6863.00		
	<u>\$ 15,784.27</u>		

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.


Name

Thomas G. Bernardin, Secretary
Title

Date March 29, 19 95

Warrant No. _____
Claim No. _____
Date _____

Bernardin Lochmiller

Vendor No. 985

\$ 15,784.27
ON ACCOUNT OF APPROPRIATION
Dept. Fund Name LYNCH RD.
Account No. Various

Allowed _____ 19____
In the sum of \$ Richard J. Barnes
(Richard Barnes)
Richard Barnes
Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

April 7, 1995
John Hill
Signature of Office Holder

I have examined the within claim and hereby certify as follows:
That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT			
INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO. AMOUNT PAID
<u>92-32-2(19)</u>	<u>-</u>	<u>3/29/95</u>	<u>216-4827 8,921.27</u>
<u>92-002-2(19)</u>	<u>-</u>	<u>3/29/95</u>	<u>203-4395 6863.00</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
TOTAL			<u>15,784.27</u>



United Consulting Engineers & Architects



AMERICAN CONSULTING
ENGINEERS COUNCIL

OFFICERS

Jacob E. Hall, P.E., L.S.
Kent D. Downey, P.E., L.S.
Ronald B. Miller
Billie W. Jones, P.E., L.S.
William E. Hall, P.E.
Steven W. Jones
William D. Richter, P.E., L.S.



ARCHITECTS

John D. Staley, R.A., A.I.A.
John K. Hardin, R.A., A.I.A.
Alan L. Blunk, R.A., A.I.A.

ENGINEERS

Jerry D. Ritchie, P.E.
Ronald C. Miller, P.E.
Anthony W. Jones, P.E.
Greg L. Rominger, P.E.
Michael W. Cox, P.E.
Brad S. Faris, P.E., L.S.
Dale A. Schmidt, P.E.
Karen S. Kellerman, P.E.

FINAL INVOICE

April 1, 1995

Vanderburgh County Commissioners
Old Court House
Suite 307
201 N. W. Fourth Street
Evansville, IN 47708

RE: Project M-E 340
Green River Road,
Sections B & C

For Right of Way Acquisition Services on the above referenced project, based on securing the right of way with 100 percent County Funds in accordance with our Agreement dated August 5, 1991. We appreciate having the opportunity to work on this project.

* Indicates Items Being Claimed For This Invoice.

To Secure the Right of Way and Recording of Transfer Documents	
25 Permanent Parcels @ \$650.00/parcel	\$16,250.00 *
19 Temporary Parcels @ \$500.00/parcel	\$ 9,500.00
Right of Way Management Services	
100% Complete X \$12,650.00 Lump Sum	\$12,650.00 *
Appraisals and Review Appraisals	
5 Value Finding @ \$650.00/parcel	\$ 3,250.00
1 Short Form @ \$1300.00/parcel	\$ 1,300.00
0 Short Form @ \$ 950.00/parcel	\$ 0.00
Market Estimate Analysis	
39 Parcels @ \$150.00/parcel	\$ 5,850.00
Septic (Cost to Cure)	\$ 2,000.00 *
Sub-Total	\$50,800.00
Less Previous Invoices	\$46,235.00
TOTAL AMOUNT DUE THIS INVOICE	\$ 4,565.00

UNITED CONSULTING ENGINEERS & ARCHITECTS
Invoice No. 14 (FINAL)

Steven W. Jones
Steven W. Jones, Vice President

91-508
0594-01SWJ

Job No. 91-508

Summary:

Invoice No. 1	10/01/91	\$ 6,380.00	Paid
Invoice No. 2	01/02/92	\$ 5,782.50	Paid
Invoice No. 3	02/03/92	\$ 4,997.50	Paid
Invoice No. 4	05/01/92	\$ 500.00	Paid
Invoice No. 5	06/01/92	\$ 2,865.00	Paid
Invoice No. 6	07/01/92	\$ 3,182.50	Paid
Invoice No. 7	09/01/92	\$ 3,000.00	Paid
Invoice No. 8	01/04/93	\$ 3,215.00	Paid
Invoice No. 9	03/01/93	\$ 2,779.50	Paid
Invoice No.10	01/03/94	\$ 4,135.50	Paid
Invoice No.11	03/01/94	\$ 2,932.50	Paid
Invoice No.12	05/02/94	\$ 3,250.00	Paid
Invoice No.13	06/01/94	\$ 3,215.00	Paid
Invoice No.14	04/01/95	\$ 4,565.00	This Invoice (FINAL)

		\$50,800.00	Total Invoiced To Date

Original Agreement:

Agreement Dated 08/05/91

Minimum Service Amount = \$40,700.00

Maximum Not To Exceed Amount = \$55,750.00

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.,

VANDERBURGH COUNTY, INDIANA

VENDOR NAME United Consulting Engineers, Inc. # 1262
1625 North Post Road, Indpls., IN 46219-1995
On Account of Appropriation for 216-4910 Gr. River RD.

Invoice No.	Itemized Claim	Amount	
<u>#14</u>	For Right of Way Acquisition Services on		
	Project M-E230 based on securing the		
	right of way with 100 percent County		
	Funds in accordance with our Agreement		
	dated August 5, 1991.		
	Work completed thru 03/31/95		
	TOTAL AMOUNT DUE THIS INVOICE #14	4565	00

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

United Consulting Engineers, Inc.

Name

Steven W. Jones

Steven W. Jones, Vice President

Date March 31, 19 95

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Vendor No. 1262

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Account No. 216-4910

In the sum of \$

Richard J. James

Richard J. James

L. K. L. L. L.

TOTAL	4565.00
-------	---------

10% Commission First Quarter

page 1

Date	Tenant	1				2				3				4			
		Auditorium				Gold Room				Meeting Rooms				Other			
1	1-3 95	Gold Room Catering, Inc.				16 00											
2	1-3 95	Boogie Tight				129 25											
3	1-9 95	Living Arts for Students				11 00 00											
4	1-11 95	Sterling Men's Club				373 00											
5	1-17 95	Gold Room Catering, Inc.				1761 11											
6	1-17 95	Gold Room Catering, Inc.				1508 93											
7	1-17 95	Gold Room Catering, Inc.				252 17											
8	1-17 95	Jehovah's Witnesses (Ind.)				500 00											
9	1-19 95	Schnuck's Food & Drug #703				150 00											
10	1-19 95	Schnuck's Food & Drug #704				150 00											
11	1-19 95	Schnuck's Food & Drug #705				150 00											
12	1-19 95	Schnuck's Food & Drug Newburgh				150 00											
13	1-23 95	Edmund L. Hafer, Architect				190 00											
14	1-23 95	Sold Out Shows				550 00											
15	1-24 95	Gold Room Catering, Inc.				7170 57											
16	1-27 95	Evansville Philharmonic Orchestra				1552 00											
17	1-31 95	Living Arts for Students				750 00											
18																	
19																	
20		Total January 1995				4581 25											
21	2-3 95	Castle High School				250 00											
22	2-3 95	Gold Room Catering, Inc.				919 80											
23	2-6 95	Dexter Construction Corp.				164 25											
24	2-7 95	Gold Room Catering, Inc.				5117 96											
25	2-13 95	Edmund L. Hafer, Architect				211 50											
26	2-13 95	Retticker and Kellogg				500 00											
27	2-14 95	American Theatre Arts for Youth				750 00											
28	2-17 95	Evansville Philharmonic Orchestra				1686 00											
29	2-21 95	Gold Room Catering, Inc.				116 05											
30	2-21 95	Tand J Promotions				500 00											
31	2-21 95	City of Evansville (IND)				440 00											
32	2-23 95	Aztec Indiana Gaming Corp.				250 00											
33	2-23 95	Evansville Vand. School Corp.				603 41											
34	2-27 95	American Theatre Arts for Youth				550 00											
35	2-27 95	American Theatre Arts for Youth				550 00											
36	2-27 95	CNB Bancshares				476 25											
37	2-28 95	Harrison High School				200 00											
38																	
39																	
40		Total February 1995				4012 25				9272 47							
41																	
42																	
43																	
44																	
45																	
46																	

10% Commission First Quarter

page 2

			1	2	3	4
	Date	Tenant	Auditorium	Gold Room	Meeting Rooms	Other
1	3-2	95 Jan's School of Dance	889.20			
2	3-3	95 Evansville Philharmonic Orchestra	1818.00			
	3-8	95 Spencer's Hospital	1147.50			
	3-10	95 Sold Out Shows	750.00			
5	3-14	95 SWIRCA		450.00		
6	3-16	95 Bernice Little's Riverhouse		114.20		
7	3-20	95 Evansville Philharmonic Orchestra	798.00			
8	3-21	95 American Theatre Arts for Youth	550.00			
9	3-21	95 Gold Room Catering, Inc.		1588.27		
10	3-21	95 Boonville High School		200.00		
11	3-22	95 Ev. Vand. School Corp.	990.00			
12	3-24	95 Evansville Philharmonic Orchestra		1993.00		
13	3-24	95 North Posey High School		200.00		
14	3-30	95 Aiken Management	4081.13			
15	3-30	95 T and J Promotions		1200.00		
16	3-31	95 Evansville Philharmonic Orchestra	198.00			
17	3-31	95 Citizens National Bank	1000.00			
18	3-31	95 Gold Room Catering, Inc.		2156.50		
		Total March 1995	12221.93	7901.97		
21		Total first quarter	20815.33	29046.22		
26		combined total				
27		\$49861.55				
31		10% : \$4986.15				

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

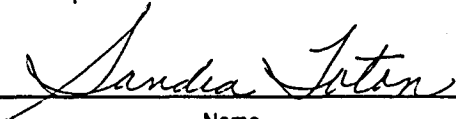
VENDOR NAME Given & Spindler Management Co., Inc. # 1867

On Account of Appropriation for 1440-3790

Invoice No.	Itemized Claim	Amount	
	First quarter 10% management commission		
	per contract dated 4-6-92.		
	Total income for this quarter --		
	\$49861.55.		
	10% total income for this quarter	\$4986	15
	total	\$4986	15

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.


Name
General Manager
Title

Date April 6, 1995

Board of Commissioners

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
1st Q- Percent		April 6, 1995	1440-3790	\$4986.15
TOTAL				\$4986.15

PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
MGMT.-Apr. <hr/>	<hr/>	1440-3790 <hr/>	\$4341.00 <hr/>
<hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>	<hr/>
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<hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>	<hr/>
TOTAL			\$4341.00

TRAVEL REQUEST FORM
FOR
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: MARCH 31, 1995 DEPARTMENT: HEALTH

EMPLOYEE(S): SAM ELDER, EXECUTIVE DIRECTOR

DATE(S) OF TRAVEL: APRIL 5, 1995

DESTINATION: INDIANAPOLIS, IN.

PURPOSE: PUBLIC HEALTH WEEK CEREMONY TO RECEIVE A CERTIFICATE OF

RECOGNITION

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: NO

MEANS OF TRAVEL COUNTY VEHICLE NUMBER: 873
OTHER: _____

REIMBURSEMENT CLAIMED

_____ Mileage	_____ Parking
_____ Per diem	_____ Registration
_____ Air fare	_____ Other

APPROVED: *Sam Elder*
Department Head

APPROVED: _____
Office Holder

APPROVED BY:
VANDERBURGH COUNTY COMMISSIONERS this 10th day of April, 1995

Richard J. Borries
RICHARD J. BORRIES, PRESIDENT

Patrick Toley
PATRICK TOLEY, VICE PRESIDENT

Richard Mourdock
RICHARD MOURDOCK, MEMBER

64

TRAVEL REQUEST FORM
FOR
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 28 March 1995 DEPARTMENT: County Coroner

EMPLOYEE(S): DENNIS L. BUICKEL

DATE(S) OF TRAVEL: 23 April 1995 - 26 April 1995

DESTINATION: Indianapolis Indiana

PURPOSE: State Conference of Indiana State Coroner's Association

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: None (To be paid by State Coroner's Association)

MEANS OF TRAVEL: COUNTY VEHICLE NUMBER: _____
OTHER: POV (Approx 360 Mi x \$.25 = \$90.00)

(\$100.00 listed is for annual dues fees)

REIMBURSEMENT CLAIMED	<u>\$90.00</u> Mileage	<u>Unk.</u> Parking
	<u>\$96.00</u> Per diem	<u>\$125.00</u> Registration
	<u> </u> Air fare	<u>\$100.00</u> Other

APPROVED: _____
Department Head

APPROVED: *Dennis L. Buickel*
Office Holder DENNIS L. BUICKEL

APPROVED BY:
VANDERBURGH COUNTY COMMISSIONERS this _____ day of _____, 1993

RICHARD J. BORRIES, PRESIDENT

PATRICK TULEY, VICE-PRESIDENT

RICHARD MOURDOCK, MEMBER



BOARD of
COMMISSIONERS
of the County of Vanderburgh

RICHARD J. BORRIES

DON L. HUNTER

PATRICK R. TULEY

AGENDA REQUEST

NAME OF REQUESTOR: DENNIS L. BUICKEL

REQUESTOR TITLE: COUNTY CORONER

DEPARTMENT: CORONER'S OFFICE

REQUEST(S) BEING MADE:

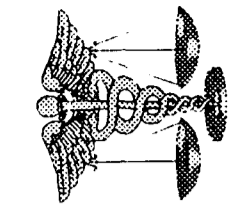
Payment of per diem and reimbursement for registration, parking fees (if any),
and travel allowance to attend the Indiana State Coroner's Conference.

The conference is to be held in Indianapolis, Indiana. Arrival date is on the
23d of April, 1995. Last date of conference (return to Evansville) on the night
of 26 April 1995. This request is also for payment of the 1995 dues to the
Indiana State Coroner's Association.

All lodging expenses will be paid by the Indiana State Coroner's Association,
since I am the V-P. of the Association.

DATE TO BE PLACED ON AGENDA: _____

ACTION _____ CONSENT _____ OTHER _____



Indiana State Coroners Association

1995 I.S.C.A.\C.T.B. Meeting

Sunday
April 23rd

5:00 - 8:00 pm

Registration, Hospitality Room

Monday April 24th

7:00 am

Registration Opens

8:30 - 9:00 am

Lion's Eye Bank
Ron Blanchett

9:00 - 11:00 am

Writing Cause of Death Statements
Dr. Randy Hanzlick
Center for Disease Control

11:00 - 12:00 pm

How To Work With The Media
Attorney James Voyles

12:00 - 1:00 pm

Lunch

1:00 - 5:00 pm

Forensic Anthropolpology: Recognition
and Identification of Human Remains
Dr. Frank P. Saul and Julie Mather Saul

7:00 pm

Bring Your Own Case

Tuesday April 25th
The Crash of American Eagle 4184

7:00 am

Registration Opens***

*** Admittance is by registration only with color code added that morning. Each participant must check in at the registration desk.

8:00 - 8:30 am

Opening Remarks: An Overview of the Event
Dr. Martin Avolt

8:30 - 9:15 am

Initial Planning and Staging
Dr. David Dennis

9:15 - 10:15 am

The State Emergency Management Agency
Review of Daily Activities
Mr. David Perkins

10:15 - 10:30 am

Break

10:30 - 11:15 am

The Indiana State Police
Review of Daily Activities
1st Sergeant Jerry Wilder, et.al.

11:15 - 12:00 pm

The Organization of the Morgue and Agencies
Mr. Steve Stitz

12:00 - 1:30 pm

Lunch

The Annual Spring Meeting of the
INDIANA STATE CORONERS AND THE CORONERS TRAINING BOARD
APRIL 24, 25, AND 26.

It is being held at the **Holiday Inn North in Indianapolis**. This is a **Holidome**. Room reservation cards are included with this letter. They have extended a very reasonable rate to us and parking is free. Those with families might wish to come down on a Friday or Saturday and enjoy the pool and amenities, take in the Zoo, Children's Museum, Union Station, etc. The special room rate may not apply for the extra nights. It depends on the availability of the rooms. If this is something you might be interested in please call the hotel in advance and ask about the room rate.

The program for the meeting is enclosed. We have reached out to bring in some nationally known speakers and have utilized some of Indiana's well-known professionals. Added to the panel are members of other State agencies and several of our own hard working ISCA people.

Registration will open on Sunday evening for those of you who are in town already. Registration will take place at the south end of the Holidome, in the patio area off the pool. Registration will be there each day. Also the commercial exhibitor booths and the break service for each day will be in this immediate area.

Also in the exhibitor area will be The Transportation Research Center at Indiana University (TRC/IU) which has been asked by the U.S. Department of Transportation, National Highway Traffic Safety Administration (NHTSA) to locate vehicle crashes of special interest to the NHTSA. The TRC/IU looks forward to discussing air bag, school bus, etc., crashes with you during the April meeting.

Registration for the three days is \$125.00. Single day registration is available at \$50.00 per day. It will lessen the Monday morning logjam if you get your registration to us in advance.

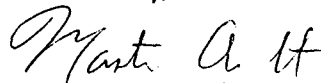
I truly doubt that there is anyone in Indiana who is not aware of the American Eagle Crash last October 31st. As this was a major tragedy for Indiana and since Dr. David Dennis played such an important part in the investigation of this event, it was decided to make this a major part of the 1995 program. Little did we know that there would continue to be controversy and inflammatory media coverage this long after the event. Due to continuing charges and counterclaims being thrown about in the media we will have to take some unusual security precautions for the Tuesday program.

Even if you are already registered prior to Tuesday morning, you will have to present yourself in person to the registration desk for a special coding of your registration badge. **YOU MUST HAVE YOUR BADGE AND CODE FOR ADMITTANCE AT ALL TIMES TO TUESDAY'S PROGRAM.** There will be door checks and you will be refused entry without them. No recording devices of any kind will be allowed for Tuesday.

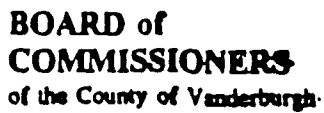
Our business meeting for the members of ISCA will be at 6:30 am on Wednesday. This will be a breakfast buffet in the same area as the registration desk.

A hospitality suite will be available during the following hours:
Sunday & Monday evenings- 5:00 to 7:00 pm, 10:00 to 12:00 pm,
Tuesday evening 5:00 to 7:00 pm, and 10:00 pm till tired.

Sincerely,



Martin D. Avolt
Executive Director, ISCA



RICHARD J. BORRIES, PRE.
PATRICK TULEY, VICE PRE.
RICHARD MOURDOCK, MEM.

NAME OF REQUESTOR: J. Robbins

REQUESTOR TITLE: Env. Sec.

DEPARTMENT: Health

REQUEST(S) BEING MADE:

See attach. I

DATE TO BE PLACED ON AGENDA: not available yet

ACTION _____ **CONSENT** _____ **OTHER** _____

TRAVEL REQUEST FORM
FOR
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: MARCH 31, 1995 DEPARTMENT: HEALTH

EMPLOYEE(S): SAM ELDER, EXECUTIVE DIRECTOR

DATE(S) OF TRAVEL: APRIL 5, 1995

DESTINATION: INDIANAPOLIS, IN.

PURPOSE: PUBLIC HEALTH WEEK CEREMONY TO RECEIVE A CERTIFICATE OF

RECOGNITION

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: NO

MEANS
OF
TRAVEL

COUNTY VEHICLE NUMBER: 873

OTHER:

REIMBURSEMENT CLAIMED

Mileage

Parking

Per diem

Registration

Air fare

Other

APPROVED:

Sam Elder
Department Head

APPROVED:

Office Holder

APPROVED BY:

VANDEBURGH COUNTY COMMISSIONERS this _____ day of _____, 1995

RICHARD J. BORRIES, PRESIDENT

PATRICK TULEY, VICE PRESIDENT

RICHARD MOURDOCK, MEMBER

Evan Bayh, Governor

John C. Bailey, M.D., State Health Commissioner

Indiana State Department of Health
1330 West Michigan Street
P.O. Box 1964
Indianapolis, IN 46206-1964
317/383-6100 TDD 317/383-6859



An Equal Opportunity Employer

March 21, 1995

John Heidingsfelder, M.D.
Health Officer
Vanderburgh County Health Depart
1 N.W. Martin Luther King Blvd.
Evansville, IN 47708

Dear Dr. Heidingsfelder:

Post-It™ brand fax transmittal memo 7671		# of pages >	
To	Heidingsfelder	From	m. Clark
Co.	Vanderburgh Co	Co.	ISDH
Dept.		Phone #	317 383-6842
Fax #	812-435-5612	Fax #	317-383-7008

It is with great pride that we congratulate your health department on being selected as a recipient of the Exceptional Innovator for Public Health Award!

You will receive a certificate of recognition on Thursday, March 30, 1995 during the lunch meeting of the Indiana Public Health Association Annual (IPHA) Conference. The conference is being held at the Abe Martin Lodge in Brown County State Park. A brochure is enclosed to provide more information on the IPHA conference agenda and directions to the Abe Martin Lodge. As part of the conference, we would like you to join with other recognized health departments in a break-out session Wednesday March 29, at 1:30 p.m. to briefly describe your public health activities. You will be given approximately 15 minutes to describe the activities for which you received this award.

In addition, you will be honored at the Public Health Week Reception Wednesday April 5th, 11:00 a.m., at the Indiana Statehouse Rotunda. An invitation to this ceremony is included with this letter. The purpose of the reception is to provide the opportunity for legislators, public health officials, and community leaders to discuss the importance of public health in their local communities.

Please contact Patsy Eifert at (317) 383-6465 to confirm your attendance at these ceremonies. Congratulations again for your success in promoting public health in Indiana.

Sincerely,

Patsy Eifert
Patsy Eifert, President Elect
Indiana Public Health Association

Mary A. Clark
Mary A. Clark
Director Health Education



Vanderburgh County Assessor

Room 227 Administration Building
1 NW Martin Luther King Jr. Blvd.
EVANSVILLE, INDIANA 47708
Phone: (812) 435-5267 Fax: (812) 435-5530

Cheryl A. W. Musgrave
County Assessor

Steve Parker
Chief Deputy

April 7, 1995

Vanderburgh County Commissioners
Civic Center Complex Room 305
Evansville Indiana 47708

RE: Travel Request

Dear Sirs:

Attached to this letter is the travel request for George E Koch. Mr. Koch attended the workshop in Vincennes on March 28 and 29, 1995 for new assessing officials. The request for travel was overlooked earlier.

Please approve this request.

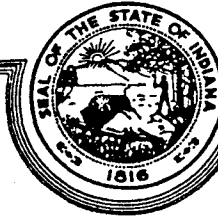
Very truly yours,

A handwritten signature in cursive script, appearing to read "Cheryl A. W. Musgrave", written over a horizontal line.

Cheryl A. W. Musgrave
Vanderburgh County Assessor

CAM/ri

STATE OF INDIANA



INDIANAPOLIS, 46204

STATE BOARD OF TAX COMMISSIONERS

Indiana Government Center North
317/232-3761

TO: NEW ASSESSING OFFICIALS

FROM: KAREN A. LOUDERBACK, DIRECTOR *KAL*
TRAINING AND COMMUNICATIONS

DATE: FEBRUARY 16, 1995

SUBJECT: TWO DAY TRAINING FOR NEW ASSESSORS AND BOARD OF REVIEW MEMBERS

Pursant to I.C. 6-1.1-35.2-1, "The state board of tax commissioners shall provide training to the members of the county board of review and the county, township and trustee assessors (as referred to in this chapter as assessing officials)".

I.C. 6-1.1-35.2-2 states that "In any year in which an assessing official takes office for the first time, the state board of tax commissioners shall conduct two (2), eight (8) hour sessions for these new assessing officials. Any new assessing official who attends BOTH sessions is entitled to receive \$200 and a mileage allowance from the county in which the official resides. A person is entitled to a mileage allowance under this section only for travel between the person's place of work and the training session nearest to the person's place of work". You must attend BOTH days of training to receive the payment of \$200.00. If you are only able to attend one (1) day of training, you will not qualify for payment.

Deputies are also invited to attend the 2-day training session, however they do not qualify to receive the \$200.00 payment.

The classes will start at 8:30 a.m. each morning and end at 4:30 p.m. with one (1) hour for lunch. Topics to be covered in the first session will be personal property, lot sizing, and residential assessing: data collection, grading and depreciation. On the second day we will cover commercial assessing and data collection, mobile homes, agriculture and Board of Review duties: appeals process, exemptions and deductions.

You will need to bring the 1995 Real Property Assessment Manual, a calculator, notebook, pencils and a highlighter to each training session. Please feel free to wear comfortable clothing to the session. If you should have any questions or concerns before the training, please contact me at (317) 233-3068.

Please fill out the enclosed registration form to attend the two-day eight (8) hour training sessions. Mail no later than March 1, 1995 to the attention of:

Pamela J. Drinkard
State Board of Tax Commissioners
100 N. Senate
N-1058
Indianapolis, Indiana 46204

RECEIVED

FEB 21 1995

Pamela J. Drinkard
Pamela J. Drinkard
Indianapolis County Assessor

**TRAVEL REQUEST FORM
FOR
COUNTY OFFICIAL, DEPARTMENT HEADS AND EMPLOYEES**

DATE OF REQUEST: April 6, 1995

DEPARTMENT: County Assessor

EMPLOYEE(S): GEORGE E. KOCH

DATE(S) OF TRAVEL: MARCH 28 & 29, 1995

DESTINATION: VINCENNES UNIVERSITY, VINCENNES INDIANA

PURPOSE: TWO DAY WORKSHOP

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: NO

MEANS COUNTY VEHICLE NUMBER:
OF
TRAVEL OTHER: PERSONAL VEHICLE

REIMBURSEMENT CLAIMED

☒ Mileage

Parking

Per Diem

Registration

Air Fair

☒ Other

\$200 PAYMENT

APPROVED: _____
Department Head

APPROVED: *Cheryl A. Winger*
Office Holder

APPROVED BY:
VANDERBURGH COUNTY COMMISSIONERS this day of

Richard J. Borries, President

Patrick Tuley, Vice-President

Richard Murdock, Member

6A

TRAVEL REQUEST FORM
FOR
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 4-7-95 DEPARTMENT: Auditor

EMPLOYEE(S): Suzanne Crouch

DATE(S) OF TRAVEL: 5/16/95 thru 5/19/95

DESTINATION: South Bend

PURPOSE: State Called Auditor's Meeting

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: Yes

MEANS
OF
TRAVEL

COUNTY VEHICLE NUMBER: _____

OTHER: Personal

REIMBURSEMENT CLAIMED

☒ Mileage

☒ Parking

☒ Per diem

☒ Registration

_____ Air fare

_____ Other

APPROVED: _____

Department Head

APPROVED: _____

Office Holder

APPROVED BY:

VANDEBURGH COUNTY COMMISSIONERS this _____ day of _____,

RICHARD J. BORRIES, PRESIDENT

PATRICK TULEY, VICE-PRESIDENT

RICHARD MOURDOCK, MEMBER



CAA

INDIANA COUNTY AUDITOR'S ASSOCIATION

EXECUTIVE BOARD—1995

President
DOUGLAS CAMPBELL
(Washington County)
Courthouse
Salem, IN 47167

1st Vice President
MARGARET COOK
(Monroe County)
Courthouse #209
Bloomington, IN 47404

2nd Vice President
BRIAN TIDD
(Jackson County)
Courthouse
Brownstown, IN 47220

Secretary
KAREN LARGE
(Miami County)
Courthouse
Peru, IN 46970

Treasurer
JON OGLE
(Hamilton County)
One Hamilton Co. Sq., #194
Noblesville, IN 46060

DISTRICT PRESIDENTS—1995

N.W. District
MARY LOU LEAVELL
(Marshall County)
112 West Jefferson St.
Plymouth, IN 46563

N.E. District
LINDA HANSEN
(Steuben County)
317 S. Wayne St., Suite #2J
Angola, IN 46703

W.C. District
BETTY J. MICHAEL
(Tippecanoe County)
Co. Office Bldg., 20 N. 3rd St.
Lafayette, IN 47901

E.C. District
SHIRLEY A. WRIGHT
(Randolph County)
Courthouse Rm #102
Winchester, IN 47394

S.W. District
MARK A. BRESCHER
(Dubois County)
One Courthouse Sq.
Jasper, IN 47546

S.E. District
MARY DOGGETT
(Decatur County)
150 Courthouse Sq., Suite #5
Greensburg, IN 47240

Indiana County Auditor's Association
Spring Conference - South Bend
May 17-19, 1995

Enclosed are the registration materials for the Auditor's Spring Conference to be held at the Holiday Inn-Downtown, South Bend on May 17, 18, and 19, 1995. Hotel reservations must be in by April 16, 1995. A block of rooms for Auditors will be held until April 16.

The Association's registration fee for the conference is \$60.00 per person. Send fees and the registration form below to: Jon Ogle, Treasurer, Indiana County Auditor's Association, County Government Center, Noblesville, IN 46060. (A claim form is enclosed for your convenience.)

A registration table will be set up in the lobby on Tuesday evening, May 16 from 4-7 p.m. and Wednesday morning, May 17 from 8-9 a.m. to pick-up registration materials. The Auditor's hospitality room will also be open on the evening of May 16. **Reminder!** If you have not paid your ICAA dues for 1995, please send it to Jon.

Make your hotel reservations today! Send registration fees to Jon with the registration form below.

ICAA Spring Conference
South Bend, IN - May 17-19, 1995

County Vanderburgh

Number Attending 1

Total Fees 60.00

Names SUZANNE

CROUCH

VANDBURGH COUNTY EMPLOYMENT CHANGES

Department 213.0 Health

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
140	Fleming, Ronda K.	1446 W. Boonville-New Harmony Road 47711	Secretary, Nursing Div.	16,557 00	4/24/95
		6-month step increase			

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
140	Fleming, Ronda K.		Secretary, Nursing Div.	15,796 00	4/24/95

RECORDER
COMMISSIONER'S RECORD

SIGNED BY

Sam P. Del
Director

DATE 4/3/95

VANDBURGH COUNTY EMPLOYMENT CHANGES

Department SCOTT TOWNSHIP ASSESSOR

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
116-1990	Charles D. Reeves	14505 Browning Rd	Deputy Assessor	\$5 00Hr	4-3-95

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER
COMMISSIONER'S RECORD

SIGNED BY

Bob L. Harris

DATE 4-3-95

VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department _____ County Auditor F 1020 *sl*

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1020-1270	Nancy Kleiman	16639 Big Cynthiana Road	Posting Clerk	15,796 00	4/11/95

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER
COMMISSIONER'S RECORD

SIGNED BY *July M. C. H.*

DATE *4/6/95*

VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department 213.4 Health Department/WIC Program

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1130	Cheryl A. Ytzen	314 Shamrock Court Evansville, IN 47715	Reg. Nurse	27,485 00	4/11/95
1990	Traci Cox	3007 W. Sunset Dr., Apt. C Carbondale, IL 62901	Reg. Dietitian	13,0558 hour	4/11/95
1990	Kathryn Junk-Lake	8232 Lincoln, Apt. A Evansville, IN 47715	Reg. Dietitian	13,0558 hour	4/11/95

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1990	Mary Katherine Hahn	425 Pleasant View Dr. Evansville, IN 47711	Reg. Nurse	13,2139 hour	4/7/95

RECORDER
COMMISSIONER'S RECORD

SIGNED BY *Janet Kelly*

DATE *4-6-95*

VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department County Assessor

dd by sh

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1090-1150	Steven R. Folz	3600 Keck Av	Deputy Real Est	22979 00	4/10/95
			Appraiser/Hearing Officer		

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1090-1150	Steven R Folz	3600 Keck Ave	Real Estate Dep	20839 00	4-10-95

RECORDER
COMMISSIONER'S RECORD

SIGNED BY

[Signature]

DATE

4-7-95

VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department VANDEBURGH COUNTY HWY. DEPT. 2010 02010

dd by sh

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
20101041	ERIC A. ACKER	2921 REE ST.	LABORER	116971	4-3-95
	RETURNED FROM PERSONAL LEAVE OF ABSENCE.				

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER
COMMISSIONER'S RECORD

SIGNED BY

William F. Morphy

DATE

4-7-95

April 1995

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
2 Daylight Savings--set ahead 1 hour	3 3:30pm Dept. Head 4:00pm Exec. Session 5:30pm Commissioners	4 1:30pm Job Study	5 3:30pm County Council	6	7	8 91 / 274 April Fools Day
9	10 4:30pm Solid Waste 5:30pm Commissioners	11	12	13	14 GOOD FRIDAY	15 105 / 260
16 Easter	17 4:00pm Exec. Session 5:30pm Commissioners 7:00pm Rezoning	18 9:00am Insurance Comm.	19	20 9:00am Steering Comm. 12:00pm PC-Technical 5:00pm Pigeon Creek	21	22 112 / 253
23	24 4:00pm Exec. Session 5:30pm Commissioners 6:30pm Drainage Bld.	25	26 3:30pm Personnel & Finance	27	28	29 119 / 246

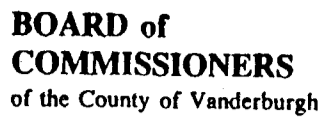
May

S	M	T	W	T	F	S
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

March

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5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

30	120 / 245
----	-----------



RICHARD J. BORRIES
RICHARD E. MOURDOC
PATRICK TULEY

NAME OF REQUESTOR:

Janet Watkins

REQUESTOR TITLE:

DEPARTMENT:

Auditor's J.C.

REQUEST(S) BEING MADE:

Approval of Vendor Claims

DATE TO BE PLACED ON AGENDA:

4/10

ACTION CONSENT OTHER

9A.



*Approved
4-10-95*

April 3, 1995

Mr. Rick Borries
County Commissioner
City-County Building
One Martin Luther King Jr. Blvd.
Evansville IN 47708

Dear Rick:

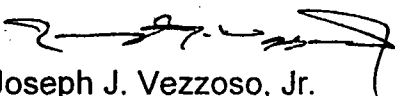
After returning to work and digging down to the bottom of the pile on the corner of my desk, I found a copy of a letter sent to you by David Dunn, President of the Evansville Hotel Managers Association, recommending Stan Atchison for the vacant seat on the Evansville Convention and Visitors Bureau.

Because of the date of Mr. Dunn's recommendation, I would like to withdraw my recommendation of Mr. Mike Howerton at this time.

In the future should you again have a vacancy to fill; I feel that Mr. Howerton would make an excellent commissioner.

Should you have any question please feel free to call.

Sincerely yours,


Joseph J. Vezzoso, Jr.
President

FAX LEGAL AD TRANSMISSION

FROM: Julie Hinton - County Auditor's Office

NO. OF PAGES INCLUDING COVER: 2

LEGAL AD Thur. April 13, 1995
RUN SCHEDULE: Thur April 20, 1995

EXTRA PROOFS OF
PUBLICATION NEEDED
AND TO WHOM: 2

SPECIAL REQUESTS FOR SETTING STYLE: _____

COPY OF LAST TIME LEGAL RAN ATTACHED: _____

VANDERBURGH COUNTY AUDITOR.....FAX NO. 435-5344

TRANSMISSION REPORT

THIS DOCUMENT (REDUCED SAMPLE ABOVE)
WAS SENT

**** COUNT ****

2

*** SEND ***

NO	REMOTE STATION I. D.	START TIME	DURATION	#PAGES	COMMENT
1	9-4647487	4- 7-95 1:55PM	1'39"	2	

TOTAL 0:01'39" 2

XEROX TELECOPIER 7020

Notice to Bidders

Sealed Proposals, or Bids, for contract number VC95-04-01 Concrete Repair of Various Roads in Vanderburgh County, Indiana will be received at the office of the County Commissioners, Room 305, until 5:30 p.m. on May 1st, 1995 local time, as prescribed by the Acts of the Indiana Legislature in Chapter 172, year 1957, at which time all bids will be publicly opened and read aloud in the County Commissioners Hearing Room 307.

- Any bids received after the designated time, for any reason, will be returned unopened.
- Contract documents are on file in the Office of the Vanderburgh County Engineer.
- Bids shall be delivered in a sealed envelope bearing the name and address of the bidder indicating identification of the project and the branch of the work on which is being bid.
- Bids shall be submitted on the Itemized Proposal Form included in the contract documents and on Indiana Form 96, revised in 1987, provided separately, with a non-collusion affidavit, also provided in the contract documents; all properly executed, signed and sealed. The non-collusion affidavit must also be properly notarized.
- Each bid shall be accompanied by a bid bond, certified check, cashier's check, bank treasurer's check or bank money order in the amount of five percent (5%) of the total bid submitted.
- No bid shall be withdrawn after the opening of the bids without the expressed consent of the Vanderburgh County Commission for a period of thirty (30) days after the scheduled time of the bid opening.
- The Contractor receiving the award will be required to furnish a performance bond, Indiana Form 86A revised in 1947, in the amount of one-hundred percent (100%) of the award amount, which is to remain in effect for twelve (12) months from the date of acceptance of the completed work.
- Attention is called to the fact that prevailing wage minimum salaries and wages are set forth in the Contract Documents. A signed copy of the prevailing wage letter (included in the contract documents) must be submitted with the bid.
- The Contractor shall list any subcontractors and the percentage of the contract to be performed by each subcontractor in the bid submittal.
- Construction and installation shall be in full accordance with the contract drawings, specifications, and special provisions. Applicable sections of the 1993 Edition of the Indiana Department of Transportation Standard Specifications and any current Supplemental Specifications to the 1993 Standard Specifications.

The Vanderburgh County Commissioners reserve the right to reject any and/or all Bids and waive any informality in the bidding.

DATED THIS 10TH DAY OF APRIL, 1995

VANDERBURGH COUNTY BOARD OF COUNTY COMMISSIONERS
COUNTY OF VANDERBURGH, INDIANA

RICHARD J. BORRIES, PRESIDENT

PATRICK TULEY, VICE PRESIDENT

RICHARD MOURDOCK, MEMBER

ATTEST:

RECOMMENDED:

Vanderburgh County Auditor
SUZANNE CROUCH

Vanderburgh County Engineer
JOHN STOLL

Attn: Pat

Please set for type - will
Call Tues am with
verbal approval.

FAX LEGAL AD TRANSMISSION

FROM: B. J. Farrell
NO. OF PAGES INCLUDING COVER: 4
LEGAL AD RUN SCHEDULE: April 3 ~ April 10
EXTRA PROOFS OF PUBLICATION NEEDED AND TO WHOM: _____
SPECIAL REQUESTS FOR SETTING STYLE: _____
COPY OF LAST TIME LEGAL RAN ATTACHED: _____
VANDERBURGH COUNTY AUDITOR.....FAX NO. 435-5344

Thanks!
B.J.

TRANSMISSION REPORT

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WAS SENT

**** COUNT ****
4

*** SEND ***

NO	REMOTE STATION I. D.	START TIME	DURATION	#PAGES	COMMENT
1	9-4647487	3-29-95 10:56AM	2'09"	4	

TOTAL 0:02'09" 4

XEROX TELECOPIER 7020

FAX LEGAL AD TRANSMISSION

FROM:

NO. OF PAGES INCLUDING COVER:

**LEGAL AD
RUN SCHEDULE:**

**EXTRA PROOFS OF
PUBLICATION NEEDED
AND TO WHOM:**

SPECIAL REQUESTS FOR SETTING STYLE:

COPY OF LAST TIME LEGAL RAN ATTACHED:

VANDEBURGH COUNTY AUDITOR.....FAX NO. 435-5344

Thanks!
B.G.

NOTICE OF HEARING DATES
ORDINANCE CONCERNING ESTABLISHMENT AND FUNDING OF
COUNTY CORRECTIONS FUND

NOTICE IS HEREBY GIVEN that the Board of Commissioners of Vanderburgh County, Indiana, has scheduled Hearing Dates at 5:30 p.m., in Room 307, Administration Building, Civic Center Complex, Evansville, Indiana with regard to the subject Ordinance as follows:

First Reading Monday, April 10, 1995
Second Reading Monday, April 17, 1995
Third/Final Reading Monday, April, 24, 1995

(insert ordinance here)

Richard Borries, President
Patrick Tuley, Vice-President
Richard Mourdock, Member
Attest: Suzanne Crouch, Auditor
Approved as to Form:
Alan M. Kissinger, Attorney
B.J. Farrell, Secretary

(Courier and Press April 3 and April 10)

ORDINANCE NO. _____

ORDINANCE CONCERNING ESTABLISHMENT AND FUNDING OF
COUNTY CORRECTIONS FUND

WHEREAS, Senate Enrolled Act No. 395 added a new Chapter 6 to Indiana Code 11-12, which new Chapter 6 provides for the establishment and funding of a County Corrections Fund; and

WHEREAS, I.C. 11-12-6 provides that a County Legislative Body may adopt an ordinance before May 1 of each year to elect to receive deposits from the Indiana Department of Correction and to establish a County Corrections Fund; and

WHEREAS, the County Corrections Fund may be used only for funding the operation of the county's jail, jail program or other local correctional facilities; and

WHEREAS, the County Legislative Body shall designate either Level 1, Level 2 or Level 3 funding as defined in I.C. 11-12-6 with respect to deposits to be received thereunder; and

WHEREAS, Level 3 funding is the most appropriate level of participation for Vanderburgh County, Indiana;

THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA, AS FOLLOWS:

1. The Board of Commissioners of Vanderburgh County, Indiana elects to receive deposits from the Indiana Department of Correction (the "Department") in accordance with Senate Enrolled Act 395, I.C. 11-12-6 (the "Act").

2. The Board designates Level 3 funding, as defined in the Act, with respect to all deposits to be received by Vanderburgh County under the Act and this Ordinance.

3. A fund, to be known as the "County Corrections Fund", is established. The County Corrections Fund shall consist of deposits made by the Department in accordance with the Act. Such Fund shall be administered by the County Fiscal Body.

4. The County Corrections Fund shall be used for any purpose authorized by the Act. Any money remaining in the County Corrections Fund at the end of the year does not revert to any other fund, but remains in the County Corrections Fund.

5. This Ordinance shall be in full force and effect upon adoption.

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

APRIL 17, 1995

TABLE OF CONTENTS

Introductions & Pledge of Allegiance.....	1
Approval of Minutes.....	1
Action Items.....	1
Harris Howerton - Director of Community Corrections.....	1
Ordinance establishing funding of County Corrections Fund - Second Reading	
Lynn Ellis - Purchasing.....	1
Award bid APA031-95 for Body Armor	
Alan Kissinger - County Attorney.....	3
Repeat approval of claim for services submitted by Francis H. Lueken, Jr. for lobbying services	
Agreement with Kevin Bryant for collection of Mercy Ambulance bills	
Agreement with Kevin Bryant for collection of unpaid fees	
Dedication of right-of-way for extension of Cullen Avenue	
Cindy Mayo - Superintendent of County Buildings.....	5
County property (408 S. Evans) Removal of tree	
Bill Morphew - County Highway/Garage.....	5
Highway and Bridge Crew Progress Report April 7 - April 13, 1995	
John Stoll - County Engineer.....	7
Notice to Bidders VC95-04-02 Azteca Railroad Spur	
Notice to Bidders VC95-05-01 EARC Parking Garage	
Rescind motion to put in culvert on Anderson Property (Original motion made May 23, 1994)	
Flashing lights at Boonville-New Harmony/Green River Rds. & Millersburg/Green River Rds.	
Bayou Creek Road twin pipe structure	
Consent Items.....	13
Travel requests	
Employment changes	
Jayne Berry-Bland - Treasurer - Amended Board of Finance Information	
Scheduled Meetings.....	13
Old Business.....	13
New Business.....	13
Adjournment.....	13

The Vanderburgh County Board of Commissioners met in session at 5:50 p.m. on Monday, April 17, 1995, in the Commissioners Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: April 17, 1995 meeting of the Vanderburgh County Commission. Would you join us please for the Pledge of Allegiance.

I skipped the introduction, I think we have a small attendance tonight, but for the record, so that our recording secretary can get those present, we have

Mrs. Cindy Mayo, Superintendent of County Buildings
County Attorney Alan Kissinger
County Commissioner Pat Tuley
County Commissioner Rick Borries
County Commissioner Richard Mourdock
County Auditor Suzanne Crouch
Official Recording Secretary Mrs. Teri Lukeman assisted by Mrs. Julie Hinton.

We have a rather brief agenda. There will be, if we are able to complete our business, a brief adjournment and we take rezonings at 7:00 p.m., at approximately the same time as the City of Evansville so I think it does ease the situation for the public here if they get confused here or whatever, so we have them on the exact same night roughly about the same time.

RE: ACTION ITEMS

We have minutes to approve this evening from our last meeting which was held on April 10, 1995.

Commissioner Mourdock: I don't. It's my understanding that the minutes have been prepared but unfortunately, with the short week last week, they weren't all distributed so I think we need to defer them. Good Friday kind of got in the way and we had a very lengthy set of minutes.

President Borries: Okay, I do have a set of minutes here and they are from April 10 and so if you will please review them, perhaps we can take action at our next meeting. Is there any group here who does not find, or individual, who does not find his or her item on the agenda who wishes to speak at this time?

RE: HARRIS HOWERTON - DIRECTOR OF COMMUNITY CORRECTIONS

President Borries: Harris Howerton is not here, but there is this Ordinance that we consider this evening. This is the second reading of that Ordinance. It establishes the funding for the County Corrections Fund and it is being read into the record at this time. I will not read verbatim but it will be introduced into the record and the third and final reading will be held next week, April 24, 1995.

RE: LYNN ELLIS - PURCHASING

President Borries: And now we come to something, this is kind of deja' vu, we've done this before, we're going to do it again. This time I think we got the right thing. Body Armor for the sheriff's Department.

Lynn Ellis: If we have to do this again, I'm quitting!

President Borries: Those comments are from Mrs. Ellis, never say that Mrs. Ellis, you never know about a lot of things in life, but certainly in government we never know what is going to happen, but this is, we think, the best thing now. Right?

Lynn Ellis: Right. The recommendation from the Sheriff's

Department and Purchasing is to award the bid to the third low bidder. They are, however, the low responsive and responsible bidder. Protective Armor International was the low bid. They failed to supply the required sample and so their bid was not considered and if you'll notice on the last page of your bid summary, there were two bidders that failed to submit a bid bond as required. Due to the legal requirements of the bid bond, I did not tabulate their bid and did not even look at it. One bid was submitted by Top Line USA in Cincinnati, Ohio and the other was Protective Products, International in Sunrise, Florida. Steven R. Jenkins Company was the second low bid. They bid a pack of vests as did Kiesler. Steven Jenkins is not believed to be a responsible bidder. He was responsive to the bid, but it's our determination that he is not responsible due to previous problems with his work. You have attached to your agenda item, memos from various, well Lt. Tucker who is here tonight and some from the police department as well. There was a joint effort here between the sheriff's department and the police department. They had a committee that was put together to evaluate the body armor and they did that. This is their joint recommendation.

President Borries: Okay.

Lynn Ellis: Lt. Tucker served on that committee. I was not on the committee, it was just served by sheriff's department and police department personnel.

President Borries: The group that bid the last time that we indicated that, they didn't submit a bid, did they?

Lynn Ellis: No sir. They contacted me.

President Borries: They were rejected the last time for, the equipment was faulty, wasn't it, and didn't meet the specs? Isn't that what we determined on that?

Lynn Ellis: Right.

Commissioner Mourdock: Lynn, can you state any more information as to why Jenkins is not considered a responsible bidder?

President Borries: I think there's a couple of letters attached in here.

Commissioner Tuley: Inaudible.

Lt. Tucker: Commissioner, in May of 1988, we purchased 101 American Body Armor vests from Mr. Jenkins out of Indianapolis. From the time that we received delivery of the vest, we had approximately 10 to 12 of the vests that had fitting problems with them. We were from May of 1988 until November of 1991 getting Jenkin's company to come back and refit those vests and we just feel that problems like that are unnecessary and just took too long to get it done.

Alan Kissinger: You'll just have to tell those people to put that weight back on.

Lt. Tucker: We had to have some of those vests altered as much as 5 inches. They came in 5 inches too long and we couldn't wear them.

President Borries: So your recommendation again, Ms. Ellis, is to award the bid then to Kiesler Police Supply, Inc. and the estimated costs here is \$55,950?

Lynn Ellis: Yes sir, and the part of --

President Borries: Our county cost here is actually \$11,190. That

eases my mind here.

Lynn Ellis: Right. We have to go to the Council to pay for the other. But the city's portion is the \$44,760 so the sheriff's department is getting 50 units and the police department is getting 200.

President Borries: Okay. Do we have a motion?

Commissioner Tuley: I move at this time to award the bid for the purchase of protective vests be awarded to the Jenkins company recommended by Ms. Ellis and well as backed up by Lt. Jim Tucker.

President Borries: No. Not the Jenkins Company.

Lynn Ellis: Kiesler.

Commissioner Tuley: Did I say Jenkins?

President Borries: Yes.

Commissioner Tuley: I'm sorry. Kiesler company. I amend it to say Kiesler's as the recommendation was made in the amount of \$55,950 total, \$11,190 being paid from the county.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

Lynn Ellis: Thank you.

President Borries: Thank you. Thank you, Lieutenant.

Lt. Tucker: Thank you.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: The first thing that I have, if the Commissioners will recall, and quite frankly I don't recall which meeting it was, but I can tell you, it was the meeting of March 20, 1995. The Commissioners authorized payment for lobbying services to Francis H. Lueken, Jr. If you will recall, he was lobbying for the amendment of the state law in reference to...

Commissioner Tuley: Oh, the oil leases?

Alan Kissinger: Yes. He has submitted a claim for his services and it was pointed out to me that the critical portions of the transcript were inaudible because of our recording system and I would like to just have the Commissioners confirm that they did authorize a maximum payment to Mr. Lueken in the amount of \$500 and also advise you that this claim is filed for a total of \$470.97 and then the Auditor can pay the claim and, I believe, I have talked with Commissioner Tuley and he does recall that the amount that was approved was \$500.

Commissioner Tuley: Remember the discussion that we had joking around about some of the other ones being \$250 and then \$500. It looks like this claim they're charging everybody the same.

Alan Kissinger: They averaged it out.

Commissioner Tuley: Right. At this time I will move that we approve the claim in the amount of \$470.97 based on these discussions.

Commissioner Mourdock: I'll second that.

President Borries: So ordered.

Alan Kissinger: The next matter that I have are two agreements that have been prepared for Kevin Bryant. One of the agreements is for the collection of the Mercy Ambulance bills, the other

agreement is for collection of the unpaid fees. As all the Commissioners will recall, or perhaps Mr. Mourdock will not recall, Kevin Bryant is acting Contractor Attorney, basically filing small claims actions for the county on a previously agreed percentage. We did, at an executive session, discuss with Mr. Bryant and agree to what his fees would be. I think what we probably neglected to do was, in an open meeting of the Commissioners, publicly state what his fees would be. As a consequence, the Auditor kind of red flagged one when it came to the Auditor and said, wait a minute there's no contract here. So, this is kind of an after the fact contract that made it effective the first day of January of this year for a period of 12 months and then will have to come back in with new agreements at the end of this year and I recommend that the Commissioners retroactively approve these agreements to Mr. Bryant can continue to be paid for his services. The agreements were prepared, I directed Keith Rounder, Assistant County Attorney, to prepare the agreements and he has done so and I reviewed them and I believe that they are in order.

Commissioner Tuley: I think that Richard should look at this since you weren't privileged to that discussion. I don't think you were on the Commission at the time.

Commissioner Mourdock: Has anyone made a motion?

Commissioner Tuley: I will move then that the agreements just discussed with reference to Mr. Bryant be entered into at this time and back dated to January 1, 1995.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

Alan Kissinger: The last matter that I have is in reference to last week's executive session. Mr. Spurling and Mr. Morley were in here in reference to the developments. Quite frankly, the name escapes me but it's in reference to the dedication of a right of way for the extension of Cullen Avenue across that development. The Commissioners directed me to prepare a letter and I have prepared the letter but it is merely in draft form because I believe that what we should do prior to that letter being sent, basically, this letter should be sent to Ms. Barbara Cunningham, Area Plan Commission Site of Review Committee, directing her or advising her that what Mr. Spurling came in here for last week was an appeal of the Site Review Committee's decision. It was the decision of the Commissioners that building permits should be issued. So what we did was basically to overrule the final decision of the Site Review Committee. I need to notify Ms. Cunningham of that. I have not done so yet and as I say, I do have a draft of the letter, but I called Jim Morley today to discuss this with him and asked Mr. Morley to prepare some document that could be recorded to memorialize this dedication of this right of way or this easement for roadway purposes, in the future if it is ever needed. As soon as that's done, then I will notify the Site of Review Committee to go ahead and issue the building permits or to authorize the issuance of the permits. That is all I have to report at this time.

President Borries: Thank you, Alan.

Commissioner Mourdock: Before we leave you, Alan, I have a phone call message here that I'll pass on to you. This may be old news for this Board, I don't know. I received, in fact several calls before I got back to the gentleman, from a Mr. Ron Moore of 201 S. Peerless, has behind them, apparently there's a kennel. Someone is working professionally with a kennel and this fellow is calling about barking dogs. He claims that he has spoken with the sheriff trying to get a little relief and that the sheriff is basically saying he can do nothing unless he sues his neighbor who has the kennel. I guess I bring it to your attention just from the point of view of perhaps we can check and see if the area out there is

zoned, if this fellow does in fact, if he's working commercially, and if the kennel is properly zoned. And the second questions is, if it is zoned what effect does that have on the enjoyment of the neighbors property based on the barking of the dogs? You've said many times, Rick, in government this is where the river meets the road. This issue is a classic example.

Alan Kissinger: Do you have Mr. Moore's phone number?

Commissioner Mourdock: 424-8855 and it's 201 S. Peerless.

President Borries: I didn't even know Peerless went south, but I guess it does.

Alan Kissinger: I'll contact him.

President Borries: Anything else for Alan?

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: I only have one item and this really is more for Mr. Morpew, but this gentleman did ask that this be put into the minutes. A gentleman that lives at 410 S. Evans came into the office today. We own a piece of property at 408 S. Evans that has some debris on it which he is not as concerned about as the fact that there's a tree that hangs over his roof. He said he's had to have his roof repaired twice, it drips down, the branches fall down and he would like to know if something could be done about this tree, so I told him that I would present it at let you know about it and that it would then be given to Mr. Morpew. That is all I have.

President Borries: Is this a large tree?

Cindy Mayo: Apparently it is fairly large and it's probably not something that the County will be able to but. It will have to be contracted.

President Borries: Okay.

Alan Kissinger: A problem with the electrical wires?

Cindy Mayo: He didn't say.

President Borries: Usually we would get someone who is bonded in terms of tree removal to do this, so we'll refer it then to Mr. Morpew. Okay. That's all you have?

Cindy Mayo: Yes.

President Borries: Thank you.

RE: BILL MORPHEW - COUNTY HIGHWAY/GARAGE

President Borries: We have Vanderburgh County Highway Department progress report showing work from Friday, April 7, 1995 through Thursday, April 13. It indicates work done in all parts of the County by various crews submitted for the record. Any questions of Bill at this point or any items that you have to present? I know that you have been gone part of the week a well-deserved break.

Bill Morpew: I've been chasing a large fish.

President Borries: Is that right?

Bill Morpew: I didn't find it.

Commissioner Tuley: That's better than it got away!

Bill Morpew: It didn't get away, I just never found it. We're looking to start paving here in the next week or so. We're going to start digging up some soil around the garage tomorrow provided it doesn't rain. Everything seems to be going well.

Alan Kissinger: I would like to report that Bill's staff handled a problem for him last week in reference to bad piece of road. Apparently there have been a couple of complaints on it. This doesn't mean that you aren't needed, Bill. It's just that place will run without you.

Bill Morpew: I have some help.

Commissioner Mourdock: It's perhaps ironic Alan, that you said that because I was just going to compliment Bill. I got a note on my desk this week from a lady off Green River Road who had called several times and I passed it on. When I saw the name on the note I just kind of cringed and then I read, it was an excellent clean-up job. It looks like a whole new place. So maybe the fact that you're not here..., there seems to be a trend here.

Bill Morpew: I took care of that one before I left. Every project that we did, I rode with Milton before I left and he handled it. He did a very good job with it.

Commissioner Mourdock: I have one other one, I received another call this week and this one may well be City, I'm not sure, I didn't even look to see where this one was at. 1400 Shanklin, a bunch of broken pavement there that has not been replaced.

Bill Morpew: That is City.

Commissioner Mourdock: That is City, is it not?

President Borries: A week ago, Saturday, I went out to inspect the bridges that we're doing on Main and Bixler. I talked to John Still, the one's in place now and it appears to me that the widening of the slopes along Big Creek there from three to one have certainly been accomplished and depending on how you take the big picture it's certainly a far cry from what some people envisioned and the one on Bixler is going in very well at this point.

Bill Morpew: Yes sir.

President Borries: The sides are much lower than that old bridge which will allow for equipment to get across, but of course, that part is unpaved but going East towards Owensville Road, there are parts that are really breaking up, up there. I don't know what happens, but it looked as if, the pavement looked pretty good and then all of the sudden there were a couple of spots there, one even in a high place that I couldn't believe that the County just didn't, you know, completely gone --

Bill Morpew: I looked at those --

President Borries: They have to do some repair work there.

Bill Morpew: Yes sir. It needs to be widened.

President Borries: Yes.

Bill Morpew: That's another one of those widening projects that we need to get on to. That pavement, I'm thinking it's about five years old, but it was put down in the latter part of the year and I believe it was one of the last projects that was done and actually, we were running out of pavement.

President Borries: So it's think, you think?

Bill Morphew: I think so. I think we can repair that and probably repave that and not have --.

President Borries: It didn't show a lot of alligatoring or any signs, but parts of it that really just were gone and I was so surprised to see it because I couldn't tell why it had failed. Any way, I did want to call it to your attention.

Bill Morphew: Yes sir.

President Borries: Any further questions of Bill?

Commissioner Tuley: Nope.

President Borries: Thanks.

Bill Morphew: Yes sir.

President Borries: Good to have you back, I don't care what they say.

Commissioner Mourdock: But if the reports don't continue on a positive note, you're going to be asked to leave again. Go chase that big fish one more time!

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: First I've got a Notice to Bidders for Contract VC95-04-02 Azteca Railroad Spur Construction. This is part of the incentive package for the Azteca project. It's the construction of the railroad spur adjacent to their building and we're in the process of getting an easement right now so we can build the spur, but we wanted to get the project out for bid in the meantime.

President Borries: Okay, may I have approval here to send this Notice to Bidders?

Commissioner Tuley: So moved.

Commissioner Mourdock: And I'll second, and to be consistent, I think I'll ask for a roll call vote here.

President Borries: Okay. Commissioner Mourdock?

Commissioner Mourdock: I'll vote no, because I feel that it's not proper for us to help provide that easement from a private railroad, private enterprise to simply one other private enterprise where there's no other public access.

President Borries: All right. Commissioner Tuley?

Commissioner Tuley: I vote yes.

President Borries: And I'll vote yes.

John Stoll: The next item I have is Notice to Bidders for Contract VC95-05-01 EARC Parking Garage Deck Repairs. This has been going on for quite some time, I've been working with Cindy on trying to specify what type of repairs to be made and I think we've got a contract that will address the problem.

President Borries: Good. This has been long awaited and I always have a bit of trepidation when it starts to rain because I know they always are worried over there. We're looking at various things, once this item is sealed and repaired that perhaps, well I won't go into a lot of explanation, but having served on this board at this time, they may be looking at some other alternatives after this.

Commissioner Tuley: I move for the approval.

Commissioner Mourdock: And I'll second.
President Borries: So ordered.

John Stoll: This next item I have deals with the Main and Bixler Road bridges. Back when the motion was made, back on the minutes of May 23, 1994, the statement was made by Commissioner Borries that says, "I guess we're asking you to go ahead and proceed with bridge #5 and #7 over Pond Flat Ditch and to work with the neighbors as necessary to acquire the right-of-way and I suppose we also shall include putting in a culvert on the Anderson property to drain his woods." Motion made by Commissioner Tuley and seconded by Commissioner Hunter. So ordered. Back when that was approved, we had not checked into the fact of whether or not this area we were proposing to drain was a wetland and since then, we've been in contact with Darrell Rice, with the Soil Conservation Service and he says that it is a potential wetland. The property owner has not made any attempts to do a wetland delineation study as of yet. From what Darrell Rice told me, if it was declared a wetland in the future, the County could be held partially responsible for mitigating those wetlands, which would mean that they would be out buying property and creating a new wetland elsewhere. As a result, I don't think the County should be putting in this pipe at this time and I just wanted to go on record and make that recommendation, since it was part of the original motion back when the bridge was approved.

Commissioner Tuley: What was the date of the motion?

John Stoll: May 23, 1994.

Commissioner Tuley: I'll rescind that motion.

President Borries: I'll second based on the County Engineer's recommendation.

John Stoll: If, in the future somebody could verify that it's not a wetland, I would think that the County could go ahead and put it in like we had originally said we would, but at this time,--

President Borries: Who has to do that, the property owner?

John Stoll: The property owner.

President Borries: Okay. And he has not sought that delineation at this point?

John Stoll: Right.

President Borries: Right.

Commissioner Mourdock: And probably won't.

John Stoll: Probably not.

Commissioner Mourdock: Because it would be in his worst interests if it is delineated to the wetland.

John Stoll: Which is he never did it, then technically we could never get in trouble, but who's to say?

Commissioner Mourdock: That's true, that it's Catch 22. Well, good save on your part there, because that could have gotten to be very sticky.

John Stoll: The next item deals with the flashing lights for Boonville-New Harmony and Green River and then Millersburg and Green River. What we've been checking into is the possibility of putting in a flashing red light at the intersection rather than a flashing yellow light in advance of the intersection. This would be a similar structure as the flashing yellow lights that you see

everywhere only instead of yellow lights on top, we'd have two flashing red lights. In order to draw attention to the stop sign and everything, I think that would be more appropriate than putting a yellow light in advance of the intersection in both cases.

Commissioner Mourdock: So you have red flashing east and west on Boonville-New Harmony?

John Stoll: Based on the problems we've seen on Boonville-New Harmony, it looks like you would only need one for westbound traffic as they come through the curve.

Commissioner Mourdock: Would it be flashing yellow for north and south on Green River?

John Stoll: No, it would just be mounted on the pedestal just like, I don't if you're familiar with like Newburgh Road and Burkhardt Road.

President Borries: The flashing light?

John Stoll: Yes. I don't have much of a drawing here, but basically it mounts something like this only we do have a stop sign mounted beneath that and it would be right at the intersection.

Commissioner Mourdock: At one point, we talked of rumble strips, maybe that was before the end of the year. I guess it was actually before I came on board here, but there was a discussion on rumble strips on Boonville-New Harmony. Has that been looked at any further?

John Stoll: We've got the specifications. We haven't really got any prices as of yet, I didn't know if you wanted me to proceed with flashing lights and rumble strips or one or the other, how you wanted to approach it at this time.

Commissioner Mourdock: Do you have a sense at all as far as what the costs would be one to the other?

John Stoll: The flashing light can be installed through the Traffic Engineering Department at little cost, if any beyond what we typically pay as our share of that department. I don't think Sigeco, based on what they've told me at this point, will charge anything to run the power to the pedestal for the flashing light.

Commissioner Mourdock: Could they do that same deal out on the Lloyd?

John Stoll: Based on what Sigeco's told me, it would cost about \$10 per month per light for these flashers and they would need to know who to send the bill to, the billing address, the location to send the bill to and whose bill the name would be in. I didn't know if we proceeded with it, if you wanted it sent to your office or if you wanted it sent to my office in your name and paid out of the Road and Street Funds or how that would work.

President Borries: Yes, I think that's where it needs to come from.

John Stoll: Okay.

Commissioner Mourdock: Are you making that as a recommendation then?

John Stoll: At this time, I'd rather just try to go ahead with the flashing light and then see if that satisfies the concerns and addresses the problem and then maybe put in rumble strips after that if that is not really correcting the problem.

Commissioner Mourdock: I'll move that we accept the flashing red light at Boonville-New Harmony Road as suggested by the County Engineer.

Commissioner Tuley: Second.

President Borries: So ordered.

John Stoll: I'd also like to do the same thing at Green River and Millersburg. As you're heading east, I don't know if you're all familiar with that intersection, but there's a crest of a hill about five hundred feet west of Green River that kind of leads to a blind approach to that intersection. There have been accidents out there and fatalities there as well and, I believe, if we put this at this intersection, it will be tall enough that even across the crest of the hill, you'll be able to see the flashing light.

Commissioner Mourdock: So this would be for eastbound traffic?

John Stoll: This would be for westbound, no eastbound traffic, you're right. Eastbound at Millersburg and westbound at Boonville-New Harmony Road.

Commissioner Mourdock: Okay. I'll again move acceptance of a flashing red light for eastbound traffic on Millersburg Road at Green River as suggested by the County Engineer.

Commissioner Tuley: Second.

President Borries: So ordered.

John Stoll: The only other item I have is --

President Borries: While we're on that subject, I don't want to interrupt you but, let me again, we may have to look at another one I've received and it's being routed to the other Commissioners here, another letter on Covert and Fuquay Road. That one is just-- this letter, actually, was submitted by someone in Warrick County, but there again, they are concerned, they saw someone run the stop sign and it's becoming a real serious intersection.

John Stoll: Last time we checked into that there wasn't an accident problem. The last complaint that I got on that was relayed through EUTS but it was that they wanted the stop sign removed on Covert and made it a through street.

President Borries: Well, I strongly object to that. That's ridiculous. If you do that, you're going to have people going through there at 70 miles an hour because they pick up speed from Green River Road all the way east and the next stop would be a light at what's called Newburgh road right before you get to Interstate 66. I mean, man, I know we'd have some serious problems there. I just couldn't support that at all. Well, I just wanted to call it to your attention. I think we've looked at some site problems there before, but there is some building going on, there is a new church in that area that has just been completed along Fuquay Road and now there's a minor subdivision plus some condo-type development at the other intersection so traffic is not going to get any better. I just call it to your attention. I'll leave it at this point to your study and recommendation, but I would say that the EUTS figures are specious, to say the least.

Commissioner Mourdock: Are what?

President Borries: They ain't right. It's growing, they're not accurate and the speeds particularly are really, really high out there.

John Stoll: I'm like you, I travel that intersection all the time and I cannot figure out what it would take to fix it. I've looked at all the accident studies when I worked at EUTS I did the studies.

President Borries: There have been some grinders there, I'm telling you. When they have one there, it's a bad one and anyway I just call it to your attention. I would defer to your judgement rather than at this point to look to figures here that seem to be not representative of what the actual traffic count and flow is in that area. I'm sorry, go ahead, I didn't mean to interrupt. You were on that subject there.

John Stoll: I was saying we may need an overhead light because I don't --

President Borries: Well how about a flasher there?

John Stoll: I don't know if it would really do the trick for the westbound traffic, maybe for the eastbound traffic if would help, but the westbound traffic is the one we're --

President Borries: Westbound is where the --

John Stoll: The shrubs and things like that kind of obscure the stop sign.

President Borries: Yes, there's some sight problems particularly as you're looking north on Fuguay, but eastbound it's strictly high speed. But I would tend, and I don't know which way they run them more than the other. I'd have to go back and read this person's letter. I'm sorry, you had one more item here.

John Stoll: These are the pictures that I showed you last week down on Bayou Creek Road down next to Seminary Road by the twin pipe structure that's in very poor shape. Commissioner Mourdock had asked that I check on some more cost figures regarding the replacement of this structure. Based on what Stan Lutz has prepared, he was estimating the County's labor cost would be about \$5,000 to install an aluminum structure that the County would buy. Based on some quotes that Tim Spurling in my office obtained, the contractors estimated it would cost them at least \$9,000 to \$10,000 to install the same structure. The structure itself, our lowest cost would be \$23,500. To bid out...that would be an aluminum structure, I'm sorry, to clarify that...to bid out to replace the structure with concrete structure, the estimate was about \$36,000 so as it stands right now, the replacement with County crews with the aluminum structure would be the cheapest way to go. I didn't know if you wanted to proceed in that manner.

Commissioner Tuley: Are we talking about replacing the dual pipes with one single or are we still going --?

John Stoll: One single.

Commissioner Mourdock: And just for background, John had asked me just basically, if I felt comfortable proceeding with it that way and my statement was pretty well just repeated to make sure if we going to use the County folks to do that, that it was going to be our best deal possible. Having said that, I'll make the motion that County Engineer be directed to use County employees as he's just recommended to fix the Bayou Creek Culvert with aluminum pipe.
Commissioner Tuley: Second.

President Borries: So ordered.

John Stoll: The estimate we've got on the structure is \$23,500 for the price of it so it's just short of the bidding limit so I just want to make you aware of that.

Commissioner Mourdock: Right, which was kind of the essence of John's question when he first came to me, he said that we're going to be close to the bidding limit.

John Stoll: The supplier would assemble it for us but there's another \$3,500 charge on that. Now that's where I don't know, is that okay to proceed, I don't know if this has to be declared an emergency or what the best way to do that is because we've got three price quotes, the assemble is not included in two of the three of them. I'll take that back, one of the three of them. Our three quotes were really 23,500, 26,100 and 26,500 for the pipe. The assembly was 3,500 on the lowest quote and then 4,250 on the other quotes. Is it okay to do it that way, I mean I'm not sure whether or not the assembly is considered a part of the purchase of the thing and, if not, then it probably would have to be declared an emergency in order to do it this way. I'm not sure if I'm clarifying that very well.

President Borries: Not really, but keep talking, we'll get there.

Commissioner Tuley: Well with the assembly, it takes it over the \$25,000 limit and does it have to be considered as all in one bid or?

President Borries: Right. So the assembly takes it over...well, you call it. I mean, they don't look like they're in any too good condition. What's your estimate here on how long those things are going to last?

John Stoll: Basically, from what Valerie Heuring and Stan Lutz have been out there, they don't know what's holding the thing up.

President Borries: Is that right?

John Stoll: Yes.

Commissioner Mourdock: It's another Water Works Road.

President Borries: Another Water Works Road. Oh man. So do you think you can say that it's an emergency then?

John Stoll: Yes, I can say that it's an emergency I just didn't know if you wanted to proceed that way or not.

President Borries: Well yeah, I think so. We need to declare an emergency, that would be the first motion.

Commissioner Tuley: I already did it. I so moved.

Commissioner Mourdock: Second.

President Borries: So ordered. Proceed.

John Stoll: Will do. And that's all I have.

President Borries: Any questions of John?

Commissioner Mourdock: Yes, I have a question based on another phone call here. Would you contact a Mr. James Meyer at 2639 Swinging Way Court, that's in the Mullen Estate.

John Stoll: What was the address again?

Commissioner Mourdock: 2639 Swinging Way Court. He has had some discussion with a Mr. Higgins, apparently some time about a year ago regarding whether or not the County can take over the Swinging Way Court and several of the other streets back in the Mullen Subdivision and if you could meet with them or have someone from your staff meet with them and just see where we're at with that.

John Stoll: If it's what I'm thinking of, the developers never brought the roads up to the standards where we could accept it.

Commissioner Mourdock: I think that's right and he is looking for some instruction as far as what needs to be done to bring them up

to standard and then they want to get Mr. Mullen involved or see if the neighbors are going to do that to get it over with and bring it up. If you would, contact him. Did I give you his phone number?

John Stoll: No.

Commissioner Mourdock: 476-6512. Thank you.

John Stoll: You're welcome.

RE: CONSENT ITEMS

President Borries: We have consent items to consider as part of your agenda.

Commissioner Tuley: Do we have one, a last minute one to add? Did Suzanne's get put up here tonight?

President Borries: Yes.

Commissioner Tuley: Okay. With the listed ones and Suzanne's request for travel, I move the consent items be approved.

Commission Mourdock: I second.

President Borries: So ordered.

RE: SCHEDULED MEETINGS

President Borries: There is a list available of scheduled meetings and there is an executive session scheduled for 4:00 p.m. next week.

RE: OLD BUSINESS

President Borries: Is there any old business at this time?

Commissioner Tuley: I have none at this time.

Commissioner Mourdock: I have none.

RE: NEW BUSINESS

President Borries: Any new business at this time?

Commissioner Tuley: None for me.

Commissioner Mourdock: None at this end.

President Borries: Well then, this meeting is going to be recessed until 7:00 p.m.

Meeting was adjourned at 6:36 p.m.

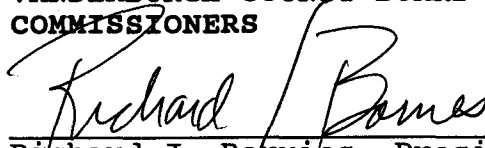
THOSE IN ATTENDANCE

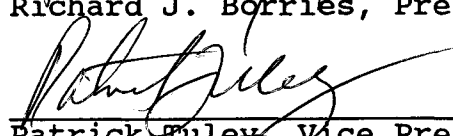
Richard J. Borries
Richard E. Mourdock
Cindy Mayo
Teri Lukeman
Lynn Ellis
Bill Morphew
Milton Hayden
Members of the Media


Patrick Tuley
Suzanne M. Crouch
Alan Kissinger
Julie Hinton
John Stoll
Jimmie R. Tucker
Stan Lutz

COMMISSIONERS MEETING
APRIL 17, 1995

VANDEBURGH COUNTY BOARD OF
COMMISSIONERS


Richard J. Borries, President


Patrick Tuley, Vice President


Richard E. Mourdock, Member

95-08555

MISC. DRAWER

4

CARD 5634

AGREEMENT

THIS AGREEMENT made and entered into effective the 1st day of JANUARY, 1995, by and between the Board of Commissioners of Vanderburgh County, Indiana (hereinafter "the County") and Kevin Bryant (hereinafter "Bryant").

WHEREAS, Bryant is an attorney licensed to practice law in the State of Indiana; and

WHEREAS, the County desires to enter into an arrangement with Bryant and Bryant desires to enter into an arrangement with the County whereby Bryant will be responsible for filing and handling all legal proceedings necessary to collect any unpaid fees due to the Vanderburgh County Clerk's Office.

NOW, THEREFORE, the parties to this Agreement do hereby agree as follows:

1. COLLECTION OF UNPAID FEES. Throughout the term of this Agreement, the County shall utilize the services of Bryant for the collection of all unpaid fees due and owing to the Vanderburgh County Clerk's Office which are unpaid and in which cases legal action is determined to be necessary in order for said bills to be collected. Bryant shall use his best efforts to collect any and all unpaid fees due and owing to the Vanderburgh County Clerk's Office which are assigned to him.

2. COMPENSATION. Bryant shall be compensated for his efforts under this Agreement as follows: For all Vanderburgh County Clerk Handling Fee accounts, Bryant shall be paid an upfront fee of Fifty Dollars (\$50.00). Once Bryant has collected money on any such unpaid Vanderburgh County Clerk Handling Fee claim, the first Fifty Dollars (\$50.00) collected shall be paid to the County and Bryant shall be paid as compensation fifty percent (50%) of all monies collected over and above the amount of Fifty Dollars (\$50.00).

3. TERM OF AGREEMENT. The term of this Agreement shall be for a period of Twelve (12) months beginning on the effective date of this Agreement. At the expiration of the term of this Agreement, this Agreement may be renewed by a majority vote of the Vanderburgh County Commissioners at a duly authorized and constituted public meeting for an additional term of Twelve (12) months or for any other term upon which the parties may agree.

4. INDEPENDENT CONTRACTOR. For purposes of this Agreement, Bryant shall be an independent contractor and shall not be deemed or considered an employee of Vanderburgh County for any reason. The compensation provided to Bryant pursuant to Paragraph 2 of this Agreement shall be the sole compensation to which Bryant shall be entitled for his services rendered hereunder.

months or for any other term upon which the parties may agree.

4. INDEPENDENT CONTRACTOR. For purposes of this Agreement, Bryant shall be an independent contractor and shall not be deemed or considered an employee of Vanderburgh County for any reason. The compensation provided to Bryant pursuant to Paragraph 2 of this Agreement shall be the sole compensation to which Bryant shall be entitled for his services rendered hereunder.

5. AMENDMENT OF AGREEMENT. This Agreement may not be altered, amended or modified except by a written agreement signed by all of the parties hereto.

6. ENTIRE AGREEMENT. This Agreement contains the entire agreement between the parties and there are no oral or collateral agreements or understanding.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date and year first above written.

VANDERBURGH COUNTY COMMISSIONERS

By:

Richard J. Borries
RICHARD BORRIES, PRESIDENT

Kevin F. Bryant
KEVIN BRYANT

ATTEST:

Suzanne M. Crouch
SUZANNE CROUCH, VANDERBURGH
COUNTY AUDITOR

95-08556

MISC. DRAWER 4

CARD 5635

AGREEMENT

THIS AGREEMENT made and entered into effective the 1st day of JANUARY, 1995; by and between the Board of Commissioners of Vanderburgh County, Indiana (hereinafter "the County") and Kevin Bryant (hereinafter "Bryant").

WHEREAS, Bryant is an attorney licensed to practice law in the State of Indiana; and

WHEREAS, the County desires to enter into an arrangement with Bryant and Bryant desires to enter into an arrangement with the County whereby Bryant will be responsible for filing and/or handling all legal proceedings necessary to collect any unpaid Mercy Ambulance bills.

NOW, THEREFORE, the parties to this Agreement do hereby agree as follows:

1. COLLECTION OF MERCY AMBULANCE BILLS. Throughout the term of this Agreement, the County shall utilize the services of Bryant for the collection of all Mercy Ambulance bills which are unpaid and in which cases legal action is determined to be necessary in order for said bills to be collected. Bryant shall use his best efforts to collect any and all unpaid Mercy Ambulance bills which are assigned to him.

2. COMPENSATION. Bryant shall be compensated for his efforts under this Agreement as follows:

- a. For any bills under \$100.00, Bryant shall be paid an up-front fee of \$37.50. Once Bryant has collected money on any such unpaid Mercy Ambulance bill, the first \$37.50 collected shall be paid to the County and Bryant shall be paid as compensation fifty percent (50%) of all monies collected over and above the amount of \$37.50.
- b. For any bills \$100.00 or more, Bryant shall be paid an up-front fee of \$75.00. Once Bryant has collected money on any such unpaid Mercy Ambulance bill, the first \$75.00 collected shall be paid to the County and Bryant shall be paid as compensation fifty percent (50%) of all monies collected over and above the amount of \$75.00.

3. TERM OF AGREEMENT. The term of this Agreement shall be for a period of Twelve (12) months beginning on the effective date of this Agreement. At the expiration of the term of this Agreement, this Agreement may be renewed by a majority vote of the Vanderburgh County Commissioners at a duly authorized and constituted public meeting for an additional term of Twelve (12)

April 1995

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
2 Dawnlight Savings--set ahead 1 hour 92 / 273	3 3:30pm Dept. Head 4:00pm Exec. Session 5:30pm Commissioners 93 / 272	4 1:30pm Job Study 94 / 271	5 3:30pm County Council 95 / 270	6 96 / 269	7 97 / 268	8 98 / 267
9 99 / 266	10 4:30pm Solid Waste 5:30pm Commissioners 100 / 265	11 101 / 264	12 102 / 263	13 103 / 262	14 GOOD FRIDAY 104 / 261	15 105 / 260
16 Easter 106 / 259	17 4:00pm Exec. Session 5:30pm Commissioners 7:00pm Renovations 107 / 258	18 9:00am Insurance Comm. 108 / 257	19 109 / 256	20 9:00am Steering Comm. 12:00pm PC-Technical 5:00pm Pigeon Creek 110 / 255	21 111 / 254	22 112 / 253
23 113 / 252	24 4:00pm Exec. Session 5:30pm Commissioners 6:30pm Drainage Bld. 114 / 251	25 115 / 250	26 3:30pm Personnel & Finance 116 / 249	27 117 / 248	28 118 / 247	29 119 / 246
30 120 / 245						

May						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

March						
S	M	T	W	T	F	S
				1	2	3
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

5. AMENDMENT OF AGREEMENT. This Agreement may not be altered amended or modified except by a written agreement signed by all of the parties hereto.

6. ENTIRE AGREEMENT. This Agreement contains the entire agreement between the parties and there are no oral or collateral agreements or understanding.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date and year first above written.

VANDERBURGH COUNTY COMMISSIONERS

By:

Richard L. Borries
RICHARD BORRIES, PRESIDENT

Kevin Bryant
KEVIN BRYANT

ATTEST:

Suzanne M. Crouch
SUZANNE CROUCH, VANDERBURGH
COUNTY AUDITOR

TREASURER
VANDERBURGH COUNTY
ADMINISTRATION BLDG., ROOM 210
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708

April 17, 1995

TO: COUNTY COMMISSIONERS
BOARD OF FINANCE

FROM: JAYNE BERRY-BLAND

RE: BOARD OF FINANCE

=====

The following percentages have been re-calculated according to the SBD-2 forms submitted by the local banks and savings and loans. There was an error on the calculations submitted to the Board of Finance in November, 1994. The following percentages shall be followed by the Vanderburgh County Treasurer when making investments for the years 1995 and 1996.

REPURCHASE AGREEMENTS:

Bank Name	Total Assets	Percentage
Old National Bank	\$751,712,000.00	54%
Citizens Bank	\$638,548,000.00	46%

CERTIFICATE OF DEPOSITS:

Bank Name	Total Assets	Percentage
Old National Bank	\$751,712,000.	34%
Citizens Bank	\$638,548,000.	29%
National City Bank	\$253,539,000.	11%
Permanent Fed S & L	\$218,012,000.	10%
Union Fed S & L	\$140,830,000.	6%
NBD Bank	\$ 92,383,000.	4%
Evansville Fed S & L	\$ 77,248,000.	3%
Midwest Federal S & L	\$ 46,067,000.	2%
First Federal S & L	<u>\$ 30,352,000.</u>	<u>1%</u>
	2,248,691,000.	100%



**BOARD of
COMMISSIONERS**
of the County of Vanderburgh

RICHARD J. BORRIES
RICHARD E. MOURDOC
PATRICK TULEY

AGENDA REQUEST

NAME OF REQUESTOR: Jayne Berry-Bland

REQUESTOR TITLE: Treasurer

DEPARTMENT: _____

REQUEST(S) BEING MADE:

*This is a correction of earlier
version - Permanent Federal
had a misleading figure on the front
page of their report which was
mistaken for total assets.*

DATE TO BE PLACED ON AGENDA: _____

ACTION _____ CONSENT ☒ OTHER _____

VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department Sheriff *ad*

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
105011300204	Timothy Sloat		Proc. Server	8176	3 9307 00	4-17-95 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE

RECORDER
COMMISSIONER'S RECORD

SIGNED BY *Ray Hamm* DATE *4/14/95*

VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department PIGEON TOWNSHIP ASSESSORS OFFICE *pd*

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
2490 1150-1990	ARTHUR MILLER II	3116 E MORGAN AVE	PART-TIME	HOURLY 7	00	4-7-95

RECORDER
COMMISSIONER'S RECORD

SIGNED BY *Paul Esthelfield* DATE *4/12/95*

VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department 1230 - COOPERATIVE EXTENSION SERVICE

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
12301990	Sandra Anderson	1526 Reiter Dr. Evansville, IN 47712	Parttime	5.00	April 12,

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER
COMMISSIONER'S RECORD

SIGNED BY *[Signature]* DATE 4-13-95

VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department CIRCUIT COURT

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
505.0136Y-1150	GARY CROW	EMP#	SUPER. TRAINER	4.5215 9,488 AN	4-9-95 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
505.0136Y-1990	JASON SHANK	EMP #5548	PART-TIME CORRECTION OFFICER	7.00 HR	4-7-95
136-1990	VICKI MATLOCK	EMP #5530	TYPIST	5.00 HR	4-7-95
136.1-1200	OSCAR KIRKPATRICK	EMP #3529	WORK RELEASE OFFICER MEDICAL/SICK LEAVE	20,450 AN	4-11-95

RECORDER
COMMISSIONER'S RECORD

SIGNED BY *[Signature]* DATE 9/11/95
JUDGE, CIRCUIT COURT

VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department CIRCUIT COURT

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
136.1-1300	RONALD SCHINDLER	EMP. # 05741	COUNSELOR	12,379.50	AN	3-26-95

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
136.1-1300	RONALD SCHINDLER	EMP. # 05741	COUNSELOR	24,589	AN	3-25-95

RECORDER
COMMISSIONER'S RECORD

SIGNED BY

JUDGE, CIRCUIT COURT

DATE

4-12-95

VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Circuit Court

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
505.0136Y-1990	DEBRA SCHMITS	EMP #5777	PART-TIME CORRECTION OFFICER	7.00	HR	3-26-95 ✓
505.0136Y-1990	NICHOLAS HOLLANDER	EMP #5778	PART-TIME CORRECTION OFFICER	7.00	HR	3-26-95 ✓
505.0136Y-1990	JEFFREY BARTON	EMP #5787	PART-TIME CORRECTION OFFICER	7.00	HR	3-26-95 ✓
136.1-1300	RONALD SCHINDLER	EMP #5741	COUSNELOR	11,821.00 24,589	1440 AN	3-27-95

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
505.0136Y-1990	DEBRA SCHMITS	EMP #5777	PART-TIME CORRECTION OFFICER	5.00	HR	3-25-95 ✓
505.0136Y-1990	NICHOLAS HOLLANDER	EMP #5778	PART-TIME CORRECTION OFFICER	5.00	HR	3-25-95 ✓
505.0136Y-1990	JEFFREY BARTON	EMP #5787	PART-TIME CORRECTION OFFICER	5.00	HR	3-25-95 ✓
136.1-1300	RONALD SCHINDLER	NEVER PAID THIS AMT EMP #5741	COUNSELOR	12,379.50 25,791	1110 AN	3-26-95

RECORDER
COMMISSIONER'S RECORD

SIGNED BY

DATE

4-11-95

VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Vanderburgh Auditorium

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY hourly		EFFECTIVE
14401990	Daren Harmon	213 Lorschelan Dr. Evansville, IN 47711	sheriff/ security	12	00	4-1-95 ✓
	Gary O'Risky	7508 Metalview Dr. Evansville, IN 47710	sheriff/ security	12	00	4-22-95
	(NOT ON P.R. VOUCHER FOR 4/21/95 PAY)					

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE

RECORDER
COMMISSIONER'S RECORD

SIGNED BY

DATE

4-10-95

VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department VANDERBURGH SUPERIOR COURT

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
26201980	Stephem M. Griggs		Misd Night Court Bailiff	Other 30	00	4/3/95

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE

RECORDER
COMMISSIONER'S RECORD

SIGNED BY

DATE

4/13/95

VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department BURDETTE PARK

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
118	Perry Gostley	426 South Bosse Ave.	Groundcrew	\$5.00	03/29/95 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER
COMMISSIONER'S RECORD

SIGNED BY Mark T. Tuley DATE 4-13-95

VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department Health 213.0

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
146	DABBS, LaDonna	2101 S. Ruston Avenue Evansville, IN 47714	Clerk/Trans- criptionist	7.2750/hour 15,132.00	4/24/95

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER
COMMISSIONER'S RECORD

SIGNED BY Ken Elder DATE 4/6/95
Director

VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department County Commissioners - Board of Review *st*

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
1300-1180	George E. Koch			35.00	per mtg	4/6/95
1300-1180	Jerome Richey			35.00	per mtg	4/6/95

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE

RECORDER
COMMISSIONER'S RECORD

SIGNED BY

Richard J. Bonic ~~DATE~~ 4-17-95
Cm

TO: SERGEANT NELLIGAN
FROM: CORPORAL JIM MAGARY
DATE: APRIL 5, 1995
SUBJECT: JENKINS COMPANY

Sir;

As we discussed in the Body Armor Committee meeting last week, I have certain reservations about the service commitment from Jenkins Co. of Indianapolis. I feel it would be worth the extra \$1.88 per vest to get the excellent service we are accustomed to from Kiesler's Police Supply in Jeffersonville, IN for the following reasons:

When I first took over the duties of Firearms Training Coordinator in 1992, I called Jenkins Co. for bid quotes as I did with other large distributors in this region such as Kiesler's, Ray O'Herron, Gil Hebard, etc. I have had problems getting someone at Jenkins to return my calls with the price quotes. I do not have specific dates of incidents because I never knew it would come to this but the problem was frustrating enough that I quit calling Jenkins Co. for bids. All the other companies listed have always shown genuine interest in our business and have gone to great lengths to make us happy.

Before I took over this position, I remember the Jenkins Mobile Equipment Van used to come to our department from time to time to sell police gear and supplies. Early on I thought that this was a definite commitment to area departments and even bought my first body armor vest from them one time when they were here. Many times, however, few people at our department knew when the Mobile Van was going to be here until it showed up or we usually got the word the day after it left. Working third shift Motor Patrol at the time, I was unable to get downtown in time to take advantage of this convenience because the van had left by the time I found out it was here. To correct this problem, I called Jenkins Co. on two separate occasions (I don't have the dates because it was a few years ago) and asked them if they would send a flyer directly to me in advance of the van's arrival. I told them I would then be able to post the notice and spread the word through the department that the van was due in Evansville on whatever date. This would help officers needing equipment and it would mean more business for Jenkins. Both times the person I spoke with took my name and address and promised to send me a copy of the flyer they send out to other departments several days before the van was due to arrive. *The flyers never came and we kept missing the van when it did show up.* Now I have been told that the van no longer even travels to this area and I know I have never seen it or heard about it in the

experience of the two vendors the City and County would be better served by Kiesler Police Supply.

We would recommend, and this is a joint City/County recommendation, that the Body armor bid, bid no. APA031-95, be awarded to Kiesler Police Supply of Jeffersonville, IN for the PACA VWC 226B Male/CYN 5524F Female. This vest meets all specifications as written and our past experience with this vendor has been good.

If you have any questions you can reach me at 426-5540.

Thank you.

cc: Committee Members
Chief Woodall, VCS
Jim Tucker, VCS
Brad Ellsworth, VCS

EVANSVILLE POLICE DEPARTMENT
INTERDEPARTMENTAL MEMO
Chief's Office

To: Lynn Ellis
From: Jim Nelligan
Date: March 31, 1995
Subject: Vest Bid

A meeting of our vest committee was held on March 30th. At this meeting all members of the committee inspected the vests. Also, there was an open invitation for any officer, city or county, to inspect the vests. The vest committee, along with Brad Ellsworth and Jim Tucker from the VCS department, discussed the merits of each vest.

The inspection of the vests were mainly for weight, flexibility and quality of construction. All but two vests were rejected based on these qualities alone. The two remaining vests were the PACA VWC 226B Male/CYN 5524F Female and the Point Blank AV2. These two vests were inspected at length and the final decision was that the PACA vest met all of our specifications and was slightly better constructed than the Point Blank vest. It was decided to recommend the PACA vest be awarded the bid.

According to the bid packages received from your office the PACA vest was not the lowest bid. The lowest bid was from Protective Armor International of Miami Lakes, Fla. This company did not send a vest sample for our inspection as specified in the bid package. For this reason, we recommend the bid of Protective Armor International be rejected.

The next lowest bid was the PACA vest mentioned above with the vendor being Steven R. Jenkins Co., INC. of Indianapolis. Several members of the committee spoke against this vendor. The complaints mainly concerned the responsiveness of the vendor on past purchases and requests. We are gathering more specific information, but at this time we recommend this vendor be rejected for not being responsive to our past requirements and feel he may be no more so with this purchase.

The next lowest bid was the same PACA vest by a different vendor. This vendor was Kiesler Police Supply, INC. of Jeffersonville, IN. All committee members who have dealt with this vendor had high praise for the service received. The price bid by Kieslers was \$223.00 per vest with a \$10.00 trade-in allowance. This price was \$1.88 more than the bid price of \$221.12 (also with a \$10.00 trade-in allowance) presented by Jenkins. We feel that with the past

VANDERBURGH COUNTY SHERIFF'S DEPARTMENT

SUPPORT SERVICES SECTION

MEMORANDUM

TO: CHIEF STEPHEN G. WOODALL
FROM: LT. JIMMIE R. TUCKER
RE: BODY ARMOR
DATE: APRIL 7, 1995

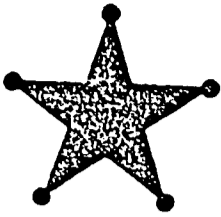
Chief,

In May of 1988 the Vanderburgh County Sheriff's Department accepted delivery of 101 American Body Armor K-27HD bullet resistant vest, these vests were purchased through the Steven R. Jenkins co., Inc. of 6680 East 21st Street, Indianapolis, Indiana.

These vests were delivered with the promise that every American Body Armor vest receives the extra care and attention needed to create a product that is the lightest, most comfortable life saving vest in existence. That extensive training assures that your specific requirements will be handled by well-informed Distributors that understand the importance of your comfort and safety. That American Body Armor offers 180 standard sizes that our factory trained Distributors can mix and match, which provides a custom fit at no extra cost to you.

In reality, when we received the vests, we found that ten (10) of the vests fit so poorly that comfortable wear was impossible. Complaints were lodged with the Jenkins Company who assured the department that all problems would be corrected as soon as possible.

From the date of the delivery, May of 1988, department members had continuous conversations with the Jenkins representatives concerning alterations that needed to be made to the vests. It was November of 1991, before the Jenkins Company managed to complete the correction of original fitting mistakes, at a cost of \$50.00 to 60.00 per vest. Several members of the department feel that this delay in refitting the vest was unacceptable.



OFFICE OF
SHERIFF OF VANDERBURGH COUNTY

101 Civic Center Complex
1 NW Martin Luther King Boulevard
Evansville, IN 47708

Administration : 426-5303
Command Post : 467-1420

RAY HAMNER
SHERIFF

ROBERT BECKHAM
CHIEF DEPUTY SHERIFF

STEPHEN WOODALL
CHIEF DEPUTY SHERIFF

April 11, 1995

TO: Lynn Ellis

RE: Body Armor Bid

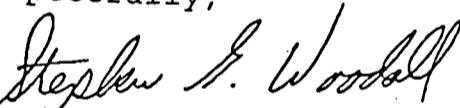
The Vanderburgh County Sheriff's Department recommends that Kiesler Police Supply of Jeffersonville, IN be selected as the vendor for the joint City/County purchase of body armor. At this time, however, we decline their offer of a trade-in allowance. Kiesler was selected based upon the following reasons:

- 1) Kiesler complied with all of the bid requirements;
- 2) The PACA body armor provided by Kiesler met all of the technical specifications; and
- 3) Kiesler has been responsive with past purchases.

Due to past experience as discussed in the enclosure, we do not believe that the Steven R. Jenkins Company would be a suitable vendor for this particular project.

Thank you.

Respectfully,


Stephen G. Woodall

cc: Sheriff Hamner
File

(2) Whether the bidder has submitted a bid that complies specifically with the invitation to bid and the instructions to bidders.

(3) Whether the bidder has complied with all applicable statutes, ordinances, resolutions, or rules pertaining to the award of a public contract.

(j) In determining whether a bidder is a responsible bidder, a purchasing agent may consider the following factors:

(1) The ability and capacity of the bidder to provide the materials.

(2) The integrity, character, and reputation of the bidder.

(3) The competency and experience of the bidder.

(k) The purchasing agent may reject all bids and ask for new bids. If no valid bids are received for an item, the purchasing agent may purchase or lease that item on the open market without further advertisement for bids.

(l) Notwithstanding subsection (g), a county may award sand, gravel, asphalt paving materials, or crushed stone contracts to more than one (1) responsible and responsive bidder if:

(1) The specifications allow for bids to be based upon service to specific geographic areas; and

(2) The contracts are awarded by geographic area.

The geographic areas do not need to be described in the specifications.

(m) A school corporation shall, after a satisfactory bid is received, award a contract to the lowest and the best responsible and responsive bidder in the opinion of the school corporation for each line or class of materials required. However, if a contract awarded under this subsection is not awarded to the lowest bidder:

(1) The factors used to justify the award must be stated in the minutes or memoranda at the time the award is made; and

(2) A copy of the minutes or memoranda must be kept available for public inspection. [IC 36-1-9-3, as added by Acts 1981, P.L. 57, § 35; P.L.329-1985, § 6; P.L.213-1986, § 3; P.L.134-1988, § 4; P.L.336-1989(ss), § 41; P.L.252-1993, § 1.]

Cross References. Conflict of interest prohibited, penalty, IC 35-44-1-3.

Nondiscrimination clause required on contracts, IC 5-16-6-1, IC 22-9-1-10.

Purchase or lease of county supplies, IC 5-17-1-1 — IC 5-17-1-9.

Opinions of Attorney General. Both the common law and statute law prohibit a firm or corporation, of which a member of the park board of a city is a member, a stockholder or officer, from selling supplies or materials or otherwise entering into a contract with the park board or the city acting through the agency of the park board but do not prohibit such firm or corporation from bona fide selling supplies or materials or otherwise entering into contracts with some other independent department of the city. 1943, p. 340.

In an absence of fraud, a member of the board of public works who is employed by a company which supplies materials to contrac-

tors who have contracts with said board of public works does not have a "direct or indirect interest" in such contract so as to render it void or illegal either in violation of the statutes of this state or as contrary to public policy. 1959, No. 18, p. 85.

A contract between a member of a city or town board of zoning appeals or plan commission and some other unit of government, outside the official's normal sphere of authority, would not violate the law, although such contracts should be avoided by any public official. 1961, No. 45, p. 287.

Any contract between a member of a city or town board of zoning appeals or plan commission and the unit of government in which he exercises his official jurisdiction is absolutely void. 1961, No. 45, p. 287.

A contract between an individual serving as a member of an "independent administrative board of a municipality" who is directly

- (A) The factors or criteria that will be used in evaluating the proposals.
- (B) A statement concerning the relative importance of price and the other evaluation factors.
- (C) A statement concerning whether the proposal must be accompanied by a certified check or other evidence of financial responsibility.
- (D) A statement concerning whether discussions may be conducted with the offerors for the purpose of clarification to assure full understanding of and responsiveness to the solicitation requirements.
- (E) A statement that the proposal must comply with any requirement under section 8.5 of this chapter.
- (2) Notice of the request for proposals shall be given by publication in accordance with IC 5-3-1.
- (3) As provided in the request for proposals, discussions may be conducted with the offerors for the purpose of clarification to assure full understanding of and responsiveness to the solicitation requirements.
- (4) Offerors must be accorded fair and equal treatment with respect to any opportunity for discussion and revisions of proposals.
- (5) After the procedures outlined in this subsection have been completed, the resulting specifications shall be let for bid under this section.
- (d) The notice of the time and place for receiving the bids shall be given by publication in accordance with IC 5-3-1. A bidder may not be required to submit a bid before the meeting at which bids are to be received.
- (e) All meetings for receiving bids must be open to the public. The bids shall be opened publicly and read aloud at the time and place designated in the notice and not before.
- (f) All plans and specifications shall be kept in a place available for public inspection, which shall be specified in the notice.
- (g) Except as provided in subsections (l) through (m), the purchasing agent shall, after a satisfactory bid is received, award a contract to the lowest responsible and responsive bidder for each line or class of materials required.
- (h) If a contract awarded under subsection (g) is not awarded to the lowest bidder, the factors used to:
 - (1) Determine which bidder is the lowest responsible and responsive bidder; and
 - (2) Justify that award;
 must be stated in the minutes or memoranda at the time the award is made. A copy of the minutes or memoranda must be kept available for public inspection.
- (i) In determining whether a bidder is responsive, a purchasing agent may consider the following factors:
 - (1) Whether the bidder has submitted a bid or quote that conforms in all material respects to the specifications.

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- 5-17-1-1 — IC :
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- selling supplies
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- board of public w
- company which su

BIDDER- EXECUTED FORM 95	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
COST	\$49,637 .50	\$55,280 .00	\$55,750 .00	\$55,800 .00	\$59,187 .50	\$61,500 .00	\$64,095 .00	\$71,500 .00	\$75,350 .00	
COST OF PERFOR- MANCE BOND	Bidder indicat- ed \$2,770. 63 (cost of bid bond); should be \$0 as bidder refused to provide perfor- mance bond	\$0	\$200.00	\$0	\$233.00	\$246.00	\$1,600. 00	\$200.00	\$200.00	
TOTAL COST	\$49,637 .50	\$55,280 .00	\$55,950 .00	\$55,800 .00	\$59,420 .50	\$61,746 .00	\$65,695 .00	\$71,700 .00	\$75,550 .00	
RECOM- MENDED BIDDER			\$55,950 .00							

Bids were submitted by the following companies; however, they failed to submit the required Bid Bond, therefore, their bids cannot be considered for award: Top-Line USA, Inc., Cincinnati, OH; and Protective Products International, Sunrise, FL.
 A "No Bid" was received from Protech Armored Products, Pittsfield, MA.

[illegible]

[illegible]

PRICES - FOB VARIOUS CITY/ COUNTY LOCATIONS	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
DIS-COUNTS	N/A	No	None	No	Included	None	None	None	None	None	None	Yes
SUBJECT TO ESCALATION	N/A	No	N/A for one year	No	None	None	None	N/A	N/A	N/A	N/A	Yes
BIDDER WILL ACCEPT PORTION /TOTAL	Portion	Total	Total	Total	Portion	Total	Total	Total	Total	Total	Total	Yes
GUARAN-TEED DELIVERY	30 days ARO	30 days	30 days	30 days	30 days ARO	50 days	30 - 45 days ARO	30 days	30 days	30 days	30 days	Yes
METHOD OF DELIVERY	UPS	Truck	UPS	Truck	UPS	Company Van	Truck	UPS	UPS	UPS	UPS	Yes
MANUFACTURER	Protective Armor Int	PACA	PACA	ABA	Second Chance	Point Blank Body Armor	RBR Armor	PACA	PACA	PACA	PACA	Yes
MODEL	01BL-IN2 (Vest); TP58-SP (Plate); 01BL-000 (Carrier)	VWC 226B/CY N55245	VWC226B ; CYN5524 F	600	322Z-II; SFLII-T-FEM	AV2	RBR Multi Flex II	VWC226B ; CYN5524 F	VWC CBII; MSPACA CB II	VWC CBII; MSPACA CB II	VWC CBII; MSPACA CB II	Yes

**SUMMARY OF BIDS
BODY ARMOR
BID NO. APA031-95**

BIDDER	PROTECTIVE ARMOR INTERNAL	STEVEN R. JENKINS CO., INC.	KIESLER POLICE SUPPLY, INC.	STEVEN R. JENKINS CO., INC.	RAY O'HERON COMPANY INC.	SIEGEL'S UNIFORMS, INC.	RBR ARMOR, INC.	KIESLER POLICE SUPPLY, INC.	KIESLER POLICE SUPPLY, INC.
CITY, STATE	MIAMI LAKES, FL	INDIAN-APOLIS, IN	JEFFERSON-VILLE, IN	INDIAN-APOLIS, IN	DAN-VILLE, IL	EVANS-VILLE, IN	MEAD-VILLE, PA	JEFFERSON-VILLE, IN	JEFFERSON-VILLE, IN
MALE BODY ARMOR UNITS, Q=220	\$198.55	\$221.12 (PACA)	\$223.00	\$223.20 (ABA)	\$236.75	\$246.00	\$256.38	\$286.00	\$301.40
FEMALE BODY ARMOR UNITS, Q=30	\$198.55	\$221.12 (PACA)	\$223.00	\$223.20 (ABA)	\$236.75	\$246.00	\$256.38	\$286.00	\$301.40
CARRIER (ADDITIONAL)	\$23.10	\$28.00	\$30.80	\$30.00	\$29.95	\$35.00	\$34.10	\$30.80	\$30.80
TRADE-IN	Not indicated	\$10.00 ea not to exceed 250 units	\$10.00	\$10.00 ea not to exceed 250 units			\$17.09	\$10.00	\$10.00



BOARD of
COMMISSIONERS
of the County of Vanderburgh

RICHARD J. E

DON L. HUNT

PATRICK R. T

AGENDA REQUEST

NAME OF REQUESTOR: Lynn W. Ellis

REQUESTOR TITLE: Buyer

DEPARTMENT: Purchasing

REQUEST(S) BEING MADE:

Approve the award of bid number APA031-95 for Body Armor to
Kiesler Police Supply, Inc. at a total estimated cost of
\$55,950.00. This figure includes both the Evansville Police
Department (200 units) and the Vanderburgh County Sheriff's
Department (50 units). The total cost for the County is
\$11,190.00. The total cost for the City is \$44,760.00.

Kiesler Police Supply, Inc. is the low responsive and
responsible bidder meeting specifications. The low bidder,
Protective Armor International, did not submit a sample of the
body armor as required. The second low bidder, Steven R. Jenkins
is not recommended due to previous problems with service level
as indicated on the attached correspondence from both the
Sheriff's Department and Police Department.

DATE TO BE PLACED ON AGENDA: April 17, 1995

ACTION XX

CONSENT

OTHER

VANDEBURGH COUNTY BRIDGE CREW
PROGRESS REPORT
FRIDAY, APRIL 7, 1995 THRU THURSDAY, APRIL 13, 1995

FRIDAY, APRIL 7, 1995

Crew #1 & Backhoe - cleaned guardrail.
Crew #2 - install driveway culvert at 940 Campbell Road.

MONDAY, APRIL 10, 1995

Crew #1 - finish painting guardrail and clear coat.
Crew #2 - straighten rail and close gates on Waterworks Road.

TUESDAY, APRIL 11, 1995

Crew #1 - worked on Mann Road.
Crew #2 - finish cleaning and painting guardrail on Green River.

WEDNESDAY, APRIL 12, 1995

Crew #1 - worked on Mann Road.
Crew #2 - clean bridges and box culverts on Boonville New Harmony
and Petersburg Road.
Crew #3 - install driveway culvert at FOP Park on Happe.

THURSDAY, APRIL 13, 1995

Crew #1 - clean and straighten channels under bridge on Bender.
Crew #2 - clean and straighten channels under bridge on Boonville
New Harmony over Maidlow Creek.

VANDERBURGH COUNTY HIGHWAY DEPARTMENT

PROGRESS REPORT

FRIDAY, APRIL 7, 1995 THRU THURSDAY, APRIL 13, 1995

FRIDAY, APRIL 7, 1995

Gradall and one crew installed driveway culvert at 940 Campbell.
Payloader, grader and two crew prepared land farm at garage.
Three patch crews worked on work orders.
Trash crew ran routes.
Mower, Motrim, and two tree crews worked on West Terrace and Rucker Road.

MONDAY, APRIL 10, 1995

Gradall and three tree crews worked on West Terrace Drive and Rucker Road.
Payloader, Grader and three crews worked on land farm at garage.
Trash crew ran regular routes.
Three patch crews worked on work orders.

TUESDAY, APRIL 11, 1995

Gradall and one crew worked on Kentucky Ave.
Three tree crews worked on work orders.
Three patch crews worked on work orders.
Grader and one crew hauled dirt to Mann Road.
Two crews cleaned the paver and worked on the land farm at the garage.

WEDNESDAY, APRIL 12, 1995

Gradall and one crew ditched on Kentucky.
Two patch crews worked on Upper Mt. Vernon, Peerless and Green River Road.
Trash crew ran regular routes.
Mowers worked on work orders.
One truck hauled dirt to Mann Road.
Grader and three trucks worked on Mann Road and Young Road.
Two tree crews worked on Green River Road.

THURSDAY, APRIL 13, 1995

Gradall and one crew ditched on Happe and Kentucky.
Two patch crews worked on work orders.
Mowers worked on Nurrenburn, Korresse'l and Upper Mt. Vernon.
Grader and four trucks graded and rocked roads in the bottoms.
Trash crew ran regular routes.
Two tree crews worked on work orders.

TRAVEL REQUEST FORM
FOR
COUNTY OFFICIALS, DEPARTMENT HEADS & EMPLOYEES

DATE OF REQUEST: April 17, 1995 DEPARTMENT: Auditors Office

EMPLOYEES(S): Suzanne Crouch *[Signature]*

DATE(S) OF TRAVEL: April 18, 1995

DESTINATION: Mariah Hill

PURPOSE: Southwest District Auditors meeting

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: _____

MEANS OF TRAVEL: _____
COUNTY VEHICLE NUMBER: _____
OTHER: _____

REIMBURSEMENT CLAIMED

<input checked="" type="checkbox"/> Mileage	<input type="checkbox"/> Parking
<input checked="" type="checkbox"/> Per diem	<input type="checkbox"/> Registration
<input type="checkbox"/> Air fare	<input type="checkbox"/> Other

APPROVED: *[Signature]*
Department Head

APPROVED: *[Signature]*
Office Holder

APPROVED BY:
VANDERBURGH COUNTY COMMISSIONERS this 17 day of April, 1995

[Signature]
RICHARD J. BORRIES, PRESIDENT

[Signature]
PATRICK TULEY, VICE-PRESIDENT

[Signature]
RICHARD E. MOURDOCK, MEMBER

NEW ASSESSING OFFICIAL
TWO-DAY WORKSHOP
REGISTRATION FORM

Name PAUL E. HATFIELD County VANDERBURGH
Title Pigron Township Assessor Phone# (812) 435-5285
Address 225 Civic Center Complex, ONE NW MARTIN L. King JR BLVD
EVANSVILLE, IN 47708

Date and location attending:

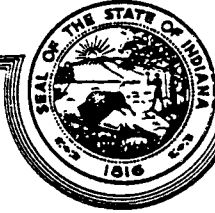
<input checked="" type="checkbox"/> Vincennes	March 28 & 29 - Vincennes University Room 117 Library, Vincennes Indiana
<input type="checkbox"/> Scottsburg	March 30 & 31 - Best Western, I 65 & St. Rd. 56, Scottsburg, Indiana
<input type="checkbox"/> Lafayette	April 3 & 4 - Ramada Inn, formerly Howard Johnson, 4343 St. Rd. 26 E. Lafayette, Indiana
<input type="checkbox"/> Richmond	May 10 & 11 - Ivy Tech, I 70 & St. Rd. 27 (1st light south of I 70 on St. Rd.27), Richmond, Indiana
<input type="checkbox"/> Huntington	May 15 & 16 - Huntington College, Haebacker Dining Commons
<input type="checkbox"/> Plymouth	May 17 & 18 - Holiday Inn, 2550 N. Michigan, Plymouth, Indiana
<input type="checkbox"/> Indianapolis	May 22 & 23 - Indiana Government Center South, Indianapolis, Indiana

☐ I will be attending both days

☒ I will only be attending on the 29th
By attending only one day, I realize I will not be
eligible to receive \$200 compensation as specified in
I.C. 6-1.1-35.2(b).

Paul E. Hatfield
(Signature)

STATE OF INDIANA



INDIANAPOLIS, 46204

STATE BOARD OF TAX COMMISSIONERS

Indiana Government Center North
317/232-3761

RECEIVED

FEB 21 1995

Paul E. Hatfield

TO: NEW ASSESSING OFFICIALS

FROM: KAREN A. LOUDERBACK, DIRECTOR
TRAINING AND COMMUNICATIONS *KAL*

DATE: FEBRUARY 16, 1995

SUBJECT: TWO DAY TRAINING FOR NEW ASSESSORS AND BOARD OF REVIEW MEMBERS

Pursant to I.C. 6-1.1-35.2-1, "The state board of tax commissioners shall provide training to the members of the county board of review and the county, township and trustee assessors (as referred to in this chapter as assessing officials)".

I.C. 6-1.1-35.2-2 states that "In any year in which an assessing official takes office for the first time, the state board of tax commissioners shall conduct two (2), eight (8) hour sessions for these new assessing officials. Any new assessing official who attends BOTH sessions is entitled to receive \$200 and a mileage allowance from the county in which the official resides. A person is entitled to a mileage allowance under this section only for travel between the person's place of work and the training session nearest to the person's place of work". You must attend BOTH days of training to receive the payment of \$200.00. If you are only able to attend one (1) day of training, you will not qualify for payment.

Deputies are also invited to attend the 2-day training session, however they do not qualify to receive the \$200.00 payment.

The classes will start at 8:30 a.m. each morning and end at 4:30 p.m. with one (1) hour for lunch. Topics to be covered in the first session will be personal property, lot sizing, and residential assessing: data collection, grading and depreciation. On the second day we will cover commercial assessing and data collection, mobile homes, agriculture and Board of Review duties: appeals process, exemptions and deductions.

You will need to bring the 1995 Real Property Assessment Manual, a calculator, notebook, pencils and a highlighter to each training session. Please feel free to wear comfortable clothing to the session. If you should have any questions or concerns before the training, please contact me at (317) 233-3068.

Please fill out the enclosed registration form to attend the two-day eight (8) hour training sessions. Mail no later than March 1, 1995 to the attention of:

Pamela J. Drinkard
State Board of Tax Commissioners
100 N. Senate
N-1058
Indianapolis, Indiana 46204

TRAVEL REQUEST FORM
FOR
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: April 10, 1995 DEPARTMENT: PIGEON TOWNSHIP ASSESSOR

EMPLOYEE(S): JUDY STRICKER
JOAN PAYNE
SANDRA BOYD
DOROTHY JOEST

DATE(S) OF TRAVEL: MARCH 29, 1995

DESTINATION: VINCENNES, IN

PURPOSE: COMMERCIAL TRAINING

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: NO

MEANS OF TRAVEL COUNTY VEHICLE NUMBER: _____
OTHER: Private

REIMBURSEMENT CLAIMED

<u>XX</u> Mileage	<u> </u> Parking
<u>XX</u> Per diem	<u> </u> Registration
<u> </u> Air fare	<u> </u> Other

APPROVED: _____
Department Head

APPROVED: Paul E. Hatfield
Office Holder

APPROVED BY:
VANDERBURGH COUNTY COMMISSIONERS this 17th day of April, 1995

Carolyn McClintock
Carolyn McClintock, President

Don Hunter
Don Hunter, Vice President

Richard J. Borries
Richard J. Borries, Member

TRAVEL REQUEST FORM
FOR
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 4/6/95 DEPARTMENT: Health
EMPLOYEE(S): Wallace Corbett

DATE(S) OF TRAVEL: 4-13-95
DESTINATION: Indpls, IN
PURPOSE: TPHA Board Meeting

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED:

MEANS OF TRAVEL: COUNTY VEHICLE NUMBER:
OTHER:

REIMBURSEMENT CLAIMED

<u> </u> Mileage	<u> </u> Parking
<u> </u> Per diem	<u> </u> Registration
<u> </u> Air fare	<u> </u> Other

APPROVED: Denise Cory
Department Head

APPROVED:
Office Holder

APPROVED BY:
VANDERBURGH COUNTY COMMISSIONERS this 17th day of April, 1995

Richard J. Borries
RICHARD J. BORRIES, PRESIDENT

Patrick Eley
PATRICK ELEY, VICE PRESIDENT

Richard Mourdock
RICHARD MOURDOCK, MEMBER

Notice to Bidders

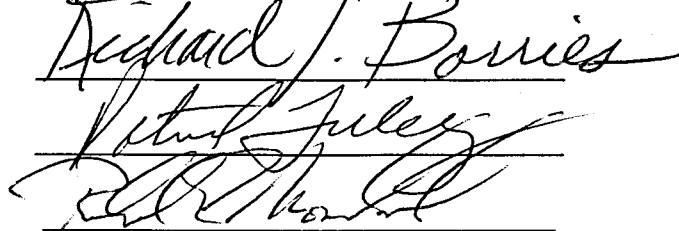
Sealed Proposals, or Bids, for contract number VC95-05-01 EARC Parking Garage Deck Repairs in Vanderburgh County, Indiana will be received at the office of the County Commissioners, Room 305, until 5:30 p.m. on May 8, 1995 local time, as prescribed by the Acts of the Indiana Legislature in Chapter 172, year 1957, at which time all bids will be publicly opened and read aloud in the County Commissioners Hearing Room 307.

- Any bids received after the designated time, for any reason, will be returned unopened.
- Contract documents are on file in the Office of the Vanderburgh County Engineer.
- Bids shall be delivered in a sealed envelope bearing the name and address of the bidder indicating identification of the project and the branch of the work on which is being bid.
- Bids shall be submitted on the Itemized Proposal Form included in the contract documents and on Indiana Form 96, revised in 1987, provided separately, with a non-collusion affidavit, also provided in the contract documents; all properly executed, signed and sealed. The non-collusion affidavit must also be properly notarized.
- Each bid shall be accompanied by a bid bond, certified check, cashier's check, bank treasurer's check or bank money order in the amount of five percent (5%) of the total bid submitted.
- No bid shall be withdrawn after the opening of the bids without the expressed consent of the Vanderburgh County Commission for a period of thirty (30) days after the scheduled time of the bid opening.
- The Contractor receiving the award will be required to furnish a performance bond, Indiana Form 86A revised in 1947, in the amount of one-hundred percent (100%) of the award amount, which is to remain in effect for twelve (12) months from the date of acceptance of the completed work.
- Attention is called to the fact that prevailing wage minimum salaries and wages are set forth in the Contract Documents. A signed copy of the prevailing wage letter (included in the contract documents) must be submitted with the bid.
- The Contractor shall list any subcontractors and the percentage of the contract to be performed by each subcontractor in the bid submittal.
- Construction and installation shall be in full accordance with the contract drawings, specifications, and special provisions.

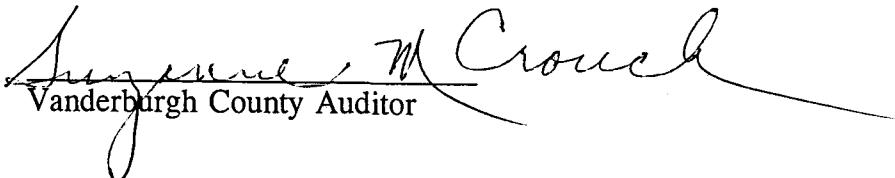
The Vanderburgh County Commissioners reserve the right to reject any and/or all bids and waive any informality in the bidding.

DATED THIS 17th DAY OF APRIL, 1995

VANDERBURGH COUNTY BOARD OF COUNTY COMMISSIONERS
COUNTY OF VANDERBURGH, INDIANA



ATTEST:


Vanderburgh County Auditor

RECOMMENDED:


Vanderburgh County Engineer

Notice to Bidders

Sealed Proposals, or Bids, for contract number VC95-04-02 Azteca Railroad Spur Construction in Vanderburgh County, Indiana will be received at the office of the County Commissioners, Room 305, until 5:30 p.m. on **May 8th, 1995** local time, as prescribed by the Acts of the Indiana Legislature in Chapter 172, year 1957, at which time all bids will be publicly opened and read aloud in the County Commissioners Hearing Room 307.

- Any bids received after the designated time, for any reason, will be returned unopened.
- Contract documents are on file in the Office of the Vanderburgh County Engineer.
- Bids shall be delivered in a sealed envelope bearing the name and address of the bidder indicating identification of the project and the branch of the work on which is being bid.
- Bids shall be submitted on the Itemized Proposal Form included in the contract documents and on Indiana Form 96, revised in 1987, provided separately, with a non-collusion affidavit, also provided in the contract documents; all properly executed, signed and sealed. The non-collusion affidavit must also be properly notarized.
- Each bid shall be accompanied by a bid bond, certified check, cashier's check, bank treasurer's check or bank money order in the amount of five percent (5%) of the total bid submitted.
- No bid shall be withdrawn after the opening of the bids without the expressed consent of the Vanderburgh County Commission for a period of thirty (30) days after the scheduled time of the bid opening.
- The Contractor receiving the award will be required to furnish a performance bond, Indiana Form 86A revised in 1947, in the amount of one-hundred percent (100%) of the award amount, which is to remain in effect for twelve (12) months from the date of acceptance of the completed work.
- Attention is called to the fact that prevailing wage minimum salaries and wages are set forth in the Contract Documents. A signed copy of the prevailing wage letter (included in the contract documents) must be submitted with the bid.
- The Contractor shall list any subcontractors and the percentage of the contract to be performed by each subcontractor in the bid submittal.
- Construction and installation shall be in full accordance with the contract drawings, specifications, and special provisions, and applicable sections of the CSX Transportation Design and Construction of Industrial Sidetracks.

The Vanderburgh County Commissioners reserve the right to reject any and/or all Bids and waive any informality in the bidding.

DATED THIS 17TH DAY OF APRIL, 1995

VANDERBURGH COUNTY BOARD OF COUNTY COMMISSIONERS
COUNTY OF VANDERBURGH, INDIANA

Richard L. Dorries
Vivian J. Julez

ATTEST:

Angene M. Crouch
Vanderburgh County Auditor

RECOMMENDED:

John Stoll
Vanderburgh County Engineer

3. A fund, to be known as the "County Corrections Fund", is established. The County Corrections Fund shall consist of deposits made by the Department in accordance with the Act. Such Fund shall be administered by the County Fiscal Body.

4. The County Corrections Fund shall be used for any purpose authorized by the Act. Any money remaining in the County Corrections Fund at the end of the year does not revert to any other fund, but remains in the County Corrections Fund.

5. This Ordinance shall be in full force and effect upon adoption.

ORDINANCE NO. _____

ORDINANCE CONCERNING ESTABLISHMENT AND FUNDING OF
COUNTY CORRECTIONS FUND

WHEREAS, Senate Enrolled Act No. 395 added a new Chapter 6 to Indiana Code 11-12, which new Chapter 6 provides for the establishment and funding of a County Corrections Fund; and

WHEREAS, I.C. 11-12-6 provides that a County Legislative Body may adopt an ordinance before May 1 of each year to elect to receive deposits from the Indiana Department of Correction and to establish a County Corrections Fund; and

WHEREAS, the County Corrections Fund may be used only for funding the operation of the county's jail, jail program or other local correctional facilities; and

WHEREAS, the County Legislative Body shall designate either Level 1, Level 2 or Level 3 funding as defined in I.C. 11-12-6 with respect to deposits to be received thereunder; and

WHEREAS, Level 3 funding is the most appropriate level of participation for Vanderburgh County, Indiana;

THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA, AS FOLLOWS:

1. The Board of Commissioners of Vanderburgh County, Indiana elects to receive deposits from the Indiana Department of Correction (the "Department") in accordance with Senate Enrolled Act 395, I.C. 11-12-6 (the "Act").

2. The Board designates Level 3 funding, as defined in the Act, with respect to all deposits to be received by Vanderburgh County under the Act and this Ordinance.

NOTICE OF HEARING DATES
ORDINANCE CONCERNING ESTABLISHMENT AND FUNDING OF
COUNTY CORRECTIONS FUND

NOTICE IS HEREBY GIVEN that the Board of Commissioners of Vanderburgh County, Indiana, has scheduled Hearing Dates at 5:30 p.m., in Room 307, Administration Building, Civic Center Complex, Evansville, Indiana with regard to the subject Ordinance as follows:

First Reading Monday, April 10, 1995
Second Reading Monday, April 17, 1995
Third/Final Reading Monday, April, 24, 1995

(insert ordinance here)

Richard Borries, President
Patrick Tuley, Vice-President
Richard Mourdock, Member
Attest: Suzanne Crouch, Auditor
Approved as to Form:
Alan M. Kissinger, Attorney
B.J. Farrell, Secretary

(Courier and Press April 3 and April 10)

AGENDA

VANDEBURGH COUNTY COMMISSIONERS
April 17, 1995

5:30 P.M.

FINAL

1. CALL TO ORDER
 2. INTRODUCTIONS
 3. PLEDGE OF ALLEGIANCE
 4. ACTION ITEMS
 - A. Approval of minutes
 - B. Any group-individual wishing to address the commission
 - C. Harris Howerton - Director of Community Corrections - Ordinance establishing funding of County Corrections Fund - 2nd reading
 - D. Lynn Ellis - Purchasing - APA031-95 Approve bid for Body Armor
 5. DEPARTMENT HEADS

Alan Kissinger.....County Attorney ?
Cindy Mayo.....Superintendent of County Buildings
Bill Morphew.....County Garage
John Stoll.....County Engineer (see attached requests)
 6. CONSENT ITEMS
 - A. Travel/Education *Health Department
**Pigeon Assessor

*own budget **Commissioners budget *** unappropriated funds

 - B. Employment Changes (see attached lists)
 - C. Jayne Berry-Bland - Treasurer - Amended Board of Finance information
 7. Scheduled Meetings - List attached
 8. OLD BUSINESS
 9. NEW BUSINESS
 10. MEETING ADJOURNED
- REZONINGS AT 7:00 PM

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Vanderburgh Co. Council #

On Account of Appropriation for Youth Resources of Southwestern IN.

Invoice No.	Itemized Claim	Amount
	Stockwell Elementary 3rd grade	209 00
	1995 Youth as Resources Project	
	Signature School	1475 00
	1995 YAR Project	
	Highland Elementary School//	3500 00
	Central Attendance District	
	1995 YAR Project	375 00
	Evansville Christian School	
	1995 YAR Project	
	Teen Program Director's Salary	2751 99
	March 1 - April 15, 1995	
	Claim for Jan. - April, 1995	
	Total	8310 99

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Judi Mills
Name
Administrative Assistant
Title

Date April 13, 1995

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

4/17, 95

Richard J. Bonica ²⁴⁵

Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
YR495		4/13/95	1200-3831	8310.99

TOTAL

✓ 23

BUDGET

I. Direct Operations for Service Day		
A.	Mulch and lawn chips	\$125.00
B.	Flats of flowers	\$150.00
C.	Gardening tools	\$40.00
D.	Film, slides, and developing	\$35.00
II. Recognition		
A.	Soft drinks for 64 students/8 adults	\$25.00
		<hr/>
TOTAL:		\$375.00

✓ 2

In addition, student council members will be directly involved with figuring the amount of mulch and flowers that are needed at each location by applying area skills they have learned in math classes. They will be responsible for making contact with each facility and obtaining the appropriate measurements for the calculations. Since flowers were not always taken to every location in previous years, usually the mulch and flowers needed were simply provided for the students to plant without any math skills involved. Directly applying these skills should make area calculations more meaningful. This project enables students to learn while they are serving their community.

✓ 23

EVANSVILLE CHRISTIAN SCHOOL
DESCRIPTION OF PROJECT

During the week of April 17-21, the Junior High Students at Evansville Christian School will be participating in Christian Service Week. On Thursday, April 20, the students will be serving others in the community at several locations in Evansville. The locations are as follows:

- * Christian Life Center
- * New Life Home
- * Evansville Rescue Mission
- * Goodwill Family Center
- * Impact Ministries
- * Salvation Army Homeless Center

Students will perform activities that are most needed at each location listed above. The tasks that are usually performed include: planting flowers, general clean-up of grounds, clean interior, work in foodbank and assist with the meal program or other requested tasks.

Through the students' service at the various locations listed above, they should have the opportunity to put into action Christ's example of service they have studied in their Bible classes. In addition, students have an opportunity to gain first hand knowledge of needs in their community and learn how they can assist others. Hopefully, students will develop a desire to continue service within their community as they get older.

It is difficult to determine the exact number of individuals that will benefit from this project since the organizations where we will be providing service assist many people in the community. However, we have always received positive input from the facilities we have assisted in the past.

Students will be directly involved in the entire project beginning at the planning stages. Training sessions are held for the student council members who will be the leaders of each team at the various locations. Teachers only serve as members of a team. Rallies are held prior to going out into the community to motivate students to perform whatever tasks are required. Follow-up meetings are held to share what the students learned about their experiences at each location. Questions concerning each group are referred by team leaders to Pat Carter, student council sponsor.

This is the seventh year for this project. However, some changes occur each year. This year we have selected another new location: the Salvation Army Homeless Center. The need for service appears to be greater here than at some locations we have served in the past.

✓ 21

3. How will the money be spent?

- a. How much are you requesting from Youth as Resources? \$375.00
- b. Please attach a line item budget. Funds may be spent for:
1. Direct operation of the project (supplies, materials to do the project)
 2. Transportation (travel to and from your site to do the project)
 3. Recognition (recognition of the participants is very important, please make this effective but inexpensive)
- c. Who will oversee use of the funds? Pat Carter
- d. Who will keep bills from the project and submit a financial report to Youth Resources?
Pat Carter

NOTE: If your project is selected for funding, you will be sent a contract. Once the contract is signed and returned to Youth Resources, you should call Terri Wedding when you are ready for your funds. Allow two weeks for the check to arrive.

4. Applause! Applause!

How will the youth be given recognition? Students

will have a picnic at school following their work in the
community. Soft drinks will be provided and students can
enjoy a recreational period. A brief recognition will also
be included during a chapel on the next day.



The fine print!!

All grants and awards from Youth Resources are in accordance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 and Title IX of the Education Amendments of 1972. No person shall, on the grounds of race, color or national origin, be excluded from participation, be denied the benefits of, or be subject to discrimination under any education program or activity receiving financial assistance. No otherwise qualified handicapped individuals as defined Section 7(6) shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving assistance.

This certification must be signed by two officers of the organization with knowledge of the matters contained in the grant application form. This would ordinarily be the project director and the chief officer of the board, agency director, school principal, or church pastor. One of the two must have legal authority to obligate the organization.

The undersigned certify that:

- (1) All information contained is accurate or represents a reasonable estimate of future operations based on data available at the time of the application;
- (2) There are no misstatements or misrepresentations in the information submitted here or as a supplement;
- (3) The organization will comply with the Civil Rights and Handicapped Regulations summarized above and with other Youth Resources guidelines.
- (4) The group applying for this Youth Resources grant has the agency's permission to apply for the grant and carry out the project.

<u>Shonda J. Masterson</u>	<u>Principal</u>	<u>1/19/95</u>
Signature	Title	Date
<u>Pat Carter</u>	<u>teacher/student council</u>	<u>1/19/95</u>
Signature	Title	Date

Please attach to grant form:

- 501 (c)(3) IRS authorization
- List of main directors and officers (with addresses and phone numbers!) Attached
- List of current staff and youth who are planning the project. Attached

1. Who are you?

Name of group Evansville Christian School Junior High

Youth leader Jeff Seymore Age 13

Address 734 Irvin Avenue

Evansville, Indiana Zip 47715

Telephone # (812)-477-3843

Adult Advisor Pat Carter ✓

Address 7500 Outer Lincoln Avenue

Newburgh, Indiana Zip 47630

Telephone # Work 477-7777 Home 858-9152

How many young people will participate? 64

How many adults are involved with the group? 8

Age range of youth in the group 11-14

Enclose on a separate sheet a brief history and description of the group.

2. Describe your project!

On a separate sheet, write about your project. Be sure to include all of the following:

- a. What is your project?
- b. How will it help the community/what are your goals?
- c. Approximately how many people will benefit from this project?
- d. How will youth be involved?
- e. Who will supervise the youth?
- f. When will the project begin and end?
- g. Where will the project take place?
- h. If you have previously received a Youth as Resources grant for this project, describe those changes or improvements, if any, that have been made.
- i. If your project is school based, how does the project enhance classroom learning?



ATTACHMENT D

3. How will the money be spent?

b. Direct Operation:

Building Materials (Wood, Bricks, Hardware)	\$3,000.00
--	------------

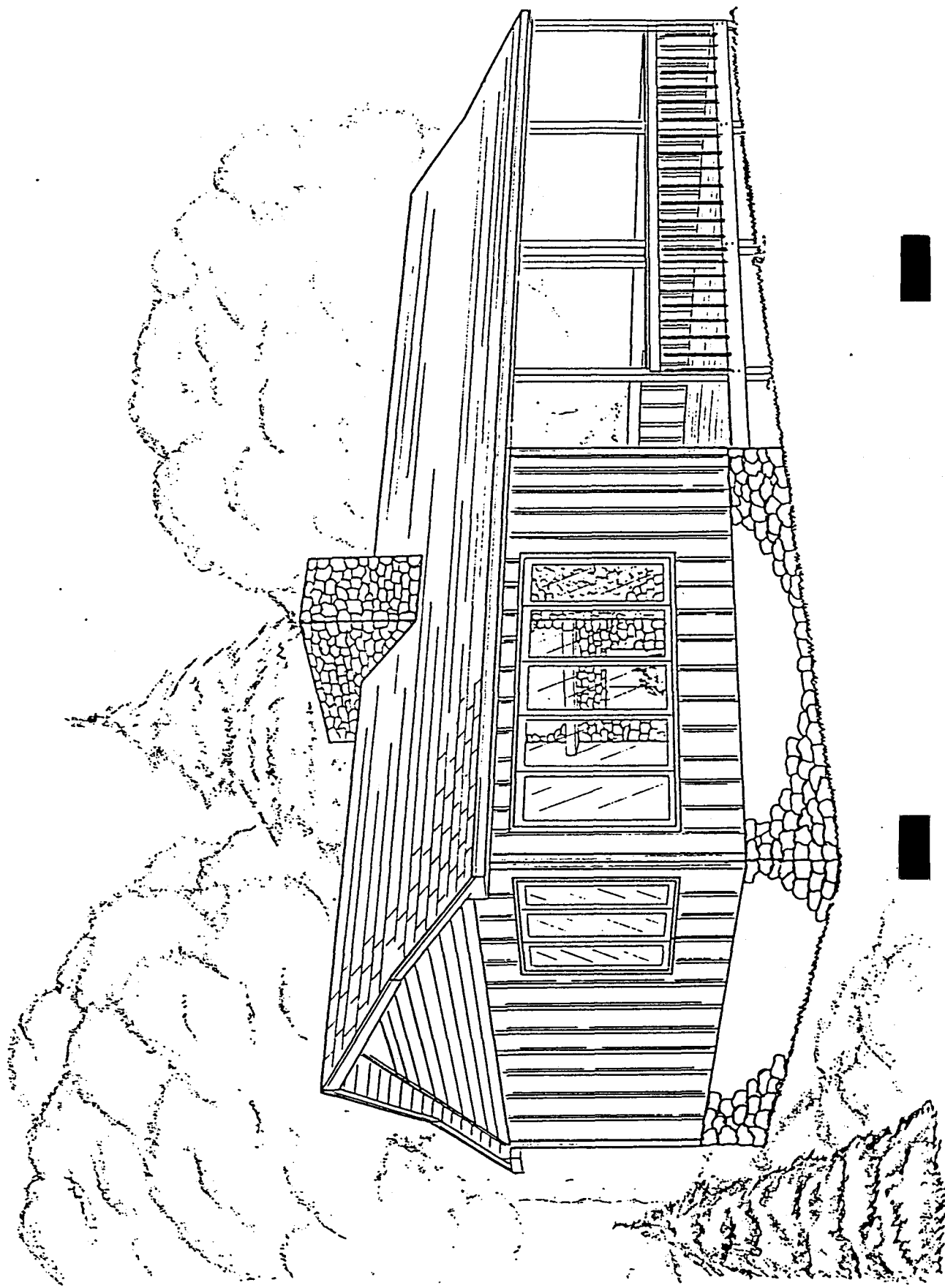
Recognition:

Open House - - - - - }	100.00
Student Picnic - - - - - }	200.00

Plaque to supporting agency and carved inscription on outdoor classroom - - - - - }	50.00
---	-------

Certificates to student participants and adult leaders- - - }	150.00
--	--------

\$3,500.00



A 1994 grant from Youth as Resources enabled students to purchase raw materials necessary to construct six crossover bridges, and three observation stations, tree and flower labels.

Students from Harwood and Central designed and built the bridges under the direction of David Green. This was a first for the students, some who had never used a hammer. The bridges were completed in November 1994. Observation stations, tree and plant labels have been completed by students from Central, Thompkins, and Harwood. These items will be installed in the spring. Highland fifth grade students hand mulched miles of foot paths. They were assisted by students from Thompkins and Stringtown. Adults and students have labored together after school and weekends to build bridges and develop the Bonny Brae Outdoor Education Center. In the process, a bridge of fellowship and ownership has been built among the participants. CAD students and teachers hosted an open house in November inviting CAD families and north side residents to participate in a walk through and inspection of the area.

The original Bonny Brae Steering Committee composed of students, parents and teachers from the participating CAD schools, met to review suggestions that came about during the initial project. It was determined that an outdoor classroom building would enhance the instructional possibilities at the site. Students asked Mr. Leonard Carr if his Architectural I students could design such a building. They agreed and their plan is attached (See Attachment C).

We are requesting assistance from Youth as Resources to purchase building materials for the construction of an outdoor classroom on a site within the Bonny Brae acreage. A commitment of labor and supervision has been made by Central High School students, Harwood Middle School students and the CAD staff. Additional funds will be raised through other fund raisers. Construction on this project is projected for late spring with an August, 1995 completion timeline.

Youth as Resources has been supportive of the family and community goals of the Central Attendance District. With past Youth as Resource support, a school history of the district was compiled and published. The initial layout of trails, bridges, and observation station at the Bonny Brae were developed with Youth as Resource help. We are now into our third year requesting \$3500.00 to assist in the construction of the Bonny Brae Outdoor Education Classroom. When completed, students from the district will be able to participate in extended hands on cross curricular studies.

From its inception, the Bonny Brae has been a model of how students, parents, and teachers can brainstorm, envision, plan, and work together to complete a project. Under the direction of student and teacher leaders, this current project will again involve students in a real life project creating from raw materials a building that will house classes for many years. Students will participate in meaningful application of the core subjects that they are studying in class (math, science, social studies, language arts, and practical arts).

✓ 38

BONNY BRAE OUTDOOR EDUCATION CLASSROOM GRANT PROPOSAL

PROJECT OVERVIEW

History of Group and Project Description

The Bonny Brae Outdoor Education Classroom is an exciting Central Attendance District (CAD) project encompassing our seven schools, the community, service organizations, environmental authorities, and our school business partners. The eighteen acres of virgin woods adjacent to Highland Elementary School provides a natural habitat for birds and animals, with deer still on the premises. This area protected by the school, a cemetery, and family homes is a quiet sanctuary in the middle of a busy active community. Parcels of ground in this area have been quickly purchased by investors and realtors. We are fortunate that the Central Attendance District Advisory Council has gained approval from the school corporation to preserve the woods and to develop an outdoor education center for our students and future generations.

The Central Attendance District is composed of Central High School and its six feeder schools with a total enrollment of 4,785 students. The feeder schools for Central are Thompkins Middle School and Harwood Middle School. Thompkins has a student population drawn from Highland, Scott, and Stringtown Elementary Schools. A number of these students come from upper-middle and middle class socio-economic backgrounds. Harwood has a student body composed of students drawn from Stringtown, Lincoln, and Cedar Hall Elementary Schools. Stringtown students are generally middle class in background, while Lincoln and Cedar Hall students come from the socio-economically disadvantaged inner city of Evansville. Approximately forty percent of our students live in the inner city and are on free and reduced lunch. In three of our schools the percentage of single parent families exceeds fifty percent. Opportunities for these students to interact with nature are limited. The Bonny Brae Outdoor Education Classroom will provide access to all students, teachers, and families to help develop, care for, and appreciate a natural resource.

The Central Attendance District Outdoor Education Steering Committee, composed of teachers and students from the seven schools, began meeting in December, 1993, to brainstorm ways to protect and maintain the property while using it as an outdoor learning laboratory. Local and state conservationists assisted in the development of topography maps. Central Attendance District Committee science teachers and students from all the schools met with a group of vocational education teachers and students to determine short and long term projects. Community residents, local service clubs and businesses were invited to participate in the planning stages.

3. How will the money be spent?

- a. How much are you requesting from Youth as Resources? \$3,500.00
- b. Please attach a line item budget. Funds may be spent for:
 - 1. Direct operation of the project (supplies, materials to do the project) SEE ATTACHMENT D
 - 2. Transportation (travel to and from your site to do the project)
 - 3. Recognition (recognition of the participants is very important, please make this effective but inexpensive)
- c. Who will oversee use of the funds? Central Attendance District Bonny Brae Committee
- d. Who will keep bills from the project and submit a financial report to Youth Resources?

Central Attendance District Treasurer, Mr. Richard Morris; and
Central Attendance District Resource Supervisor, Mrs. Patricia Taylor-Denham

NOTE: If your project is selected for funding, you will be sent a contract. Once the contract is signed and returned to Youth Resources, you should call Terri Wedding when you are ready for your funds. Allow two weeks for the check to arrive.

4. Applause! Applause!

How will the youth be given recognition? Students will
be honored at an on site picnic in September, 1995. Supportive
communitive organizations, parents, and school personnel will make up
the audience. Students will also receive a scrapbook of photos, news
clippings, and school newspaper articles covering the total time of the project
from virgin woods to enhanced natural observatory sites.



The fine print!!

All grants and awards from Youth Resources are in accordance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 and Title IX of the Education Amendments of 1972. No person shall, on the grounds of race, color or national origin, be excluded from participation, be denied the benefits of, or be subject to discrimination under any education program or activity receiving financial assistance. No otherwise qualified handicapped individuals as defined Section 7(6) shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving assistance.

This certification must be signed by two officers of the organization with knowledge of the matters contained in the grant application form. This would ordinarily be the project director and the chief officer of the board, agency director, school principal, or church pastor. One of the two must have legal authority to obligate the organization.

The undersigned certify that:

- (1) All information contained is accurate or represents a reasonable estimate of future operations based on data available at the time of the application;
- (2) There are no misstatements or misrepresentations in the information submitted here or as a supplement;
- (3) The organization will comply with the Civil Rights and Handicapped Regulations summarized above and with other Youth Resources guidelines.
- (4) The group applying for this Youth Resources grant has the agency's permission to apply for the grant and carry out the project.

<u>Patricia Taylor Denham</u>	<u>CAD Resource Supervisor</u>	<u>1-20-95</u>
Signature	Title	Date
<u>Ron Chaston</u>	<u>Principal Howard Middle School</u>	<u>1-20-95</u>
Signature	Title	Date

Please attach to grant form:

- 501 (c)(3) IRS authorization
- List of main directors and officers (with addresses and phone numbers!)
- List of current staff and youth who are planning the project.

1. Who are you?

Name of group CENTRAL ATTENDANCE DISTRICT/BONNY BRAE OUTDOOR EDUCATION CREW

Youth leader SEE ATTACHMENT A Age 11

Address SEE ATTACHMENT A

SEE ATTACHMENT A Zip 47712

Telephone # SEE ATTACHMENT A

Adult Advisor SEE ATTACHMENT B

Address SEE ATTACHMENT B

SEE ATTACHMENT B Zip

Telephone # Work SEE ATTACHMENT B Home

How many young people will participate? 150

How many adults are involved with the group? 30

Age range of youth in the group 10 - 18

Enclose on a separate sheet a brief history and description of the group.

2. Describe your project!

On a separate sheet, write about your project. Be sure to include all of the following:

REFER TO ATTACHED PAGES 1 AND 2.

- What is your project?
- How will it help the community/what are your goals?
- Approximately how many people will benefit from this project?
- How will youth be involved?
- Who will supervise the youth?
- When will the project begin and end?
- Where will the project take place?
- If you have previously received a Youth as Resources grant for this project, describe those changes or improvements, if any, that have been made.
- If your project is school based, how does the project enhance classroom learning?



[The H.E.L.P. student] has been very faithful and while I did not see everything that transpired, her student was quite thrilled and that's the best judge. [The H.E.L.P. student] was matched with a very appreciative student. They were good for each other!

**Oak Hill
teacher**

Even though I don't observe this lady in action with Beth, I know her as a former student. Such a great kid! Beth, rumor has it, wanted to return to school today from a bout with the flu, just because [the H.E.L.P. student] was coming! Need we say more?*

**Oak Hill
teacher**

I am very impressed with [the H.E.L.P. student's] personal "people" skills. She is very courteous, loyal, and has a good understanding of the importance of confidentiality. She is very willing to be helpful in any way that she is asked. I have not been able to observe her frequently, but [I] feel that the students are comfortable with her. I feel lucky to have such a nice, and mature student! I feel that she is an "A" student in regards to this situation.

**Hebron
teacher**

Excellent idea - my class is thrilled to have the High School student friends and will never forget their influence.

**Cedar Hall
teacher**

* Names have been changed due to confidentiality reasons.

✓ 11

The following are comments that were received from local teachers and counselors regarding the H.E.L.P. program.

I have enjoyed working with all your students. They have been both courteous and professional.

Highland School
counselor

I feel comfortable discussing this student with [your H.E.L.P. student]; she's mature in her assessment of the "problem." [One on one] time is greatly appreciated for this particular student.

Scott Elementary
teacher

[The H.E.L.P. student] worked well with Michelle. She helped her with her work and encouraged her.*

West Terrace
teacher

[The H.E.L.P. student] was thoughtful to continue working with both students. Both students responded well to the [H.E.L.P. student].

West Terrace
teacher

Bobby needed a friend.*

Thompkins
teacher

[The H.E.L.P. student] has been wonderful for Trisha. Her self-esteem has soared! Trisha's academic work has improved greatly and I feel it is due to her attitude. [The H.E.L.P. student] is always willing to do what I ask of her in addition to fulfilling her obligations to the H.E.L.P. class. She is responsible about reporting absences and communicated well with the students.*

Vogel
teacher

[The H.E.L.P. student] is very prompt, willing to do anything asked of her, and is genuinely interested in the students. My time observing her has been limited, but I feel she conveys her concerns to the students and they are at ease with her. She is an "A" student in this situation in my opinion.

Hebron
teacher

APPLAUSE ! APPLAUSE!

Due to the confidentiality needed to run the H.E.L.P. Program, recognition of the youth will be kept to a minimum. Individual awards for improvement will be decided upon by the H.E.L.P. students who are working with the youth. Individual awards will be given throughout the semester, such as pencils, notebooks, stickers, etc. H.E.L.P. students will also purchase lunches twice a semester from McDonalds to serve as a culminating activity.

However, the hard work that the youth have displayed throughout the course of the program shall not go unnoticed. At the end of the program, the H.E.L.P. students will present their youth with a T-shirt from the H.E.L.P. Program and a certificate of participation. These tokens are an excellent way to give the youth the recognition they deserve for their continued success and dedication to the program

✓ 11

EXPENSES

McDonalds (2 times)	\$3.50	\$175.00
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Supplies and Incentives	\$300.00
-------------------------	----------

markers

paper

construction paper

scissors

glue

blank index cards

coloring books

learning books

stickers

candy

crayons

small toys

pencils

Individual Supplies	\$300.00
---------------------	----------

ten dollars per student

(birthdays or holidays for the youth)

Recognition

T-Shirts

\$600.00

Certificates and Awards

\$100.00

Polaroid Camera and Film	\$200.00
--------------------------	----------

\$200.00

TOTAL

\$900.00

\$775.00

\$900.00

FINAL TOTAL

\$1,675.00

11

3. How will the money be spent?

a. Amount Requested - \$1,675.00

b. Line Item Budget is attached separately.

c. Who will oversee use of the funds? Mr. Richard Garland

d. Who will keep bills from the project and submit a financial report to Youth Resources? Mr. Richard Garland

benefits from this program because it helps to advance the education of the young and helps them to become more stable and productive members of society. The benefits received by the H.E.L.P. students are too numerous to count. The program effects each participant differently. Though each student involved in the program has the same main goals, which are to help the student, try and understand his/her problem, and to help give him/her the initiative to excel in his/her academics through the use of reinforcements, each obtains these goals on an individual basis with his/her student.

It would be almost impossible to give an exact number on how many people have and will continue to benefit from this program. There are 30 students from Signature School who participate in the program and there are approximately 30-35 youth that they work with on a weekly basis. The exact number of people though that actually benefit from H.E.L.P. would be hard to calculate since the out reach of the program does not stay within the classroom walls only. The program reaches out to the parents of the youth and into the community also.

Even though the exact numbers may be hard to determine, the enhancement of classroom learning for the youth is much more defined. The youth that are involved in the program not only improve their self-esteem, there have been times where hygiene has been improved, social skills have been advanced, along with their improvement in academics. Many of the youth in H.E.L.P. raise their grades, begin to turn in homework, become more organized, more outgoing, and most importantly they begin to build a very special relationship with their H.E.L.P student. All of these improvements not only help the youth, but it also helps to raise the moral of the teachers and the other students in the classroom.

2. Describe your project!

Introduction

The H.E.L.P. program was first established at Bosse High School, then offered at Signature School in the Spring of 1994. The supervisor of this program is Mr. Richard Garland. The H.E.L.P. program takes place in both the fall and spring semesters of a given year. During the fall semester, students participate in Applied Psychology H.E.L.P. I. Instruction of expected childhood behaviors and accomplishments are discussed. Sessions are conducted by experts in childhood behaviors: i.e. from Mulberry Center, Albion Fellows Bacon and Arbor Hospital. These sessions are to help our students to recognize and understand unusual or abnormal childhood behaviors. Students are paired with an at risk youth at the local elementary or middle schools. These at risk students have been previously identified as those who have not adjusted adequately to the school environment. During the spring semester chosen students, who have proven to have a mature and emotional understanding of the program, are asked to participate in H.E.L.P. II. Throughout H.E.L.P. II, students continue working with their youth from H.E.L.P. I.

Helping Explain Life's Problems

The H.E.L.P. program presents a unique twist to the education of the young. High school students from the Evansville area are paired with an at risk elementary and middle school youth from around the city, to participate in an one-on-one up front approach to helping children adapt to society and societal norms. Since the high school students that are involved in the program are not much older than the youth they work with, the youth relate better to them than to adults (i.e. teachers or counselors). The H.E.L.P. students are still involved with many of the current issues that these youth are faced with, which in turn helps a relationship between the H.E.L.P. student and the youth to develop. It is this bond that is created that causes the program to work. The youth want to better themselves, not only socially, but also academically for their H.E.L.P. student.

This program is not only beneficial to the youth, but it has a direct benefit on the H.E.L.P. student and an indirect impact on the community. The community

1. Who are you?

Name of group: Helping Explain Life's Problems

Youth Leader: Danielle Miller Age: 18

Address: 12909 Browning Road
Evansville In 47711

Telephone # 867-6780

Adult Advisor: Mr. Richard Garland ✓

Address: Signature School
Centrum Building
318 Main Street
Evansville IN 47708

Telephone # (Work) 435-8250 (Home) 867-6128
(12-2:30)

How many people will participate? 40 - 50

How many adults are involved with the group? 1 supervisor
+ 40 principals, counselors, and teachers

Age range of the youth in the group: 6 - 18

✓ 6

Budget:

Supplies:

10 Bird house kits (Official Boy Scout Catalog)	\$3.15 each	\$31.50
6 Bird Feeder Kits	\$3.15 each	\$18.90
Shipping Charge for kits		\$4.50
6 50lb. bags Wild Bird Seed Mix	\$6.95 each	\$41.70
6 14lb. bags Ear Corn	\$4.49 each	\$26.94
Wire	\$5.00	\$5.00
Misc.(Sales Tax, Sand paper if needed)		\$15.00
Transportation by Evansville School Corp. bus		\$35.00

Recognition

Film, Frame, developing and Blowup of picture	\$30.00
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The students would be recognized in the awards ceremony at the end of the school year and given a certificate by the principal. They would have their picture made as a group with their bird houses at Wesselman Woods. The picture would be blown up to hang at the nature preserve for all visitors to see. A note would be at the bottom for the picture stating that the project was made possible by a grant from Youth as Resources. Channel 14 TV and WEVV, Fox 44 would also be contacted to see if they would come to Wesselman Woods. The Evansville School Corp. News Channel 12 would also be contacted because they are always eager to do stories on youth in Evansville.

Total	\$208.54
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✓
6

TO: Indiana Department of Natural Resources
FROM: Preston Spratt
SUBJECT: "Who's Coming To Dine?" Poster

Dear DNR:

I am in 3rd grade at Stockwell Elementary School in Evansville, Indiana. I am writing to you because I would like to give my classmates a copy of a poster I have, that is entitled "Who's Coming To Dine?" There is a community grant I am applying for. If my class receives this grant we will build bird houses and take them to Wessleman's Nature Reserve. We would also build bird feeders and provide seed for the birds at the reserve. It would really benefit my class if we could use the posters which show the different kinds of birds in Indiana. I need 25 copies please.

Thank you,

Preston Spratt
Preston Spratt
2212 N. Thomas Ave.
Evansville, IN 47711

✓ 6
?
TO: Youth as Resources
FROM: Preston Spratt

My class would like to build bird houses and bird feeders for Wesselman Woods Nature Preserve. We would like to take a field trip to the Nature Preserve and hang them. Miss Carol Patzner a naturalist there has agreed to talk with us about local birds that come to the preserve to feed and nest. Approximately 40,000 people visit Wesselman Woods every year. The bird houses and feeders would be on the nature trails for all visitors to view.

We would like to begin our project February 21, 1995. We would build the bird houses and feeders at school so that by March they would be ready to hang at Wesselman Woods. Naturalist, Carol Patzner informed us that March would be the time of year many birds begin preparing their nests. She also said the preserve was in real need of food for the birds and squirrels. We would like to give them bags of food and corn during our visit.

The 22 students in my 3rd grade class at Stockwell Elementary School would be supervised by teachers, Mr. Maholm, Mrs. Paparilla, parent volunteer Julie Spratt, and naturalist, Carol Patzner. This project would enhance our classroom learning about Indiana non-game and endangered wildlife. We will be studying pictures of Indiana birds and learning their names. I have enclosed a copy of a letter I sent to the Dept. of Natural Resources requesting posters for all my classmates showing the 26 birds which frequent feeding stations in Indiana.

Thank you for your consideration,

Preston Spratt
2212 N. Thomas Ave.
Evansville, IN 47711

✓ 6
spent?

- a. How much are you requesting from Youth as Resources? \$208.54
- b. Please attach a line item budget. Funds may be spent for:
1. Direct operation of the project (supplies, materials to do the project)
 2. Transportation (travel to and from your site to do the project)
 3. Recognition (recognition of the participants is very important, please make this effective but inexpensive) Principal, Joy LeDuc
- c. Who will oversee use of the funds? Parent Volunteer, Julie Spratt
- d. Who will keep bills from the project and submit a financial report to Youth Resources?
Preston and Julie Spratt

NOTE: If your project is selected for funding, you will be sent a contract. Once the contract is signed and returned to Youth Resources, you should call Terri Wedding when you are ready for your funds. Allow two weeks for the check to arrive.

4. Applause! Applause!

How will the youth be given recognition? The student would be recognized in the Awards Assembly at the end of the school year and given a certificate by the principal. They will have their picture hanging at Wessleman Nature Preserve and in Stockwell School.



The fine print!!

All grants and awards from Youth Resources are in accordance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 and Title IX of the Education Amendments of 1972. No person shall, on the grounds of race, color or national origin, be excluded from participation, be denied the benefits of, or be subject to discrimination under any education program or activity receiving financial assistance. No otherwise qualified handicapped individuals as defined Section 7(6) shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving assistance.

This certification must be signed by two officers of the organization with knowledge of the matters contained in the grant application form. This would ordinarily be the project director and the chief officer of the board, agency director, school principal, or church pastor. One of the two must have legal authority to obligate the organization.

The undersigned certify that:

- (1) All information contained is accurate or represents a reasonable estimate of future operations based on data available at the time of the application;
- (2) There are no misstatements or misrepresentations in the information submitted here or as a supplement;
- (3) The organization will comply with the Civil Rights and Handicapped Regulations summarized above and with other Youth Resources guidelines.
- (4) The group applying for this Youth Resources grant has the agency's permission to apply for the grant and carry out the project.

<u>Joy LeDuc</u>	<u>Principal</u>	<u>1-13-95</u>
Signature	Title	Date
<u>Julie Spratt</u>	<u>Parent Volunteer</u>	<u>1-13-95</u>
Signature	Title	Date

and phone numbers!)
ject. attached

Name of group Stockwell

Stockwell Elementary 3rd Grade #34

1. Who are you?

Name of group 3rd grade class- Stockwell Elementary School

Youth leader Preston Spratt Age 9

Address 2212 N Thomas Ave.
Evansville, IN Zip 47711

Telephone # 812 479-8480

Adult Advisor Julie Spratt ✓ 2501 N. Stockwell

Address 2212 N Thomas Ave. 47715
Evansville, IN Zip 47711

Telephone # Work _____ Home 812 479-8480

How many young people will participate? 22

How many adults are involved with the group? 4

Age range of youth in the group 9-10 year olds

Enclose on a separate sheet a brief history and description of the group.

2. Describe your project!

On a separate sheet, write about your project. Be sure to include all of the following:

- What is your project?
- How will it help the community/what are your goals?
- Approximately how many people will benefit from this project?
- How will youth be involved?
- Who will supervise the youth?
- When will the project begin and end?
- Where will the project take place?
- If you have previously received a Youth as Resources grant for this project, describe those changes or improvements, if any, that have been made.
If not school based, how does the project enhance the community?



PAYROLL EARNINGS RECORD

NAME: Terri Wedding
 ADDRESS: 725 Bonnie View
Evansville IN 47715
 SOCIAL SECURITY NUMBER: 401-78-3699
 EMPLOYER: Youth Resources

		GROSS	SOC. SEC.	MEDICARE	FIT	SIT	COIT	NE
1995								
JANUARY								
			.062	.0145				
Health Co:	2	111.09	6.88	1.62	14.44	3.67	1.11	83.39
City (	15	917.33	56.87	13.30	120.00	31.18	9.17	686.81
	31	917.33	56.87	13.30	120.00	31.18	9.17	686.81
MONTH TOTAL								
		1945.75	120.62	28.22	254.44	66.03	19.45	1456.99
FEBRUARY								
Health Co:	1	111.03	6.88	1.61	14.44	3.66	1.11	83.33
City (	15	917.33	56.87	13.30	120.00	31.18	9.17	686.81
	28	917.33	56.87	13.30	120.00	31.18	9.17	686.81
MONTH TOTAL								
		1945.69	120.62	28.21	254.44	66.02	19.45	1456.95
MARCH								
Health Co:	1	111.03	6.88	1.61	14.44	3.66	1.11	83.33
County (	13	917.33	56.87	13.30	120.00	31.18	9.17	686.81
	28	917.33	56.87	13.30	120.00	31.18	9.17	686.81
MONTH TOTAL								
		1945.69	120.62	28.21	254.44	66.02	19.45	1456.95
1ST QUARTER								
		5837.13	361.96	84.64	763.32	198.07	58.35	4370.89
APRIL								
Health Co:		111.03	6.88	1.61	14.44	3.66	1.11	83.33
County -	12	917.33	56.87	13.30	120.00	31.18	9.17	686.81
MONTH TOTAL								
MAY								

YOUTH RESOURCES OF SOUTHWESTERN INDIANA, INC.

BALANCE SHEET MARCH 31, 1995

ASSETS

CASH		6,270.04
PETTY CASH		100.00
CASH - SAVINGS		33,462.15
CERTIFICATE OF DEPOSIT		78,096.99
ACCOUNTS RECEIVABLE		2,089.00
PREPAID EXPENSES		75.12
EQUIPMENT	8,098.00	
LESS ACCUMULATED DEPRECIATION	<u>(7,287.94)</u>	<u>810.06</u>
 TOTAL ASSETS		 <u><u>120,903.36</u></u>

LIABILITIES AND FUND EQUITY

LIABILITIES

ACCOUNTS PAYABLE	7,626.00
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TOTAL LIABILITIES	<u>7,626.00</u>
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FUND EQUITY

UNRESTRICTED	<u>113,277.36</u>
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TOTAL LIABILITIES AND FUND EQUITY	<u><u>120,903.36</u></u>
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YOUTH RESOURCES OF SOUTHWESTERN INDIANA, INC.

STATEMENT OF ACTIVITY For The Three Months Ended March 31, 1995

	ACTUAL	TOTAL BUDGET	VARIANCE TO DATE
SUPPORT AND REVENUE			
Support from Grants			
Lilly - Discretionary Grant	7,500.00	7,500.00	0.00
City of Evansville	0.00	33,000.00	33,000.00
Vanderburgh County	0.00	25,000.00	25,000.00
Serve America Grant	92,263.96	120,000.00	27,736.04
Community Funders	38,008.65	80,747.00	42,738.35
Teen Power Camp Grants	0.00	13,000.00	13,000.00
ASSIST	0.00	10,000.00	10,000.00
Revenue			
Program Revenue	155.31	17,600.00	17,444.69
Interest	1,263.97	4,500.00	3,236.03
Miscellaneous Revenue	0.00	0.00	0.00
TOTAL SUPPORT AND REVENUE	<u>139,191.89</u>	<u>311,347.00</u>	<u>172,155.11</u>
EXPENDITURES:			
PROGRAM SERVICES			
1995 Project Grants	9,663.00	58,000.00	48,337.00
Service Learning Expansion			
Harrison District	15,314.28	23,700.00	8,385.72
Other Sites	68,031.73	74,000.00	5,968.27
Travel, Training, Administration	4,204.99	9,676.00	5,471.01
Coalition Activities	(5.38)	4,000.00	4,005.38
TEENPOWER Camp	0.00	15,000.00	15,000.00
Recognition	630.82	4,200.00	3,569.18
Staff Training (Fees/Lodging)	119.40	2,700.00	2,580.60
Teen Council Training (Fees/Lodging)	185.35	2,000.00	1,814.65
	<u>98,144.19</u>	<u>193,276.00</u>	<u>95,131.81</u>
PERSONNEL			
Salaries and Wages	22,197.62	87,723.00	65,525.38
FICA	1,796.06	7,071.00	5,274.94
Benefits	1,283.39	6,704.00	5,420.61
Unemployment Insurance	5.79	60.00	54.21
	<u>25,282.86</u>	<u>101,558.00</u>	<u>76,275.14</u>
RENT	<u>720.00</u>	<u>720.00</u>	<u>0.00</u>
ADMINISTRATIVE EXPENSES			
Telephone	527.63	2,100.00	1,572.37
Postage	1,065.07	2,500.00	1,434.93
Supplies	663.43	1,675.00	1,011.57
Printing/Copying	828.67	3,000.00	2,171.33
Depreciation	143.85	576.00	432.15
Business Insurance	0.00	842.00	842.00
Miscellaneous	638.41	3,500.00	2,861.59
Computer Supplies & Expenses	34.74	600.00	565.26
	<u>3,901.80</u>	<u>14,793.00</u>	<u>10,891.20</u>
TRAVEL			
Staff	277.17	800.00	522.83
Teen Council	53.15	200.00	146.85
	<u>330.32</u>	<u>1,000.00</u>	<u>669.68</u>
TOTAL EXPENDITURES	<u>128,379.17</u>	<u>311,347.00</u>	<u>182,967.83</u>
EXCESS OF SUPPORT AND REVENUE OVER EXPENDITURES	<u>10,812.72</u>	<u>0.00</u>	
FUND BALANCE - JANUARY 1, 1995	<u>102,464.64</u>		
FUND BALANCE - MARCH 31, 1995	<u>113,277.36</u>		

VANDERBURGH COUNTY COMMISSIONERS MEETING
APRIL 17, 1995

Please sign in below:

NAME	ADDRESS	AFFILIATION?
1. <i>Summit R. Tucker</i>		<i>Street Dept</i>
2. <i>Lynn Ellis</i>		<i>Purchasing</i>
3. <i>Milton Hansen</i>		<i>Candy Hwy Dept</i>
4. <i>Bill Marphew</i>	<i>5105 ST. JOE AVE.</i>	<i>COUNTY HWY. DEPT.</i>
5. <i>John Stoll</i>	<i>201 NW 4th ST</i>	<i>CO. ENGINEER</i>
6. <i>Stan Lotz</i>	<i>2712 Cass</i>	<i>County Bridge Dept</i>
7. <i>Chris Rickett</i>	<i>1152 Western Hill,</i>	<i>Press</i>
8. <i>ALAN JULIAN</i>		<i>COURIER</i>
9. <i>Steve Burger</i>		<i>WIKY</i>
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		

CLAIM

A claim, to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDEBURGH County, Indiana

ON ACCOUNT OF APPROPRIATION FOR

To Vanderburgh County Commissioners Dr.

Legal Services

Address Evansville, IN

[illegible]

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date April 11, 1995

Francis H. Lucken Jr.
Attorney at Law

Claim No. Warrant No.

IN FAVOR OF

I have examined the within claim and hereby
certify as follows:
That it is in proper form.
That it is duly authenticated as required by law.
That it is based upon { contract
statutory authority
That it is apparently { correct
incorrect

..... Auditor County

ON ACCOUNT OF APPROPRIATION

For

Allowed 19.....

In the sum of \$.....
Richard L. Barnes
Ward J. Baker
Richard Marshall
Commissioners of County

I certify that the within bill is true and correct; that the supplies and materials
therein itemized and for which charge is made were ordered by me and were neces-
sary to the public business; that each and every item has been delivered to me at
prices mentioned, and was in accordance with contract, except

19.....

FRANCIS H. LUEKEN, JR.
LAW OFFICE

Phone (812) 367-1096

10th & Virginia Sts. • P. O. Box 206
Ferdinand, Indiana 47532

April 11, 1995

Gibson County Auditor
Parke County Auditor
Pike County Auditor
Dubois County Auditor
Posey County Auditor
Vanderburgh County Auditor
Warrick County Auditor and Spencer County Auditor

Legal Services provided to secure legislative relief for Dubois, Gibson, Parke, Pike, Posey, Spencer, Warrick & Vanderburgh Counties having unsold delinquent interests in oil or gas leases or separate mineral rights (House Bill 1760), including: Conferences and phone calls with county auditors, state officials, and state legislators; Drafting of statutory language, amendments, and letters of support; Phone calls with officials at State Board of Accounts, Governor's Office, Association of Indiana Counties, Indiana Petroleum Council, and attorneys for counties; Preparation of documents for legislative committees & representation at committee hearings.

Total 42 hours of Legal Services..... \$ 3,150.00

Total Expenses: Mileage for 2 trips to State House. \$ 133.00
Parking & Meals. 24.50
Copies & Faxes. 144.00
Long Distance phone calls. 95.29

Total Expenses..\$ 396.79

Total Due..... \$ 3,546.79

Less Dubois County's shares..... \$ - 250.00

Balance for other 7 counties..... \$ 3,296.79

Each county share..... \$ 470.97

FRANCIS H. LUEKEN, JR.
LAW OFFICE

Phone (812) 367-1096

223 W. 10th St. • P.O. Box 206
Ferdinand, Indiana 47532-0206

April 11, 1995

Gibson Co. Auditor
Parke Co. Auditor
Pike Co. Auditor
Dubois Co. Auditor

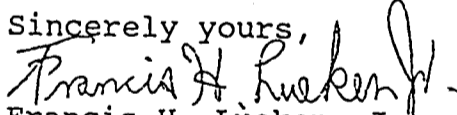
Posey Co. Auditor
Vanderburgh Co. Auditor
Warrick Co. Auditor
Spencer Co. Auditor

Dear County Auditors:

I am pleased to advise you that House Bill 1760 passed the State Senate on March 31 by a vote of 47 to 0 and approval by the Governor is expected within the next few days. The engrossed bill in its final form after Senate passage is enclosed.

I want to thank you for the cooperation you and your other county officials have shown throughout this endeavor. We did encounter two problems unexpected at the time this matter was first discussed last December. First, state officials noted that simply certifying delinquent taxes, etc. to the clerk would not prevent interests still having an assessed value from having new delinquencies develop. That observation required many calls and conferences to arrive at the language now contained in the last sentence of subsection (f). The second problem occurred after favorable committee action in the Senate when the House was not taking any floor votes for several days and this session might have ended abruptly. Again, many calls had to be made to encourage immediate Senate passage without any amendments so our bill could be sent directly to the Governor. As shown above, that effort was completely successful. Therefore, the timetable I set forth in my February 15 FAX to you should still be accurate.

A claim for my services is enclosed so it can be included with your May payments. Dubois County had only six delinquent interests and it had only committed \$250.00 to the effort. However, the individual cost to the other seven counties still ended up being less than the \$500.00 commitment, and the benefits will be realized in savings of time and money for many years to come. It has been a pleasure working with you. If I can be of assistance to you in the future, please let me know.

Sincerely yours,

Francis H. Lueken, Jr.
Attorney at Law

March 22, 1995

First Regular Session 109th General Assembly (1995)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in this style type. Also, the word NEW will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 1994 General Assembly.

ENGROSSED HOUSE BILL No. 1760

A BILL FOR AN ACT to amend the Indiana Code concerning
taxation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 6-1.1-25-4, AS AMENDED BY P.L.39-1994,
2 SECTION 15 AND P.L.31-1994, SECTION 6, IS CORRECTED
3 AND IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 FEBRUARY 28, 1995 (RETROACTIVE)]: Sec. 4. (a) If a
5 certificate of sale is issued to a purchaser under IC 6-1.1-24-9 and
6 the real property is not redeemed within:
7 (1) one (1) year after the date of sale;
8 (2) *one hundred twenty (120) days after the county acquires a*
9 *lien on the property under IC 6-1.1-24-5;*
10 ~~(2)~~ (3) one hundred twenty (120) days from the date of sale to
11 a purchasing agency qualified under IC 36-7-17; ~~or~~
12 ~~(3)~~ (4) one hundred twenty (120) days from the date of sale of
13 real property on the list prepared under IC 6-1.1-24-1.5; *or*
14 (5) *one hundred twenty (120) days after the date of sale under*

EHB 1760—LS 7799/DI 91



1 *IC 6-1.1-24-5.5(b);*

2 *as extended by compliance with the notice provisions in section 4.5*
 3 *of this chapter, the county auditor shall, upon receipt of the*
 4 *certificate and subject to the limitations contained in this chapter,*
 5 *execute and deliver a deed for the property to the purchaser. If a*
 6 *certificate of sale is issued to a county under IC 6-1.1-24-9 and the*
 7 *real property is not redeemed within one (1) year after the date of*
 8 *sale, the county auditor shall, upon receipt of the certificate and*
 9 *subject to the limitations contained in this chapter, issue a deed for*
 10 *the property to the county. The county auditor shall execute deeds*
 11 *issued under this section in the name of the state under the county*
 12 *auditor's name and seal. If a certificate of sale is lost before the*
 13 *execution of a deed, the county auditor shall, subject to the*
 14 *limitations in this chapter, execute and deliver a deed if the court has*
 15 *made a finding that the certificate did exist.*

16 (b) When a deed for real property is executed under this section,
 17 the county auditor shall cancel the certificate of sale and file the
 18 canceled certificate in his office. If real property that appears on the
 19 list prepared under IC 6-1.1-24-1.5 is offered for sale and an amount
 20 *that is at least equal to or in excess of* the minimum sale price
 21 *required under prescribed in* IC 6-1.1-24-5(e) *of this chapter* is not
 22 received, the county auditor shall issue a deed to the real property in
 23 the manner provided in by IC 6-1.1-24-6.5.

24 (c) When a deed is issued to a county under this section, the
 25 taxes for which the real property was offered for sale, and all
 26 subsequent taxes and penalties, shall be removed from the tax
 27 duplicate in the same manner that taxes are removed by certificate
 28 of error.

29 (d) A tax deed executed under this section vests in the grantee
 30 an estate in fee simple absolute, free and clear of all liens and
 31 encumbrances created or suffered before or after the tax sale except
 32 those liens granted priority under federal law and the lien of the state
 33 for taxes and special assessments which accrue subsequent to the sale
 34 and which are not removed under subsection (c). However, the estate
 35 is subject to all easements, covenants, declarations, and other deed
 36 restrictions and laws governing land use, including all zoning
 37 restrictions and liens and encumbrances created or suffered by the
 38 purchaser at the tax sale. The deed is prima facie evidence of:

39 (1) the regularity of the sale of the real property described in
 40 the deed;

41 (2) the regularity of all proper proceedings; and

42 (3) valid title in fee simple in the grantee of the deed.

1 (e) Notwithstanding the provisions of subsection (a), a county
2 auditor is not required to execute a deed to the county under
3 subsection (a) if the county executive determines that the property
4 involved contains hazardous waste or another environmental hazard
5 for which the cost of abatement or alleviation will exceed the fair
6 market value of the property.

7 (f) If the county executive makes the determination under
8 subsection (e) as to any interest in an oil or gas lease or separate
9 mineral rights, the county treasurer shall certify all delinquent
10 taxes, interest, penalties, and costs assessed under IC 6-1.1-24 to
11 the clerk, following the procedures in IC 6-1.1-23-9. After the
12 date of the county treasurer's certification, the certified amount
13 is subject to collection as delinquent personal property taxes
14 under IC 6-1.1-23. Notwithstanding IC 6-1.1-4-12.4 and
15 IC 6-1.1-4-12.5, the assessed value of such an interest shall be
16 zero (0) until production commences.

17 SECTION 2. An emergency is declared for this act.



provide ... they would save a significant amount ... and I recommend that the Commissioners would give favorable consideration to authorize the Auditorium management people to allow the Public Education Foundation to provide their own security ...

President Borries: Discussion or questions of Alan?

Commissioner Mourdock: I guess this is a question, Alan, if in fact the contract does not require the things you mentioned, security, etc., why ...

Attorney Kissinger: Because apparently the discussions between the Auditorium management people and Public Education Foundation has reached an impasse.

Commissioner Mourdock: Over that issue?

Attorney Kissinger: Yes, to the extent that these people at the Auditorium are saying ... I am not in fact suggesting that we waive the security but to authorize Public Education Foundation to provide their own security ...

Commissioner Mourdock: All other fees, everything else ...

Attorney Kissinger: As a matter of fact ...

Commissioner Tuley: I'll move ...

Commissioner Mourdock: I'll second.

President Borries: So ordered.

Attorney Kissinger: The last matter I have is, there's a gentleman who is an attorney I believe he's from Spencer County. His name is Francis Lueken, L-U-E-K-E-N I believe, he is forming a lobbying services with the Indiana Legislature to amend the state law, the state statutes in reference to tax sales of abandoned oil leases ... He has indicated that if this legislation in fact becomes law, that it will be extremely ... Several counties have authorized ...

Question to County Auditor, inaudible.

Auditor Crouch: Inaudible.

Commissioner Tuley: Inaudible.

Other discussion inaudible.

Commissioner Tuley: I don't think that's what you were trying to convey though, was it?

Auditor Crouch: Inaudible.

President Borries: Inaudible.

Commissioner Tuley: It will become in a court a judgment against the individual ... real estate ...

Attorney Kissinger: Inaudible.

Commissioner Tuley: It could turn out to be ... yes, very much so.

President Borries: Inaudible.

Commissioner Tuley: It's funny ...

President Borries: Somebody suggest something, I can't ...

Commissioner Tuley: ... availability of funds that we agreed to pay ...

Attorney Kissinger: Inaudible. (Sounded like lengthy discussion). That's all I have.

President Borries: Any questions of Alan? Cindy Mayo, Superintendent of County Buildings.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Mrs. Mayo: ... the reason he was wanting to speak to the Commissioners tonight concerned the 1994 surplus property ... and they want to know if we might have a time schedule as to when we are going to start doing something with the properties ... and I told him that I would bring it to your attention ...

Attorney Kissinger: It is my understanding that the 1994 property ...

Commissioner Mourdock: If we are not impeded by any tax law or anything that would keep us another year down the road, if we wanted to do it tonight ...

Attorney Kissinger: Inaudible.

President Borries: This reflects some ... here, this reflects the new hoops that were created by this legislation in 1994 ...

Attorney Kissinger: Inaudible.

Commissioner Tuley: And what we need to do ... We need to develop some sort of internal control in that package, we want everything in writing so ... so if anyone comes in, that's the only way they're going to get on the list to get to us is to come in and sit down with Mrs. Mayo and ...

Mrs. Mayo: Inaudible.

Commissioner Tuley: Let's tell people ... Everything else is legal and the only thing we've got to do is develop some kind of internal control package ...

Mrs. Mayo: Inaudible.

Commissioner Mourdock: I think we'd be making a mistake ...

Commissioner Tuley: Inaudible.

President Borries: I don't remember what we advertised the last time but the spirit of the advertisement had something to do with those groups who were not-for-profit on what in affect is abandoned property could come in and get information. We had some confusion the last time with two various churches on a couple of pieces of property ... We wish to avoid some hard feelings because the whole purpose of this is to help folks that ... socially useful purposes but we don't want to make everybody mad and we've done that on occasion as well.

President Borries: Just one other quick item, Commissioner Mourdock attended, there was a meeting this morning of INDOT at what they call a round table discussion, I was not able to attend the whole session but I did see that it was a healthy effort to link communication here regarding agencies where from time to time we don't always communicate so that did occur this morning. Is there other new business? Oh one other quick item, we're rapidly approaching the County Government week which is an interesting issue of children's issue. There is going to be a satellite telecast Thursday, April 6 and I'll try to get more information for you with Marion Wright Elman who is the leading advocate of the National Children's Defense Fund and it's sponsored by NACO, the National Association of Counties. We may be able to get satellite pick up of this, I don't know if it's interactive yet or not over at the Evansville-Vanderburgh School Corporation Administration Office so we may set an event to kind of also have maybe some County reactors to what she says but at any rate, I'll give you more information about that and that's scheduled for Thursday, April 6. It was in our NACO newspaper. We do have rezonings and I think there's only one to consider this evening but if there's no further business, we'll recess this particular part of our meeting and proceed directly then to the rezonings that we have this evening.

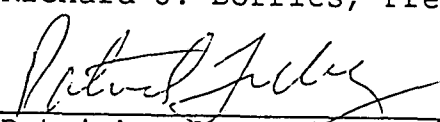
THOSE IN ATTENDANCE

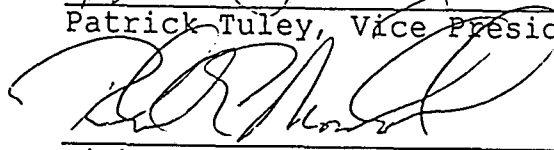
Richard J. Borries
Richard E. Mourdock
Alan Kissinger
Lynn Ellis
John Stoll
Betty Knight Smith
Janet Watkins

Patrick Tuley
Suzanne Crouch
Cindy Mayo
Bill Morphew
Julie Hinton
Beverly Behme
Barbara Cunningham

*VANDERBURGH COUNTY BOARD OF
COMMISSIONERS*

Richard J. Borries, President


Patrick Tuley, Vice President


Richard E. Mourdock, Member

Warrant No. _____

Claim No. _____

Date _____

Community Jobs Club

Vendor No. 4079

\$75.00

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name CONTRACTUAL

Account No. 203-3930

Allowed _____ 19_____

In the sum of \$ _____

Richard L. Barnes
Robert J. Perry
Robert L. Perry

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

April 13, 1995

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
#18	—	3/31/25	203-3930	75.00
			TOTAL	75.00

Date March 31, 1995

INV. #19

Vanderburgh County Engineering Department
201 NW 4th Street
Old Court House - Suite 307
Evansville, IN 47708

Date: 03/31/95

Total Due: \$75.00

FOR SERVICES RENDERED PER CONTRACT: MARCH, 1995

WORK DATES :	03/03/95	\$15.00
	03/10/95	15.00
	03/17/95	15.00
	03/24/95	15.00
	03/31/95	15.00

Please remit payment to:

Community Jobs Club, Inc.
415 Mulberry Street
Evansville, IN 47713

FUND/OBJECT/CENTER
4000/572100/108160

DATE
04/04/95
WARRANT NO.
13960998
BOLP 0356000205 14

DATE	INVOICE/CREDIT MEMO	TYPE	DESCRIPTION	GROSS	DISCOUNT	NET
032095	C800015794 AGENCY 800-PAYMENT FROM HIGHWAY DEPARTMENT			1400534	00	1400534
INTO BR. FUND CUM 203						
TOTALS				1400534	000	1400534

203

State Form 43379 (R/8-92)
APPROVED BY STATE BOARD OF ACCOUNTS
THIS WARRANT VOID AFTER 2 YEARS AFTER DEC-31 OF THE YEAR OF ISSUE

AUDITOR OF STATE OF INDIANA
STATE HOUSE, INDIANAPOLIS, INDIANA 46204

4000/572100/108160 WARRANT NO. 13960998

20-103
740

PAY FOURTEEN THOUSAND FIVE DOLLARS THIRTY-FOUR CENTS

To Treasurer of State

DATE 04/04/95 THE SUM OF *****14,005.34

VANDERBURGH COUNTY COMRS
305 ADMINISTRATION BLDG
1 N W MARTIN LUTHER KING BLVD
EVANSVILLE IN 47708

Morris Wooden
AUDITOR OF STATE

13960998 0740010351 80000000 21

- | | | | | | |
|----|---|------|---------|-----------|--------|
| 4 | Period covered by this claim-voucher: | From | 1/21/95 | To | 4/1/95 |
| 5 | Gross amount of previous claims | | \$ | 42,192.04 | ✓ |
| 6 | Net amount of previous claims | | \$ | 33,753.63 | ✓ |
| 7 | This (X) (is not) a final claim voucher
(Time Certification must be included with final claim-voucher) | | | | |
| 8 | Gross amount of this Local Agency Claim | | \$ | 17,506.67 | ✓ |
| 9 | Federal Share Reimbursable (Line 8 x 80 %) | | = \$ | 14,005.34 | ✓ |
| 10 | Less State Retainage @ 0 % | | - \$ | 00.00 | |
| 11 | Net Amount of Claim Voucher | | = \$ | 14,005.34 | ✓ |

RECOMMENDED FOR APPROVAL

Thomas L. Jones
INDOT Official Initiating the Charge

3/22/95
March 13, 1995
Date

I certify that this claim is correct and valid and is a proper charge against the State Agency, Fund and Center indicated.

Authorized Signature of State Agency *Greg A. Eaton*

Date (Month, Day, Year)

3/22/95

Pursuant to the provisions and penalties of Indiana Code 5-11-10-1, I hereby certify that the foregoing Fund and Center is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Signature of Vendor

Official Title

Date (Month, Day, Year)

John Hall

County Engineer

3/3/95

04/06/95 13966546
BDLP 0356000205 14

203 FUND

400075721007108180 WARRANT NO.
20-103 13966546
740

13966546

DATE 4/06/95 THE SUM OF *****30,605.03

Morris Wooden
AUDITOR OF STATE

11 13966546 1:074001035: 80 0000 21

RECOMMENDED FOR APPROVAL

3/27/95

INDOT Official Initiating the Charge

Date _____

I certify that this claim is correct and valid and is a proper charge against the State Agency, Fund and Center indicated.

Authorized Signature of State Agency

Date (Month, Day, Year)

APR 05 1995

Pursuant to the provisions and penalties of Indiana Code 5-11-10-1, I hereby certify that the foregoing Fund and Center is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Signature of Vendor:

Date (Month, Day, Year)

3/23/95

04/06/95 13965547
BOLP 0356000205 1

203 FUND

20-103
740

To Treasurer of State

DATE 04/06/95 THE SUM OF *****76,677.23

Morris Wooden
AUDITOR OF STATE

13966547 10740010351 80000000 21

RECOMMENDED FOR APPROVAL

INDOT Official Initiating the Charge

Date _____

I certify that this claim is correct and valid and is a proper charge against the State Agency, Fund and Center indicated.

Authorized Signature of State Agency *Sally Mathis*

Date (Month, Day, Year)

APR 05 1995

Pursuant to the provisions and penalties of Indiana Code 5-11-10-1, I hereby certify that the foregoing Fund and Center is just and correct that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Signature of Vendor _____

Date (Month, Day, Year)

3/23/95

State Form 23216 (R5/8-89)

VANDERBURGH COUNTY ENGINEERING DEPARTMENT

CONSENT AGENDA

APRIL 17, 1995

CHECKS DEPOSITED/Reimbursement from InDOT:

Cumulative Bridge Fund	\$14,005.34
Cumulative Bridge Fund	\$76,677.23
Cumulative Bridge Fund	\$30,605.03

CLAIMS:

Contractual Services 203-3930	
Community Jobs Club (Inv. #19)	\$75.00

I hereby certify that the within bill is true and correct, that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

April 10, 95

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Account No. 1440-3790

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>Apr.-REIMB.</u>	<u>-----</u>	<u>Apr. 10, 1995</u>	<u>1440-3790</u>	<u>\$2035.00</u>

[illegible]

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Given & Spindler Management Co., Inc. # 1867

On Account of Appropriation for 1440-3790

Invoice No.	Itemized Claim	Amount	
	Reimbursement for expenses per contract		
	dated April 6, 1992 between Given &		
	Spindler Management Co. and the County		
	Commissioners.	\$2035	00
	total	\$2035	00

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Sandra Tilton
Name

General Manager
Title

Date April 10, 1995

2,035.00 +
001.....
2,035.00 *
0. c

GIVEN & SPINDLER, INC.
Property Payroll Disbursement Receipt
roll Period: From 3-19, 19 95 to 4-1, 19 95
Pay Date: 4-7, 19 95

Name Auditorium
Property Code e1

Check # 814 Amount \$ 2035.00

<u>Account Number</u>	<u>Name of Account</u>	<u>Debit</u>	<u>Credit</u>
6591	Manager/Leasing Wages	<u>1309.80</u>	
6594	Maintenance/Cleaning Wages	<u> </u>	
6596	Clerical Wages	<u> </u>	
6597	Officers Salaries	<u> </u>	
6593	Box Office Manager	<u>725.20</u>	
1121	Cash in Bank/Checking		<u> </u>
	TOTAL	<u>2035.00</u>	<u> </u>

REZONING MEETING
APRIL 17, 1995

1

VANDERBURGH COUNTY BOARD OF COMMISSIONERS
MEETING OF REZONINGS
APRIL 17, 1995

The Vanderburgh County Board of Commissioners met in session for the purpose of rezonings at 7:00 p.m. on Monday, April 17, 1995.

RE: VC-3-95 - PETITIONER RICK & KELLY WILLIAMS - 3076 GROVE ST.

President Borries: The address is known as 3076 Grove St. The petitioners are Rick & Kelly Williams. This is a first reading. We have now entered it into the record, it will be forwarded to the Area Plan Commission the first Wednesday in May, and then sent back here for consideration on the third Monday in May. May I have a motion to approve VC-3-95 on first reading?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

We have two third readings to consider and one Ordinance, the final reading on one Ordinance this evening amending Chapter 153.

RE: VC-23-94 - REGENCY PROPERTIES - 7040 E. LLOYD EXPRESSWAY

President Borries: The address is known as 7040 E. Lloyd Expressway. The petitioner is Regency Property, that's Ag to C-4. For some reason that's listed on top of my other agenda.

Commissioner Mourdock: I've got another note right over here.

President Borries: This one apparently is going to be continued so we should have another one somewhere. Paul Wallace is here this evening representing the petitioner.

Paul Wallace: Good evening. For the record, I'm Paul Wallace. I'm the counsel for Regency Properties and for the applicant at 7040 E. Lloyd Expressway. This is a zoning from Agricultural to C-4 of approximately 23 acres adjacent to Lloyd Expressway. This matter has been heard by you before, and I believe it's been continued from a prior meeting, so unless you have questions, I'll leave it open.

President Borries: Questions of Mr. Wallace?

Commissioner Mourdock: Yes, I would just ask Paul if there is any new developments since the last meeting?

Paul Wallace: No, we've continued to look at the plans that the adjacent property owner to the west. They still have not provided any plans that are anything other than speculative or any of those plans which provide for an east/west through street through their properties. Other than that, everything would remain the same.

President Borries: Commissioner Tuley, any comments?

Commissioner Tuley: No, I guess for point of clarification, I think Commissioner Mourdock was asking where, if there was dedication of right-of-way to completion or continuation of Indiana Street, and I had thought that was something we were trying to get and hoping to get. I think based on the plans that we've been able to see and the negotiations that are ongoing with the Gershwin Ground, that even if we got the right-of-way, it's going to end up at the back of a department store loading dock, trash can or whatever. I don't see where we're going to benefit from that dedication.

President Borries: I know that the petitioners share our same

feelings. We have tried to and I think have talked quite a bit about a total quality development in this area. As developers, however do, there are obviously clients, customers and changes that take place in this. The rezoning at this time, does just that, simply rezones a piece of property to another use and I would say that as the site development process occurs, certainly Virginia Street is one that we're looking at as dedicated right-of-way which must go to Burkhardt Road. As Commissioner Tuley has pointed out, we have not seen any really final plans from the petitioner on the other C-4 property. I will continue to ask, as I know my fellow members on the board do, for cooperation as these developments proceed and certainly we need to be cognizant of that. Any other comments at this time? I would entertain a motion then.

Commissioner Mourdock: Mr. President, I will move that we approve the petition to rezone from Agricultural to C-4. That petition filed if VC-23-94 submitted by Regency Properties.

Commissioner Tuley: I will second.

President Borries: Okay, this is a change of an Ordinance, so I will call for a roll call vote.

Commissioner Mourdock: Yes.

Commissioner Tuley: Yes.

President Borries: I vote yes. VC-23-94 is approved.

Paul Wallace: Thank you.

President Borries: Thank you.

RE: VC-1-95 - GARY WILLIAMS - 16680 HIGHWAY 41 NORTH

President Borries: The second of the third readings to be considered this evening is VC-1-95, the address is commonly known as 16680 Highway 41 North. The petitioner is Gary Williams. The request is from Ag to C-4.

Les Shively: Mr. President and members of the County Commission, my name is Les Shively, representing Mr. Gary Williams who is also with me this evening and Mr. Jim Farney, Engineer with the firm of Berdardin, Lochmueller and Associates. This proposal would take a 40 acre tract of land in the area of Baseline Road and Highway 41 from Agricultural to C-4 for the purpose of an outlet mall. Let me provide you right now a copy of the location map for you to view, color coded. What I have identified on the map are the existing commercial and industrial classifications in the immediate vicinity. As you can see, there is a C-2, substantial area of C-4 and an M-1 classification in the area. To give you an idea how this outlet mall would appear, we have given to the staff of the Area Plan Commission, and I'll provide you all your own copy, of this, as we're looking from Highway 41 to the west, a conceptual site plan to show the out lots which we hope to sell and the area of the actual outlet mall facility itself. And last, but surely not least, we have a computer rendering prepared by Mr. Pete McCall, an architect, to give you an idea, almost as if you're looking at a photograph into the future as to how this will appear as you drive down Highway 41 North. Let me tell you a little bit about Mr. Williams' plan for this project. We have about 288,000 square feet for the outlet mall which we hope to have 80 stores with approximate size of 3,600 square feet. Based upon industry standards, you have about 10 employees per the 800 feet, ten people per square foot, I should say. The square footage out there also based upon what we hope to be the employment base for the out lots we'd be selling. We have tentatively sold one out lot which has about 15 employees. We're looking at a possible employment base from this facility once it's on line and rolling to about 800 to 900 jobs at this location. Let me tell you also some of the other technical things we're in the process of doing. We have engaged the services of Berdardin & Lochmueller & Associates, not only to prepare a primary plat for this project so that we can sell the out

lots which are obviously as smaller than five acres which requires them to be platted, but also we've engaged their services to work with the State of Indiana, Indiana Department of Transportation with regard to traffic signal warrant material so that we can locate a traffic control signal in this location which I think staff indicates will be a necessity once this project is up and running. As I said also, Mr. Pete McCullough, who is a well-known architect in this area, is also involved in this project with regard to the design of the actual outlet mall building. Mr. Williams is not here this evening, and the reason he is not here, we're pleased to tell you, is we have an out of state major potential tenant who is in town this evening through tomorrow and, hopefully, and the conclusion tomorrow we'll have him sign up for an intent to lease if not a lease itself. So, we're moving forward on this as I said before. We have an option on one of the out lots right now. This project is moving right down the pike. We would see, if we would get favorable action here this evening, is a move forward with the platting process and then the other administrative steps necessary to address traffic concerns in this area once the project is up and running. The Area Plan Commission recommended approval of this project and I'm here to answer any questions you might have, along with Mr. Farney.

President Borries: Okay. Questions of Mr. Shively or Mr. Farney?

Commissioner Mourdock: Les, do you have any idea right now, and in your statement of Mr. Williams presence, or absence I guess, here tonight, may preclude the answer of this, but do you have any idea what the timing is, what we hope to do as far as breaking ground for this and really getting things rolling?

Les Shively: Commissioner Mourdock, I think a lot of that depends on how quickly we can complete the prerequisite steps, one of which is the rezoning. I would think this is something certainly we would hope to see some progress on within 8 to 9 months, and ground breaking occurring. We would be marketing those outlots and at the same time we're going to be putting together the design of the outlet mall itself and securing tenants in. The tenants are going to want to know that the property is appropriately rezoned and that we're going forward building the building. We can't do that really until we have the rezoning approved and that plat approved. I would say that probably no more than 8 months, 8 to 9 months from the completion of those administrative steps here locally, that the project ought to be happening.

Commissioner Mourdock: I have just two concerns about this use at this location and perhaps it's really one, but I'll give you two examples. The first concern I have is compatibility with the rest of the development within that corridor. As you know, there are presently one food processing plant active, there's another one being built and, as of last week, there seems to be quite a rush towards the American Cold Storage facility. I'm just curious as to how you see this balancing with those and perhaps more dramatic, as I'm sure you are aware, we have an information petition here from Mr. & Mrs. Rexing, who are a little bit concerned about the historical and, hopefully, future use of their adjacent land. They don't want to see the enjoyment of their property somehow affected by what happens here. You've got that letter, I presume?

Les Shively: I do not have that letter. I've heard their comments, though. I'll take them in reverse order. The Rexings also bid on this ground and they bid approximately 11,000 an acre which, to me at least what little I know about the price of beans and corn, is a little high if someone was attempting to buy it for agricultural purposes, and I'll let those facts speak for themselves. In regard to the compliance with uses in the area, I would call your attention to a couple of things. First of all, staff has set forth in their report what the comprehensive plan calls for, and this is not inconsistent with that comprehensive

plan. More importantly, if you go just a little further north on 41 on the same side, the west side of 41, you have starting with the Busler facility who has been there for some time at I-64 and 41, you move on down, all the way down now to the development of the Holiday Inn Express is underway. This is certainly consistent with those uses and the main concern here is to make sure that we properly coordinate our ingress and egress with the Department of Transportation with the traffic control signal, which our prospective tenants and purchaser have already recognized to be prerequisites to their investment in this project. I think we've taken care of all those problems. I think it is, in fact, compatible with what's going on out there. As you will recall, back in 1973, the City of Evansville extended water and sewer all the way out to I-64 running along this entire area anticipating that this corridor would grow and be an ideal place for industrial, wholesale and commercial development. It's already occurred a little further to the north and we believe this to be consistent with that pattern. We just think it's going to be an excellent addition to the north part of the county.

Commissioner Mourdock: With all those things, and I'm not looking for an answer to this question at this point, but in the future I think given Mr. & Mrs. Rexing's concerns that, it might be wise if the developer here would consider some sort of letter of understanding, at least as far as what their uses have been historically.

Les Shively: Mr. Mourdock, in all due respect, the Rexings have never contacted us. If they have some concerns, they can certainly, my telephone number is very conspicuously displayed on all correspondence and notices and I invite, in all of my notices, for people to contact me. I've never been contacted. They know who I am. The same family tried to stop the development of the Holiday Inn further to the north. So they know who I am and they know where to find me. The other thing too, is this is not going to impact their farm. There's no way that this development, there's been a lot of murky discussion about somehow that Mr. Williams and once he puts in the mall, that he's going to try to shut down their farming operation. Indiana Law recognizes a long tradition and history in this state of Agri-Business and has a specific statute that says the farmers are there first, you have to do your development in compatibility with those farmers. We understand that and there's no intention here to do anything that would interfere with their legitimate, and legally and constitutionally protected rights to farm their ground. As I say, Indiana is even more sensitive to that because they've got a special statute on farmers' rights. So, we want to be good neighbors.

Commissioner Mourdock: You know I'm not a lawyer, Les, and I take a certain amount of pride in that, but with that being the case, it ought to be easy to draft a letter then, to ease their concerns saying that is the statute.

Les Shively: I stated that to the Area Plan Commission on the record. I invited their input and I, even after this meeting, assuming favorable action, I'm more than happy to give them a letter to that effect. All they have to do is ask.

Commissioner Mourdock: Okay. No more questions.

President Borries: Commissioner Tuley?

Commissioner Tuley: Not at this time.

President Borries: Okay. Are there other persons who wish to speak for or against this petition at this time?

Ralph Rexing: County Commissioners, my name is Ralph Rexing. I

adjoin this property to the west and also to the south. Mr. Johnson and his associates sent registered letters concerning our odor problems and it's true, I've been on that land. The reason I've been on that land is to keep trouble out, so I wouldn't have these problems with lawsuits. Mr. Johnson guaranteed me in his letters that was well taken care of, there ain't no way that they can, question these answers on that manure. I'm sure you got the letter because we sent registered letters.

President Borries: Yes, we have them.

Ralph Rexing: But, the reason I bid on this land is to, on my investment, I got a serious investment. And if you take what I was paying for this land and divide over a whole enterprise, it wasn't too bad. I could live with it. This manure does smell, but we've been there since 1937. My dad bought it in 1937. There's been livestock there all these years. My only concern is, how are they going to handle this odor? And this is a problem. I sure hope Mr. Williams doesn't get offended from me, to protect them and myself. You know, I don't know what else to say. I'm begging for mercy. If you read in all these magazines where all these promoters come out in these farm areas and start throwing lawsuits back and forth. Now we've been there since 1937, we haul manure down there and how are you going to handle these odors, I don't know. Now gentlemen, do you know what livestock odors and pit odors are? Do you really know what they are? I'm sure Mr. Williams doesn't. And this animal waste has got to be distributed. And again, I hope Mr. Williams takes no offense of me trying to do, trying to protect him and myself. And I thank you.

President Borries: Thank you, Mr. Rexing. Just a minute, maybe..

Ralph Rexing: Did anyone have any questions?

Commissioner Mourdock: Mr. Rexing, you heard the question I asked Mr. Shively a moment ago, and I am obviously trying to head off a problem here and not make the present problem worse. If the developer gave you a letter basically stating what Mr. Shively just said and, Les don't let me put words in your mouth, but basically stating that there is a long history of Indiana law whereby farmers are given what would be the word Les or Alan, not priority rights but at least recognition of their prior land use and their historical practices. If you receive such a letter, would that ease your mind in this situation?

Ralph Rexing: No, it'd have to be signed and notarized and...

Commissioner Mourdock: I'm giving that, I'm assuming that is the case that they're going to submit such a document to you.

Ralph Rexing: I'd have to take that up with Mr. Johnson, because he's my legal advisor.

Commissioner Mourdock: Okay. That's a fair answer.

Ralph Rexing: Any other questions? I'll try and answer them if I can.

Commissioner Tuley: I think Mr. Shively said that he would probably, and again I don't want to put words in your mouth either, respond favorably to such a request if he were asked. I think now, in a public form is the time to ask for that letter.

Ralph Rexing: What's that? I didn't understand you, sir.

Commissioner Tuley: I'm saying I think now, if you're going to ask for that letter, would be a good time to ask for it while it's in a public meeting, it could go on record that, I think Mr. Shively said he would respond favorably to that request if you would ask

him. Apparently, you haven't asked him yet, so I think now is the time to ask him, if you so choose to.

Ralph Rexing: Well, I can't speak for my attorney, can I?

President Borries: You can speak for yourself.

Ralph Rexing: I know it. But how am I going to know, I don't know the laws that well. You know, to secure myself.

Commissioner Mourdock: And that's a valid point, Mr. Rexing. I guess, speaking for myself here and I think this is the consensus of the Board, I guess we would ask you to consult with your attorney as this zoning passes through the process to see if in fact your attorney would be comfortable with a letter signed by Mr. Williams as the developer saying that he basically would take no action and not try to initiate anything regarding your historical use of the adjacent land.

Ralph Rexing: Well what about the ones that rent the spaces?

Commissioner Mourdock: That would be, I would say, a condition of their lease with Mr. Williams. We're trying to solve a problem here, not make one. Please understand this.

Ralph Rexing: Well that's what I'm trying to do. You know.

Commissioner Mourdock: I realize that. So, we're trying to protect everybody.

Ralph Rexing: I appreciate that.

President Borries: Mr. Rexing, I wouldn't have a lot to add at this time, other than to say that certainly your property rights are clearly spelled out. I think you've done so, how long you've been there. There is no attempt that I am aware of to harm your occupation and your right to that property, which obviously, is yours. I think you have stated very clearly your concerns.

Ralph Rexing: Yeah, but Mr. Borries, if you rezone it, what legal grounds am I going to have after he's rezoned? He's got the right.

President Borries: So do you.

Ralph Rexing: No, to write, that I can get him to sign a paper that he'll never come back and sue me.

President Borries: Oh well, I'll tell you, there aren't many guarantees in life and not getting sued is probably one of them, Mr. Rexing.

Ralph Rexing: Yeah, but this is serious.

President Borries: Oh I know, and I'm not making light of that. I'm just telling you there isn't a guarantee in this country that could protect you from being sued.

Ralph Rexing: Well I understand that.

President Borries: We can't do that. You've stated your concern on the record. I think at this point, the buyer has to beware or be at least cognizant, aware of what you have said that there could be some odors there and no one, certainly I would defend your right to farm, I think the consensus of this board would do the same, to raise your livestock and there certainly would be no attempt on this board to ever, ever restrict your right to use your property as you are doing so at this time. I will tell you that, personally.

Commission Mourdock: And Mr. Johnson, who is your attorney?

Ralph Rexing: Ed Johnson.

Commissioner Mourdock: Mr. Johnson could certainly tell you in far greater depth what your options would be if you should reach such an agreement and they would give you such a letter and I think that's really what you need to talk to him about.

Ralph Rexing: I'd love to see this done before it's rezoned.

Commissioner Mourdock: It would have to be done before it's rezoned. If there's going to be a letter or some type of agreement as far as I'm concerned, I would not vote for this package until I'm certain that's in place.

Les Shively: Can we please address that?

Commissioner Mourdock: Please, go right ahead.

Les Shively: There is a statute called the Indiana Right to Farm Act which specifically prohibits us from doing anything. You know, we're not here asking for any tax money, we've got a 10 million dollar project for the outlet mall alone, 8 hundred jobs, this gentleman has had notice at least 15 days before the Plan Commission Hearing, because I always send mine out early. He's had between the Plan Commission meeting and this evening to have Mr. Johnson contact me. He already stated for his record his attorney told him the same thing I said to you this evening. Now I come before this board on many occasions and I'll be back here again. Maybe stuff for Mr. Williams and maybe stuff for other clients. You know, you asked me how soon we can break ground, it would be unjust to make Mr. Williams wait until these people make a request and negotiate for something that doesn't even need to be done. I mean this is just a feel-good situation. There is no way that this project can affect his property rights under Indiana law. There's just no way they can do that. And he stated Mr. Johnson assured him of that fact. I know Mr. Johnson very well, having been in partnership with him since Mr. Johnson taught me most everything I know about real estate law, he would concur with me and I have no doubt that we can work out something. I'm representing to you that we will. But, Mr. Rexing made those statements again at the Plan Commission meeting, I invited him to contact me. Told him at the meeting on the records that I'd provide anything he wanted, he hasn't done anything. Why should we delay this project because he's failed to take some action here, which I'll submit to you again, is action he really doesn't have to take because he's protected in the Constitution and he's protected under specialized law that protects him. Farming law is a strong lobby in this state and they've got specialized statutes protecting it. One of the farmers going to be benefiting from that is Mr. Rexing. We don't intend, and if we did we couldn't do anything to his rights. Any letter that we give is going to be just icing on the cake to what protection already exists under the law and I think it would be really inappropriate to delay this project in view of the inertia we have right now where we're headed.

Ralph Rexing: Commissioners, he did not advise me of nothing what he said, to get with him whatsoever, that I'm aware of.

Commissioner Tuley: Do we have the minutes from the Area Plan meeting?

Barbara Cunningham: You should have them in your packet, in the back of your packet and I believe it is correct that Indiana law does protect the rights of farmers. That's why it is there.

Commissioner Mourdock: Would you care to comment on this, Alan?

Alan Kissinger: As Mr. Shively has pointed out, Indiana does have what is known as the Indiana Right to Farm law. The Indiana Right to Farm Act, the fact that Mr. Rexing has a farming operation there. From time to time, it may produce noxious odors and that is something that the developers have to be aware of and they can not interfere, Mr. Rexing, with your right to farm. The odors that you will be creating are odors that are attendant to the type of farm operation that you've been engaged in for many years. I'm assuming that they have anticipated the possibility of this problem and made necessary arrangements to deal with it, but you are protected as well if someone should bring a suit against you for engaging in legal farming operations, you have protection yourself by bringing in action against them for bringing a lawsuit that has no merit. The Commissioners can not, and it is improper for the Commissioners to refuse, to grant a rezoning petition for a reason such as this, or to put this particular restriction on this rezoning. However, you are protected, your legal rights are protected by statutes that are already in existence and I assure you, aren't going to change. If someone should bring an action against you which is a frivolous action merely to harass you, or to cause you perhaps to maybe engage in some other activity there other than farming, you have a legal right to bring an action back against them and perhaps get damages from them. So, you are totally protected with the laws that are already in existence.

Ralph Rexing: I understand that. But, how come the other people always get sued?

Alan Kissinger: I really can't go into the history of the law with you, and why people sue people, but what I'm telling you is, if someone should sue you, and these Commissioners have no way of guaranteeing you that someone won't sue you, if someone should sue you, you will have a legal remedy that will not only keep you from losing any money, you may be able to get damages against the other party. So, you are totally protected in this circumstance. They can not stop you from farming. They can not stop you from engaging in those activities of disposing of animal waste in the ways that you have been doing it for some nearly 60 years.

Ralph Rexing: I agree with you, but I've got letters where people have been sued and sued, and they had to go all the way to Indianapolis to get it settled, and that takes money to hire a lawyer and I want to head it off before it goes that far.

President Borries: Mr. Rexing, the minutes of the Area Plan Commission meeting on April 5, 1995, page 41, indicate Mr. Shively saying, "If there is anything we can place in writing with regard to reiterating what is in the statute that protects farming operations, we will do it".

Ralph Rexing: He didn't talk loud. To be honest with you, I could not hear what was really going on, because he didn't speak loud enough for nobody to hear.

President Borries: All right. Let me say it again, real loud. He said, "If there is anything we can place in writing with regard to reiterating what is in the statute that protects farming operations, we will do it".

Ralph Rexing: In other words, he's saying that I should have notified him?

President Borries: No, no, no, no. He's said he will put in writing exactly what we've been talking about here this evening.

Ralph Rexing: Well, if that's what we wants to do, why we'll work with him, but I still say it should be done before it's rezoned to give me legal grounds to stand on.

Commissioner Mourdock: Alan, do you care to comment on that briefly?

Alan Kissinger: There are certain reasons why the Commissioners can deny a rezoning and vote against a rezoning. This is not one of those reasons. The protection that you are seeking is already in place and Mr. Shively has indicated that he and his client will put in writing the legal protection that you have.

Ralph Rexing: Well that's what I like to see done.

Alan Kissinger: And, I assure you, as Mr. Shively said previously, he is before this board frequently on matters. He may be here for this client again and if Mr. Shively makes such an assurance to this board that he will provide you with such a letter and then doesn't do so, then we may not be able to take his word in the future. So I can assure you, he's going to carry through with what he told you.

Ralph Rexing: What am I supposed to do, get hold of Mr. Johnson?

Alan Kissinger: No sir. No sir. Mr. Shively used to work for Mr. Johnson and I'm sure that the paths of communication are still open and he'll talk with your attorney.

Commissioner Mourdock: So Les, if you would just for the record, in my statement of a moment ago, I will recant as being somewhat inappropriate in the sense of holding this up, but given your comments in the previous meeting, given what you've said here tonight, given Alan's comments of a moment ago, if this board does act on this favorably tonight, we trust that we will receive a copy of something that you forwarded to Mr. Rexing and Mr. Johnson in writing specifying what you've said tonight and what you've said in the previous meeting.

Les Shively: Absolutely, and for the record I'll call Ed tomorrow and indicate who I represent and indicate my understanding on who he represents and find out exactly what he wants and put it in some form that reiterates what Mr. Rexing's rights are presently under the law for his existing farm operation and that we don't intend to take any steps to interfere with that in any way shape or form.

Commissioner Mourdock: Thank you.

Commissioner Tuley: I was just going to say, if Mr. Johnson's representing you, and if he felt that the argument isn't there, that you're already protected, or that if he didn't think Mr. Shively or Mr. Williams could be trusted to honor their word that they're giving us here, I think that he would have insisted on being here tonight to argue the case before the Commissioners. But there's not a good argument here. He would give us some other case or some other siding as to why our reasoning is invalid and he's not here. So I really believe he's probably told and reiterated exactly what Mr. Shively has already said.

Ralph Rexing: I never really asked him to come, really.

Commissioner Tuley: Okay. I think as your attorney, he probably would have insisted that he be here if he felt like there was a whole lot of grounds to what you're saying. I'm just afraid that I think Mr. Shively and Mr. Williams will do what they said. I think it is just icing on the cake, so to speak, when there is a statute. Mr. McCampbell is the one that brought it to all of our attention at the Area Plan meeting that Indiana was one of the few states in the midwest that has such a law. So, that's more of a statement, not a question. I was just curious as to why Mr. Johnson wasn't here.

Ralph Rexing: I never really asked him. I guess I should have.

I never asked him. I should have asked him. He would have I guess, if I would have asked him.

President Borries: Do you feel better about the discussion here, Mr. Rexing?

Ralph Rexing: Well, there's no, I'd like to have a guarantee that he's going to do that.

President Borries: It's in writing.

Ralph Rexing: You know, I guess I'm from the old school...

President Borries: It's in writing in the minutes.

Les Shively: Mr. Rexing, I'm going to be going home as soon as this is done. If you want to call Mr. Johnson at home, he can call me at home and we can discuss it this evening and be in the process of putting something in writing tomorrow if you want to do that, okay? I will be home in an hour, trust me.

Alan Kissinger: We were planning to talk about this a lot longer, Les.

Ralph Rexing: Any other questions that I can help you answer?

Commissioner Mourdock: None from me.

President Borries: Thank you, Mr. Rexing. I'll entertain a motion at this time to approve the rezoning on the third reading known as VC-1-95.

Commissioner Tuley: So moved.

Commissioner Mourdock: I'll second.

President Borries: Roll call vote since this changes an Ordinance.

Commissioner Mourdock: I'll vote yes.

Commissioner Tuley: I vote yes.

President Borries: I vote yes. The Ordinance is approved.

Les Shively: Thank you very much.

RE: ORDINANCE AMENDING CHAPTER 153

President Borries: The final item that we have this evening is an Ordinance Amending Chapter 153, the zoning code of Vanderburgh County. Mrs. Cunningham is here, if you'd like to explain this.

Barbara Cunningham: What you have before you is this Ordinance amending the zoning code for proposed changes. The proposed change in layman's language are in essence, the first one deletes office building design to accommodate 3 or more office enterprises from use group 8 requiring C-2 all office buildings are covered in use group 5 businesses and professional offices allowed in C01 and higher and C01 was 3,000 square feet in all larger buildings or C02 or higher. In essence, what this says is an office building is an office building and the number of parking spaces required for an office building will be the same. They will be standardized as to 1 per 200, which is section D, addresses parking for that. What we had before was I think he had an Ordinance that did not work as well because, if you had 3 or more uses in 1 building, you had to go to a higher zoning classification, where in essence, if it's an office building and you have one big building with say, Bristol Myers, it makes no sense to have a lesser zoning than someone across the street that maybe has 3 uses in an office building, so that is the reason for the change. We've also gone to the 1 per 200 square feet. That is section A and section D in the proposed changes. Section B is just a clarification a lot for staff and a lot for the people that utilizes our services. Our code now says, on parking lots that they must be a durable, dust-free parking lot.

Now that raised a lot of interpretation and particularly in areas that were zones perhaps next to a residential use and a gravel parking lot was right beneath a bedroom window or something. We've had an awful lot of complaints on that. So what we're asking is to have the wordage changed from durable, dust-free to hard and sealed surface for a parking lot and this will not affect any of the ones that are in existence now. It will not affect any agricultural uses. It will not affect any residential uses. It is just mainly for the new commercial uses coming in.

Commissioner Mourdock: So, everything in the past is effectively grandfathered?

Barbara Cunningham: That's right, unless there are major additions or changes or something to that effect and then I think that we would have to look at (inaudible). And then the other thing in section C which says parking areas in or adjacent to residential districts, limitations is defined as,...That was a mistake in printing the heading in that section. It's not really a change in the code requirement. What we said before was limitations were up here and limitations should have been down here in the text. It was a typo in essence and we want to correct that. It caused us a problem because if you have a commercial lot next to a residential lot with the previous interpretation, you couldn't park anything but cars there and that's not true. If you have a commercial lot next to a residential lot, you can do anything that you can do in a commercial lot. So it's just to clarify it so it reads better. And those are the changes.

President Borries: Any questions of Barbara? Thank you, ma'am.

Barbara Cunningham: You're welcome.

President Borries: I would like at this, this has been advertised twice, this is the final reading. This will change an Ordinance. May I have a motion to approve this Ordinance?

Commissioner Tuley: I move at this time that we amend Chapter 153 Zoning Code of Vanderburgh County Code of Ordinances as outlined.
Commissioner Mourdock: I'll second.

President Borries: Roll call vote.

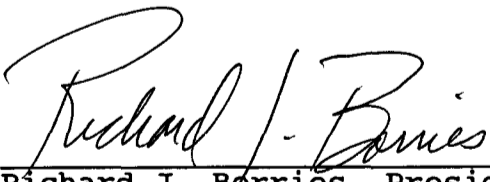
Commissioner Mourdock: Yes.


Commissioner Tuley: Yes.

President Borries: And I vote yes. Ordinance is approved.

President Borries: Meeting adjourned.

Meeting was adjourned at 7:44 p.m.


Richard J. Borries, President


Patrick Tuley, Vice President


Richard E. Mourdock, Member

REZONING AGENDA
April 17, 1995

I. First Reading

- A. VC-3-95 - 3076 Grove St.- Rick & Kelly Williams, C-4 to M-1.

II. Third Reading

- A. VC-23-94 - 7040 E. Lloyd Expressway - Regency Properties, Ag to C-4
- B. VC-1-95 - 16680 Highway 41 North - Gary Williams, Ag to C-4.
- C. Ordinance amending Chapter 153 - zoning code of Vanderburgh County.

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- C. Ordinance amending Chapter 153 - zoning code of Vanderburgh County.

**VANDERBURGH COUNTY REZONING MEETING
APRIL 17, 1995**

Please sign in below:

NAME	ADDRESS	AFFILIATION?
1. <i>Jim Faru</i>	<i>Suite 606 Hulman Bldg</i>	<i>BLA</i>
2. <i>Jim McKinney</i>	<i>Suite 120 101 N.W. First St. Evansville 47706</i>	<i>Regency</i>
3. <i>Ralph P. King</i>	<i>300 E Baseline Rd Grassville, Ia 47711</i>	
4. <i>Les Shurt</i>	<i>915 MAIN ST. BANDUNG, IN</i>	<i>SHURT & ASSOC.</i>
5.		
6.		
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24.		

95-08-163

RECEIPT

DATE: 04/18/95
REC# 00009842

TIME: 12:55:44
OPR: CAS

Betty J. Hermann
Recorder of Vanderburgh County
1 NW M. L. King Jr Blvd
Evansville, IN 47708

DESCRIPTION	TRN AMOUNT
RECORDS INDEXING	
TRANSACTION TOTAL	
CHECK	
CHANGE	0.00
HAVE A NICE DAY!	

(d) 153.097 Amount of Off-Street Parking is amended by the deletion of 153.097(A)(8)(i), and renumbering the remaining sections.

Section 2. This Ordinance shall be in full force and effect from and after its passage and execution by the Board of Commissioners of Vanderburgh County, Indiana.

PASSED by the Board of Commissioners of the County of

Vanderburgh, Indiana, on the 17th day of April, 1995, and on said day signed by the Board of Commissioners and attested by the Auditor of Vanderburgh County.

THE BOARD OF COMMISSIONERS OF THE COUNTY OF VANDERBURGH

Richard J. Borries Richard Borries, President

Patrick Tuley Patrick Tuley, Vice-President

Richard Mourdock Richard Mourdock, Member

ATTEST:

Suzanne M. Crouch
Suzanne Crouch, County Auditor

**AN ORDINANCE AMENDING CHAPTER 153
ZONING CODE OF THE VANDERBURGH COUNTY CODE OF ORDINANCES**

WHEREAS, Indiana law allows local governments to provide ordinances for the purpose of securing adequate light, air, convenience of access and safety from fire, flood and other dangers; lessening or avoiding congestion in the public ways; and promoting the public health, safety, comfort, morals, convenience and general public welfare; and

WHEREAS, on May 22, 1989, the Board of Commissioners of Vanderburgh, Indiana, passed an ordinance amending Chapter 153 (Zoning Code) of the Vanderburgh County Code of Ordinances; and

WHEREAS, the Area Plan Commission of Evansville-Vanderburgh County has recommended that certain changes be made to the Zoning Code;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA, AS FOLLOWS:

Section 1. The following Sections of Chapter 153 (Zoning Code) are amended to read as follows:

(a) 153.075 Use Group 8 is amended by the deletion of 153.075(G) and renumbering the remaining sections.

(b) Section 153.093(D)(1) Parking Areas Not in or Adjacent to Residential Districts - Paving is amended as follows:

(D) Paving.

(1) Parking areas and access drives shall be installed and maintained with a hard and sealed surface except in R-1, R-2, and Ag districts where any durable surface is permitted.

(c) Section 153.094(A) and 153.094(A)(1) Parking Areas in or Adjacent to Residential Districts - Limitations is amended as follows:

(A) Limitations in residential districts.

(1) SU #10 approval is required for parking lots located on a lot separate from the lot occupied by the principal use.

RECEIVED FOR RECORD

4/28/94 P. 18295

CTL * 0066

BETTY J. HERMAN, RECORDER
VANDERBURGH COUNTY

VANDERBURGH COUNTY
REC'D

MAR - 6 1995

Signature M. Crum



BOARD of
COMMISSIONERS
of the County of Vanderburgh

AGENDA REQUEST

NAME OF REQUESTOR: Requested per

REQUESTOR TITLE: Area PLAN

DEPARTMENT: _____

REQUEST(S) BEING MADE:

Ordinance Amending Chapter 153-Zoning Code

Permission to advertise for

1st reading 4/10/95

2nd and Final reading 4/17/95

approved

DATE TO BE PLACED ON AGENDA: 3/13/95

ACTION x CONSENT _____ OTHER _____

**AN ORDINANCE AMENDING CHAPTER 153
ZONING CODE OF THE VANDERBURGH COUNTY CODE OF ORDINANCES**

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**VANDERBURGH COUNTY
REC'D**

MAR - 6 1995

Suzanne M. Couch
AUDITOR

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PASSED by the Board of Commissioners of the County of

Vanderburgh, Indiana, on the ____ day of _____, 1995, and on said day signed by the Board of Commissioners and attested by the Auditor of Vanderburgh County.

THE BOARD OF COMMISSIONERS OF THE COUNTY OF VANDERBURGH

Richard Borries, President

Patrick Tuley, Vice-President

Richard Mourdock, Member

ATTEST:

Suzanne Crouch, County Auditor

**MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS**

APRIL 24, 1995

TABLE OF CONTENTS

Introductions & Pledge of Allegiance	1
Approval of Minutes	1
Action Items	1
Harris Howerton - Director of Community Corrections	4
Lynn Ellis - Purchasing	4
Richard Borries - Build Indiana Council	5
Cindy Mayo - Superintendent of County Buildings	5
Bill Morpew - County Highway/Garage	8
John Stoll - County Engineer	11
Alan Kissinger - County Attorney	12
Consent Items	13
Old Business	13
New Business	13
Adjournment	14

The Vanderburgh County Board of Commissioners met in session at 5:35 p.m. on Monday, April 24, 1995, in the Commissioners Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Good evening, everyone. I'd like to call the meeting of the Vanderburgh County Commission to order this evening. This is April 24, 1995. This is our weekly meeting. We do have an agenda for your information that should be available near the door and there will be a Drainage Board, which will meet immediately following this meeting. At this time, I will introduce our staff

Mrs. Cindy Mayo, Superintendent of County Buildings
County Attorney, Alan Kissinger
County Commissioner Pat Tuley
County Commissioner Rick Borries
County Commissioner Richard Mourdock
County Auditor Suzanne Crouch
Official Recording Secretary Teri Lukeman

Would you join us please for the Pledge of Allegiance?

RE: ACTION ITEMS

President Borries: I have minutes from our Board Meeting of April 10, 1995 for your signature, and also minutes from the April 17 meeting, our regular meeting, and then the meeting that follows as a part of that, the Rezoning Meeting of April 17. If you've had the opportunity to review, may I have a motion to sign these?

Commissioner Mourdock: I'll move that the minutes from the April 10, April 17 and Rezoning Meeting of April 17 be approved.

Commissioner Tuley: I will second.

President Borries: So ordered.

President Borries: Are there any persons wishing to address this Board this evening who do not find their, his or her, item on the agenda? Any persons who wish to speak here at this time? Okay. Is Kelly Keller of 2801 Allens Lane here regarding a drainage problem? Ms. Keller, would you...Okay, Jim Keller can do it. Mr. Keller if you'd just put your name in the record, please, and we are recording this, so if you would, also give your address please.

James Keller: My name is James P. Keller, 2801 Allens Lane, Evansville, Indiana.

President Borries: Okay. Thank you. Okay, sir. Would you want to talk with us regarding the nature of the problem here?

James Keller: Yes, it's really pretty simple. There's a piece of farm ground located across from my home on Allens Lane and there is, or at one time was, a drainage ditch through that farm ground, carrying away the drainage water along the sides of Allens Lane and it no longer functions very well. There are trees growing in it and it has had no maintenance in several years. I am just trying to find out what course of action I need to take to get the ditch cleaned. Maybe I need to attend the next meeting, I don't know.

President Borries: I could probably tell you that I don't know who owns the property of the farmer across from where you are. But, based on the experience that I have had, we do not have, let me tell you a little about legal drains here. Legal drains are defined that way because people have declared them some kind of a ditch or a waterway through a petition to the Drainage Board, and a fund has been established in order to collect fees, which at that point basically pays for the maintenance of that drain. To the best of my knowledge, and I've had this happen a lot, there are no legal drains west of Pigeon Creek. You are probably west of Pigeon Creek. So the person who owns the ground, who has changed the

ground and who may be responsible here for the change of the water, is probably the person that you're going to have to work directly with from that standpoint. Do you know who that person might be?

James Keller: No, I assume that I can find it through the tax records here downtown.

President Borries: Okay. If they have changed it, probably that person is directly responsible. It's their property and you will have to directly contact them. Now if it gets on county right-of-way, if it has anything to do with Allens Lane, then our highway folks, who do a very fine job fighting water in a lot of different areas, we can help you in the county right-of-way, but we can't help you, probably, on that farmer's field, unless it's a legal drain. But again, to the best of my knowledge, if it's a creek, we'd have to define what it is. I know we get a lot of concerns by several people along a creek on the west side known as Carpenter Creek. But it is not a legal drain. Apparently, there were some folks, and frankly, I call them some tight old Dutchmen, but whoever they were, there were some legal drains, but for whatever reason, they just quit collecting money. As a result, several of those drains on the west side have fallen into disrepair, some of them are full of trash, but ultimately, it becomes the responsibility of the property owners to handle that.

James Keller: Okay, so unless it is causing drainage problems with the county road, then it would be a property owner's problem. I appreciate your time.

President Borries: Not at all.

James Keller: It tells me where I need to go next.

President Borries: It may involve, and again, it's farm property, there's probably no recorded subdivision plot, so unfortunately, it's between you and him in that sense.

James Keller: Thank you very much. I appreciate your time.

President Borries: Bill, oh wait a minute, Bill Morpew, you might want to hear his comments, he's our County Highway Superintendent.

Bill Morpew: We've had quite a bit of problems with that ditch line out there. We're going to ditch Allens Lane parallel to the road. I had that work order a couple of weeks ago. I've had it located and it's ready to be ditched now. Right there where the bridge is, about two years ago, we cut away quite a bit of trees and there was a lot of riff raft in the channel we had to move, but it is blocking the flow of water.

President Borries: But it is along our right-of-way?

Bill Morpew: That part of it. Correct. The rest of it that does cut through the fields, needs a lot of maintenance. There's a lot of big trees in there and there's a lot of concrete and everything else dumped in there.

President Borries: Would you have any idea who, and you don't have to put this in the record because it would be speculation, but if you could, help Mr. Keller with locating who might own that property.

Bill Morpew: I don't know who owns that property. I could find out.

Commissioner Tuley: But, by you doing that part along our right-of-way, would that help him with his problem? That's not going to help.

Bill Morpew: Maybe some, but not much.

James Keller: Inaudible.

Bill Morpew: All I can do is just clean the ditches along Allens Lane.

President Borries: It's a slow process and frankly, it doesn't happen very often, but if you can find out who the person is, the owners of this property, or if it's something that even goes across his property, if there's a willingness for them to get together to petition this board, the Drainage Board, we can accept for maintenance, and it's not a big fee, but it has to be done that way. Essentially, a fund is set up, and we have several of them on the northern part of the county. We have one large one called Eagle Slew on the southern part, there are some on the east side and they are all regularly maintained. What happens is, money is put into there through the tax collection and then, basically, we just administer that tax money and do regular maintenance on it. So, there is a procedure to do it, but for whatever reason, it just hasn't been done on the west side for some time. I'm sorry.

James Keller: That's all right. Thank you for the information.

President Borries: Thanks. I appreciate you coming in. Is Paul Griffin here for 52 Herndon Drive? That may be a city address, but it had to do with a claim or something that he had in relation from a county highway. Mr. Morpew, you're probably just going to have to stand up here for a while.

Bill Morpew: I knew I didn't want to come down here tonight.

Commissioner Mourdock: You got all of these calls last week.

President Borries: Then it rained three inches, I knew what was going to happen. I don't know if I ever told this story. I tell it a lot, about the guy that, when we had a hard rain, he called me at 3 o'clock in the morning. Did I ever tell you that one?

Commissioner Tuley: No.

President Borries: I can't put a lot of it on tape but, what he said was, and I was sound asleep, and this guy said, "I told you blankety-blanks about this drainage problem and now my whole basement is full of water and I'm up sweeping it out, and by God, you ought to be up, too!" And then, he hung up. And to this day, I've never known who it was. I don't know how we could help him, or whatever, I don't know if he's still floating down in his basement, but you know, anytime you get a hard rain, I can tell you you're going to get some calls.

Bill Morpew: Mr. Griffin had given me a call from Cindy Mayo's office several weeks ago, a couple of weeks ago, actually. He said he blew his tire out on Fifth Avenue Bridge on Valentine's Day. The tire that he showed me, he had driven on for several miles; both side walls were ate out of it and he had went and bought two new tires for the rear of his van. I did look at the two new tires. We had some damage on the Fifth Avenue Bridge, but I believe it was on the 19th of February that we were informed that there was even a hole out there. So evidently, he had blown his tire a week before we even knew there was a hole there. I had contact with Dennis Feldhaus, our insurance company. I gave him the gentleman's name, address and phone number. I gave him the information concerning his tire and Mr. Feldhaus said we probably won't pay it, but I will get in contact with him. I informed Mr. Griffin of that just a few minutes ago, and he left.

Commissioner Mourdock: He was here?

Bill Morphew: He was here and he left.

Commissioner Mourdock: Okay, so apparently Mr. Feldhaus hadn't called him yet?

Bill Morphew: No. Cindy Mayo told me Mr. Feldhaus left town Friday morning, so he just hadn't got to it.

President Borries: Okay, so to recap then, at this point based on what the condition of the tire that you saw, and because this occurred some five days before you were officially notified of this hole, at this point, you don't feel that the county is going to honor the claim?

Bill Morphew: According to Mr. Feldhaus, that is correct.

President Borries: Okay. Any questions of Bill on that?

Commissioner Mourdock: No.

President Borries: Thank you, Bill.

RE: HARRIS HOWERTON - DIRECTOR OF COMMUNITY CORRECTIONS

President Borries: Harris Howerton has submitted an ordinance that I believe we have considered before, tonight would be the final and third reading on this. We will officially enter it into the records. There are two copies to sign. Essentially, what this does is, request the money from the Indiana Department of Corrections regarding Community Corrections Grant. These monies, obviously, go for the funding for the Community Corrections Facility here in Vanderburgh County. I don't think really we would have to add much more than this. It is a formality that we have to at this point, concern with the Sheriff of Vanderburgh County also receives Community Corrections money. He will also submit an ordinance asking for funding for his portion of the Community Corrections Fund. May I have a motion to approve this ordinance?

Commissioner Mourdock: Mr. President, pursuant to Indiana Code 11-12 and Chapter 6 which would establish a County Corrections Fund, I move acceptance for the Vanderburgh County passage of that fund.

Commissioner Tuley: Second.

President Borries: Okay, this is an ordinance, I will call for a roll call vote.

Commissioner Mourdock: Yes.

Commissioner Tuley: Yes.

President Borries: I vote yes. The ordinance is approved.

RE: LYNN ELLIS - PURCHASING

President Borries: I don't see Lynn Ellis here.

Cindy Mayo: Lynn called and said that she would not be able to make the meeting but it is just simply an opening of the bids for the concession. She didn't feel any action would be taken tonight, so she did just want the Attorney to open them and then she'll get them tomorrow.

President Borries: Okay. May I have a motion to authorize our County Attorney to open the bids for the bid number known as APA035-95? This will be for food and beverage concessions for Burdette Park and Ms. Ellis has indicated, no doubt because of the extensive nature of this, it probably will be taken under advisement until our next meeting.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

RE: RICHARD BORRIES

President Borries: I have a resolution that was forwarded here, faxed here from the Build Indiana Council and what it does is, I think we can still fax it back. I had hesitated on this and wrote Cindy Spear-Duncan, our secretary, a note to see if it was too late to do anything on this. Basically, it says that whereas, and we would fill in, continually finds that additional funding is needed to repair, maintain and construct roads, bridges and streets, and whereas all communities all around the state are facing similar funding shortfalls, be it resolved that we would officially notify members of the Indiana Senate that their proposal to increase funding for local government road and street construction falls far short of the need and that our county would respectfully ask the Indiana Senate to increase the funding proposal to at least that which the House of Representatives adopted or an additional \$200,000,000 over the next biennium. What this does is, make the amount uniform and it will still not be probably what's needed, but again, we would get some increased distribution from this and obviously, our road needs are ongoing. We did call, this is in conference committee, so they are still considering the bill and if you feel that we would want to adopt this resolution and type in Vanderburgh County, we could fax it to the Indiana House or actually, I'll be up in Indianapolis, I suppose I could take it up. That might be another way of doing it, if you feel we want to do this.

Commissioner Tuley: It's a way to get more money down there for roads.

Commissioner Mourdock: It may be one of those academic exercises, but hopefully, it would help make a point, because our road situation is not going to get any better given the current funding scenario.

Commissioner Tuley: I take that to be a motion for adoption of the resolution?

Commissioner Mourdock: I'll make that motion more formal, if you want.

Commissioner Tuley: I'll second.

President Borries: I will say so ordered. So at this point, if we could get, why don't we just fax this up if we could get a fax number tomorrow for the Indiana State Senate?

Commissioner Tuley: It would be better than taking a chance on you getting a chance to get by there.

President Borries: Right. I think we'll sign it at this point and we've done so.

CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

President Borries: Cindy Mayo, the Superintendent of County Buildings, Pool Maintenance, this has to do with Burdette Park.

Cindy Mayo: The only reason that I'm speaking on this is, I did ask Mr. Tuley, he was going to present this week before last and I did ask him to first check and see if this was an increase from prior years. There is a \$300 increase on this and the reason is because of the bumper boats that are going out there. Mr. Austill

is going to be involved in the installation of that and also with the maintenance, so he did add \$300 for that reason. Other than that, there is no change.

Commissioner Mourdock: Cindy, do you know why, and when I saw this in the packet on Sunday reading through it kind of jumped out at me, a couple of questions. First of all, is this something we bid, and if we did, why is it not coming to us through Lynn Ellis and I guess I would ask, maybe Suzanne, if we had anything on contract with this?

Cindy Mayo: From what I understand, Mr. Austill is retired. He's the only one in the area that does this. I think the other, the closest place was Indianapolis at a much higher amount. Now that probably was a couple of years ago, but in checking, Mr. Austill is much, much cheaper. He comes immediately when the pool needs him and they've been very happy with their agreement with him.

Alan Kissinger: Also, Mr. Austill owns real estate which directly abuts Burdette Park and the county leases some of the real estate from him and, I think his location there makes it a very convenient arrangement for him to be there on almost a moments notice. It is below the contract amount required to be bid.

President Borries: The other thing about him, he has been doing this pool maintenance since he was, literally, the pool manager out there and that's long before, he is almost retired. I think he's been doing this, Commissioner, for maybe 30 years. He may be one of the few people who has such unique knowledge to some of the old pumps in that system that frankly, I'm not sure we could replace him for 3 or 4 times the cost of what he's able to do. Why he does do this has something to do maybe, because of his long-standing relationship with Burdette Park. He, basically, goes in and does a lot of maintenance at the beginning of the year and checks and does the pipes. He showed me this one time many years ago. But anyway, it's kind of a service that he's been doing for a long time, and longer than I know I've been around. And again, how he got into it, I'm really not sure other than I think they got into some problems when he was the pool manager and he started working on it, and he's done it ever since then. So, it's a pretty cost effective thing, I would say that.

Commissioner Mourdock: With that sense of history then having been duly conveyed, do we have any indication of what his insurance coverage is, especially with an old system like that? I picture corroded pipes and the nightmare scenario. I'm sorry, I'm just a cautious guy, I guess. I would hate to see us and, again, I wouldn't know Mr. Austill if he came through the door at this moment, if he does a good job, it is below the bid amount as Mr. Kissinger said, but just give me that much assurance, or do we know? Does he have any kind of coverage if something did go wrong?

President Borries: I don't know.

Cindy Mayo: I don't know the answer to that.

President Borries: I really don't.

Commissioner Mourdock: Maybe I can make the suggestion that, if we take this under advisement so we can find the answer, and again, there may be good historical reasons to do that. I just know what the cost of something like that could be, if there was a problem and I don't think any of us want to be embarrassed with that.

President Borries: To tell you the truth, I'm not sure if we've had a contract with him on a year-to-year basis like this, or not. I know he's been doing this so long. As I say, I'd be happy to move, we do need to do some checking on it because I really don't know if we've had a contract with him and what his insurance

liability has been in the past. I know that, as I say, as part of the maintenance, I'm sure we've had some kind of a maintenance agreement with him.

Commissioner Mourdock: And it may be, the nature of his work has very, very little risk to it. And if that's the case, you know, I'd accept that, but I feel it's a prudent question at this point.

President Borries: Okay, Cindy...

Cindy Mayo: I'll call tomorrow.

President Borries: Can I pass this to you, and if you'll make a note to that effect? Alan, should we come back to you since you're busy?

Alan Kissinger: Yes.

President Borries: Cindy Mayo, do you have other items at this point?

Cindy Mayo: Yes, I would like to ask your permission to advertise for the sale of the 1994 surplus properties to non-profit or charitable organizations. I did find the heading that was used last time and I would, since we're going to have the '93 properties for a little while longer, I would at least like to get rid of the '94 properties. The procedure has been followed, there should be no problem for this going through, and I'm getting a lot of requests.

President Borries: Okay, may I have a motion to that effect?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Cindy Mayo: And, I just would like for you to tell me for the record that we cannot do anything with the '93 properties. I have a request from the Enterprise Zone that they would like to have 3 pieces of property and it is from the '93 list. I've explained the problem that we're having and that Mr. Rounder is working with the judge on this, and I just would like for you to tell me for the record that we cannot do anything with the '93 properties so that I can tell these people when they call.

Alan Kissinger: I can tell her that, for the record.

Cindy Mayo: I did talk to Mr. Rounder this past week and, I believe that there are going to have to be some notices sent out on these properties. I have about 35 people that I've put on a list that want to know when the sale is going to be made to the public. I did send a letter out to these people and let them know that it is going to be delayed for a few months yet.

Commissioner Mourdock: I'll do it real formally. I'll move that we act to have the Superintendent of County Buildings hold the '93 properties until further directed by this Board.

Commissioner Tuley: I will second.

President Borries: So ordered.

Cindy Mayo: Thank you. That's all I have.

Commissioner Mourdock: And Alan Kissinger breathes a sigh of relief!

Alan Kissinger: Yes.

President Borries: Thank you, Cindy.

RE: BILL MORPHEW - COUNTY GARAGE

President Borries: Milton Hayden, Assistant Superintendent is here. Let the record show that the Highway Department has submitted a report for the days of Friday, April 14, which was a holiday, through Thursday, April 20, which indicates work done throughout the county, and there's also a Bridge Crew Report that accompanies the Highway Report submitted for the record. Any questions of Bill or Milton at this time?

Commissioner Tuley: Was it last week that we had a question about a tree?

Milton Hayden: Yes.

Commissioner Tuley: Did we get somewhat of a professional contractor to take that down, or something?

Milton Hayden: It will be done in the morning.

Commissioner Tuley: Oh, it will be done in the morning?

Milton Hayden: Yes.

Commissioner Tuley: Good.

Bill Morphey: We've got to get additional quotes. We have five different companies we have quotes from.

President Borries: I think I mentioned this earlier. This past week, the County has had extensive rainfall. I think over 3 inches on Wednesday night and Thursday night, and I don't know what we got again yesterday, but I know we've had a lot. I've asked, and had conversations with Mr. Morphey last week, and I found it very helpful, maybe the other Commissioners might want this at some point, a list of roads closed that went through April 29, due to flooding and high water in certain areas. Maybe you may have that now in your packet: Old Princeton, Browning, these are parts, of course, of these parts, Wallenmeyer, Woods Road, S. Weinbach not closed but using some high water signs, Old Owensville Road, Lower Mt. Vernon Road, Pollack and Lenn Road, and Pruitt Road. And then of course, they also had documented that we did have an accident which we saw in the newspaper I think, on the following day, where there was a large culvert that washed out. Would you guys want to give the status at all of any of these roads, or are they still on that list, or the status of the culvert at that point, which is obviously an emergency?

Bill Morphey: The water is now down. Milton and I were both there all night Thursday. The bridge, it was a box culvert on Browning Road that collapsed, was between Boonville-New Harmony and Schlensker. That water was rushing through there faster than I've ever seen it. It was probably 6 feet higher than normal pool. That water was moving very fast and it was muddy as it was coming through, so it was washing a subdivision somewhere before it ever got to that box culvert. There was a tree as the deck was falling, there was a car that hit the deck. They lost control of the car, slammed into a tree. There was another car right behind that one, and as the deck fell the rest of the way into the creek, the car went into it and hit the deck. Then there was a good friend of mine right behind them. Fortunately, they got stopped.

President Borries: We have pictures submitted by our County Engineer, John Stoll. Were there any physical injuries that we're aware of at this point?

Milton Hayden: There were two that were taken to the hospital,

we've never gotten any information.

Commissioner Mourdock: It looks like L.A. after a quake.

President Borries: What is our status now on this culvert?

Bill Morpew: John Stoll is...

President Borries: John will give us a report on that?

Bill Morpew: Yes, he will. He has some prices worked up as far as removal of the existing structure, and I believe John is doing the design work inhouse for the replacement.

President Borries: Good.

Milton Hayden: Inaudible.

President Borries: That's the worst situation from these rains?

Bill Morpew: Yes sir. The others are minor flooding. We had to clean quite a bit of corn stalk and debris off of the roads. Generally, Baseline Road from county line to county line, the roads coming off of it flood, especially in the northwestern section.

President Borries: It's interesting, and they don't as much on a heavy rain like this down in Union Township, do they?

Bill Morpew: No.

President Borries: The river gets us down there, but the heavy flash rains like this, or heavy rains, we get it usually in the northern part of the county.

Milton Hayden: There's some that we get in Union County.

President Borries: Hmm, that's interesting.

Bill Morpew: We have a tree that we have contracted to Hollerbach Tree Service to remove at 521 Gum.

Milton Hayden: Garvin. It's on the corner of Gum and Garvin.

Bill Morpew: Garvin, okay. He had topped the tree up, but he hasn't taken the rest of it down yet. This has been 6 weeks ago and evidently, he is very busy. We can't get him to return our calls.

Commissioner Mourdock: What was the address on that? 521 Gum? Oh, okay.

Commissioner Tuley: Is it still a threat?

Milton Hayden: Yes, it is a threat. It's dangerous.

Bill Morpew: It is a threat. It's ready to fall on a house.

Milton Hayden: The people there keep calling about it, there's nothing we can do.

Bill Morpew: We don't have the equipment other than just chain saws to take a large tree down. We don't have a bucket truck or a ladder truck or anything like that.

Commissioner Tuley: What does the City do? They took a huge one down by my house. Do they contract, do you know?

Bill Morpew: They contract some out. They used to have a bucket truck, but I think they've sold that. I don't know if they were

going to replace it or, I don't know. Might be a good business to get into.

President Borries: Yes. So, you need...

Bill Morpew: I just need to, well I really don't know. I'm going to, and he's never actually billed us for this either, so I really don't understand Mr. Hollerbach. I need to get this tree down.

Cindy Mayo: The gentleman that lives by there was going to appear at the meeting tonight, and was not able to speak on this. He's called the office a few times and he's talked with Mr. Hayden a few times. He just would like to have something done. We need to have something done.

President Borries: Sure. Do we have a contract with Mr. Hollerbach?

Bill Morpew: Not really a contract. No, it's really just an agreement.

President Borries: Have some of the services been already performed? I mean, we can verify what he has done?

Bill Morpew: Yes sir. He has topped the tree out.

President Borries: Is there anybody else that can perform this service? I know he is very busy, he really is. This guy has a big, big business.

Bill Morpew: I know he is. I could probably contact someone else. The other tree contractor's don't really want to fall into another man's job and finish it up. I may be able to get someone to do it.

Commissioner Tuley: Why don't we call in and leave that message for him, that we have no choice. If he's too busy to take it the rest of the way down, we've got to get it down before it falls and hurts someone.

President Borries: If you could, I mean, we definitely want to give him that courtesy of informing him that it has to come out. Right now.

Bill Morpew: He's always done real good work for us.

President Borries: Yes, he is good.

Bill Morpew: I know they are all very busy. Milton had called several other tree contractors and they told him it would be as much as a 7 to 8 week waiting period. So evidently there's a lot of problems out there.

Milton Hayden: We also have another tree that (inaudible) out to look at, at 408 Evans. It's a huge tree; it's a dead tree. It's on our lot on the county line. But the concrete in front of the house is completely torn up and it's going to cause an accident if we don't take the tree down and straighten the concrete up. This is an emergency. We need to do this, because part of the tree is going to fall on the other guy's house.

Commissioner Tuley: Is there a power line in the way?

Milton Hayden: They got one line but Sigeco's already agreed to take it down while we take the tree down. We're going to do that job Thursday.

Commissioner Tuley: Oh, so you've already made arrangements to get that one done?

Milton Hayden: We've made arrangements to do it, so...

President Borries: With another contractor?

Milton Hayden: Yes, another contractor.

President Borries: Could you see if this guy could move it up?

Milton Hayden: I'll talk to him, but he's a little leery about doing this other one, but I will try to find out. I could talk to him and see if he could do it.

President Borries: Okay. Keep us informed. I think we have to...

Commissioner Mourdock: One other question I have just on the report, here on the 18th, you noted the work on the remediation at the garage. I would just like to ask, how is that coming?

Bill Morpew: It's coming along real well. We dug the third hole today and filled it back in. Mr. Cliff Rice from IDEM was supposed to be at the garage, and he was supposed to have been there today, but he couldn't make it. He'll be there tomorrow morning. It's going real well. We have three large areas completed now.

Commissioner Mourdock: So you're digging soil and then backfilling it with other soil? Bringing material in like filling it with sand or something?

Bill Morpew: Yes. Throughout last fall and through the winter, wherever we ditched, we've stored that dirt at the garage that we've hauled into there and then we use that.

President Borries: Thank you, gentlemen. Let's hope we have a drier week.

Milton Hayden: So do I.

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: Like Bill said, we got some price quotes on removal of the existing structure out there at Browning. We just opened the creek back up. We got quotes back from CCC, Phoenix, Southwest, John Mayans, Deig Brothers, Koester and J. H. Rudolph. CCC gave us the low quote of \$8,992.69 for the removal of the structure out there. We'd like to go ahead and at least remove the existing, while we're in the process of evaluating what new structure to put in. As it stands right now, we've contacted American Timber Bridge to see what their price would be on a timber structure. We're also looking at the possibility of putting another single span concrete structure in or a three span concrete structure or a precast concrete box. But, we don't have all the prices on everything as of yet. So really, we don't have a clear idea of which one to go with at this point.

President Borries: Okay, did you say, or are you going to do the design inhouse on that?

John Stoll: It's possible, yes. The single span would be a little different than most of our other bridges we've done because the abutments are so tall, they're about 15 feet tall, so that's quite a bit higher than most of the ones we've done inhouse. But, if the flow numbers show that a three span might be better, and given the cost of the reinforced concrete, it might be a little steep, we might be able to get a three span in for about the same price. Well, in the same neighborhood as the single span as far as concrete goes, and American Timber Bridge is supposed to get back with me in the next couple of days concerning the timber structure.

Commissioner Mourdock: How long a span?

John Stoll: The span that was out there, we don't know exactly what the clear opening was. It was somewhere around 19 feet, the beams were 22 feet, and it looks as if it might need to be a little wider than what it was.

President Borries: Okay, may I have a motion then based on his recommendation?

Commissioner Tuley: I move at this time, then, that the contract be awarded to CCC of Evansville as the low bidder.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

John Stoll: I should have some more information on that by next week and if I get anything sooner, I'll get in touch with each of you and let you know what we find out.

Commissioner Mourdock: Do you have any idea, John, what the preliminary estimate would be, and maybe you don't want to put that on the record, too, I don't know, since this isn't...

John Stoll: I've got one price quote, that's all. I can show that to you, if I've got it with me. It was based on a time and materials quote and, at this point, I don't think we should get in on that kind of contract right now.

Commissioner Mourdock: On second thought, just to avoid any possible kind of a conflict, I don't want to see it. We don't do that kind of work, but just to be sure.

John Stoll: The only other item I have is, if you recall several months ago, there was a gentleman here complaining about the signal timing at the St. Joe and Mill intersection about it turning to flashing mode too early in the evening. We've got the results of the study back from EUTS and we're going to switch that to flashing mode from 10 p.m. to 5 a.m. instead of the 6 p.m. to 6 a.m. that it currently flashes. So that work order has been sent and that should happen in the near future.

President Borries: Okay. Good.

John Stoll: That's all I have at this time.

President Borries: Any other questions of John? Okay. Back to Alan Kissinger. Thank you John.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: All right. Bid recap on the Burdette Park Food and Beverage Bid, Bid #035-95. All of the bids were unit cost bids and the bidders were: Diamond Foods, Inc., System Food Services Company, Landshire Foods, Allied Popcorn & Concession Supply, Colonial Baking Company, Sure-Fine Foods, Working Distributors, Inc., Farm Boy Food Service, Weber Distributing Company and Shroeder's Wholesale, Inc. As I said, these are all unit cost bids. Some bidders bid all the categories. Some bid only some of the categories. I assume that these will be taken under advisement.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Alan Kissinger: I also have a bid here from Jim Straub mower service, but it's a different number so I'm assuming that may be

for the next meeting. That's all I have to report.

President Borries: Thank you. We have consent items for your review.

RE: CONSENT ITEMS

Commissioner Tuley: I move that the consent items be approved as submitted.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

RE: OLD BUSINESS

President Borries: Old business at this time?

Commissioner Tuley: I don't have any.

Commissioner Mourdock: I don't believe I have any.

RE: NEW BUSINESS

President Borries: Any new business at this time?

Commissioner Mourdock: One brief item I will bring to the Commissioner's attention. On Friday, I attended a meeting in Indianapolis which was somewhat of a joint meeting between the Mayor, part of his staff, the Chamber of Commerce, Bob Quick was present and IDEM regarding the nonattainment status of Evansville-Vanderburgh County as far as the Clean Air Act. You may recall that about a year ago, in July, there were a number of cities in Indiana that were designated to have reached clean air attainment. Evansville was one of those and then shortly thereafter, there were some petitions submitted that raised the questions whether, or not, that was valid based on one particular clear air monitor sensor in Warrick County, which of course, is receiving air as it's moving across Vanderburgh County from west to east. The long and short of the meeting was that IDEM believes that the situation with that monitor is such that data from the rest of the monitors is more valid than that monitor and IDEM is going to act aggressively to help us in our case of convincing the EPA that we have, in fact, reached attainment status. In other words, we've reached the clean air status required by the Clean Air Act. So, that's still going to be a long process to work through. They will be reporting back as things come together to the Mayor and, obviously, to this Board as well. But, at least at this point, it looks somewhat encouraging.

President Borries: Good. That's some good news.

Commissioner Mourdock: Yes, it is good news. If we were at the nonattainment level, and part of the case we need to make to the EPA since we're somewhat on a border line there, is simply that if we should cross over into the nonattainment area again, that we have, with some forethought, put together a series of voluntary steps that we can take a community to get us to clean air. Voluntary is one of those funny words at times. It's something we're going to have to do, it's just we're going to have to decide how we're going to do it. So, EUTS, EPA, the Mayor, Chamber, we're going to be talking about how we might start to formulate what those steps could be.

President Borries: Thank you. I don't believe I have any other new business at this time. I notice that you had a letter from CSX where they're going to invite folks to, that could be an interesting day. On May 16, we have been invited by CSX to ride all or part of a day, a train ride, from the Howell yards through

Vincennes and Terre Haute and, actually, Danville, Indiana, looking at how folks drive across railroad crossings. It's all part of their safety program as well, so that should be a pretty interesting day.

Commissioner Tuley: You're going to be able to go, you say?

President Borries: Yes.

Commissioner Tuley: Good.

President Borries: Are you going to go?

Commissioner Tuley: No, I won't be able to.

President Borries: Are you going to go?

Commissioner Mourdock: I'm hoping. I need to check my schedule.

President Borries: I will give you more information next week on the INDOT Commissioner, Stan Smith, who will be coming to Vanderburgh County and we will want to involve you all through his time here. That will be coming in on May 4 & 5, and so we're trying to communicate with INDOT to get his schedule worked out while he's here in town. Are there other matters this evening, any business? We do have a Drainage Board if we can find Mr. Jeffers. We'll have to go out and get him. Uh sir, are you here for the Drainage Board this evening?

Unidentified: Yes.

President Borries: Okay. That is going to follow immediately. We'll have a few things to sign and we're going to adjourn here if there's no further business at this time. Any other business? Motion?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered. We're adjourned.

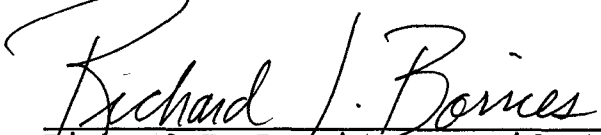
Meeting was adjourned at 6:24 p.m.


THOSE IN ATTENDANCE

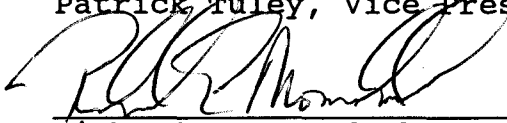
Richard J. Borries
Richard E. Mourdock
Cindy Mayo
Teri Lukeman
Milton Hayden
Members of the Media

Patrick Tuley
Suzanne Crouch
Alan Kissinger
Bill Morphew
John Stoll

VANDERBURGH COUNTY BOARD OF COMMISSIONERS


Richard J. Borries, President


Patrick Tuley, Vice President


Richard E. Mourdock, Member

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME HANSON TESTING # 022

On Account of Appropriation for 203-4347 County Line Rd East #320

Invoice No.	Itemized Claim	Amount	
124767	Soils Investigation 3/25/95		
	County Line Rd East - 1st		
	Bridge North of Millersburg	1000	00
		1000	00

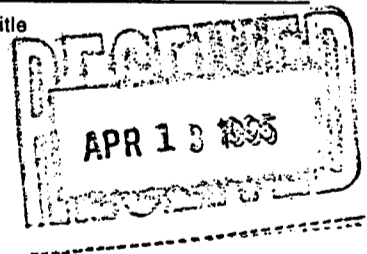
Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

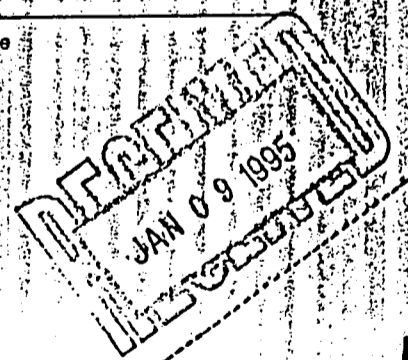
I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Elizabeth Hanson
Name

Treasurer
Title

Date 4/11, 19 95





INVOICE

HANSON TESTING & ENGINEERING, INC.

2731 EASTSIDE PARK DRIVE
EVANSVILLE, INDIANA 47715
TELEPHONE (812) 477-8981

SAMUEL C. HANSON, P.E.
PRESIDENT

MEMBER
N.S.P.E. AND A.W.S.

KENT L. LAUTNER, P.E.
VICE PRESIDENT

EDWIN C. NEUMANN
CHIEF LAB TECHNICIAN

CONCRETE
SOILS
STEEL

January 1, 1995

VANDERBURGH COUNTY ENGINEERING DEPARTMENT
Old Courthouse, Suite 307
201 Northwest Fourth Street
Evansville, In 47708

Project: Vanderburgh County Bridge #1940 (Shissler Road)	
Report No. 123939 December 3, 1994 SOIL BORINGS	\$ 1000.00
Project: Bridge #202 Baseline Road	
Report No. 124057 December 19, 1994 SOIL BORINGS	1000.00
Project: Box Culvert Baseline Road	
Report No. 124058 December 19, 1994 SOIL BORINGS	350.00
TOTAL	\$ 2350.00

RECEIVED
JAN 6 1995

1-3-95-0
V.P.H.

BERNARDIN · LOCHMUELLER & ASSOCIATES, INC.

PLANNERS · ENGINEERS · SURVEYORS

20-24 N. W. FOURTH ST., SUITE 606

EVANSVILLE, IN 47708

TEL. (812) 426-1737

FAX (812) 426-7369

April 7, 1995

Vanderburgh County Commissioners
Room 305 - Civic Center Complex
Evansville, Indiana 47708

I N V O I C E

Project: Ohio Street Bridge No. 3C Relocation
INDOT Project No.: STP-BRM-480()
INDOT Des. No.: 9286960
Invoice No.: 94-026-5(7)
Period: 01-Jan-95 to 31-Mar-95
Work Description: Right-of-Way Services

BREAKDOWN OF SERVICES (See Enclosed Status Reports)

WORK PERFORMED THIS PERIOD UNITS / AMOUNT

Right-of-Way Management & Supervision:				
\$2,419.00 x 96.4% Complete =	\$2,331.92	11.0%	\$266.09	
Appraisal Fees: 2 parcels =	5,940.00	0	0.00	
Review Appraisal Fees: 2 parcels =	2,674.00	0	0.00	
Buyer's Fees: 0 parcels =	0.00	0	0.00	
Relocation Assistance: 0 parcels =	0.00	0	0.00	
Property Management: 0 parcels =	0.00	0	0.00	
SUBTOTAL	\$10,945.92		\$266.09	
Less Amount Previously Billed	(10,679.83)			
TOTAL AMOUNT DUE THIS INVOICE	\$266.09			

APR 12 1995

STATUS REPORT

RIGHT-OF-WAY MANAGEMENT & SUPERVISION

Ohio Street Bridge No. 3C Relocation
Vanderburgh County Commissioners

Proj No: STP-BRM-480()
Date: April 7, 1995

ITEM	ITEM VALUE PERCENT	STATUS LAST REP	REPORT THIS REP	PERCENT COMPLETE
Project Review & Scoping	6.0	100%	100%	6.0%
Scoping Meetings & Coordination w/ INDOT	2.0	85%	95%	1.9%
Conferences with Appraisers & Buyer	3.5	85%	95%	3.3%
Correspondence, Phone Calls, Typing, etc	13.5	85%	95%	12.8%
PROJECT MANAGEMENT	25.0			
Parcel Reviews	4.0	100%	100%	4.0%
Transmit Parcel Info to Appraisers	4.0	100%	100%	4.0%
Coordinate Appraising Activities	4.0	100%	100%	4.0%
Check Appraisal Forms & Get LPA Approval	4.5	100%	100%	4.5%
Transmit Appraisal Info to Buyer	3.0	100%	100%	3.0%
Coordinate Buying Activities	16.0	75%	95%	15.2%
Check Buyer's Reports & Final Deeds	6.5	75%	95%	6.2%
Arrange Final Payments to Property Owner	7.0	75%	95%	6.7%
Transmit Final Documents to INDOT	7.0	75%	95%	6.7%
WORK SUPERVISION	81.0			
Revise Construction & R/W Plans	6.0	85%	95%	5.7%
Revise Legal Descriptions & Plats	6.0	85%	95%	5.7%
Restake Right-of-Way Takes	7.0	85%	95%	6.7%
TECHNICAL REVISIONS	100.0			
R/W MGMT & SUPERVISION COMPLETE	100.0	85.4%		96.4%

STATUS REPORT

RIGHT-OF-WAY PARCEL LISTING

Ohio Street Bridge No. 3C Relocation
Vanderburgh County Commissioners

Proj No: STP-BRM-480()
Date: April 7, 1995

PARCEL NUMBER	PROPERTY OWNER	APPRAISAL TYPE	APPRAISALS	REVIEW APPRAISALS	BUYING	RELOCATION ASSISTANCE	PROPERTY MANAGEMENT
1	Mulzer Crushed Stone, Inc. an Indiana Corp.	Short Form	\$990	\$446		-	-
2	Evansville Materials, Inc. an Indiana Corp.	Long Form	4,950	2,228		-	-
TOTAL			\$5,940	\$2,674	\$0	\$0	\$0

NOTE: * Denotes work performed this period.

Date _____

HANSEN TESTING

Vendor No. 022

\$100.00

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name

Account No.

Allowed _____ 19__

~~In the sum of \$~~

Richard J. Barnes
R. J. Barnes
Richard Barnes

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

April 21, 1995

John A. ...
Signature of Officer

Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
124767	—	4/3/95	203-4347	1000.00

TOTAL	1000.00
-------	---------

Given & Spindler Management Co.,
Inc.
Vendor No. 1867

Dept. Fund Name Auditorium
Account No. 1440-3790

In the sum of \$ Richard L. Bonner
Richard L. Bonner
Richard L. Bonner

April 24, 95

Indira Jotir

Signature of Office Holder

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

[illegible]

Board of Commissioners

Auditor

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
94-026-567)	-	4/7/95	203-4305	266.09
			TOTAL	266.09

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA


VENDOR NAME Bernardin, Lochmueller & Assoc., Inc. # 985

On Account of Appropriation for 203-4345 OHIO ST. BR. # 3C

Invoice No.	Itemized Claim	Amount	
94-026-5(7)	Fee due for Ohio Street Bridge #3C reloca-	266.	09
	tion Right-of-Way Services. INDOT		
	Project No.: STP=BRM-480(). Des. No.:		
	9286960		

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.


Name
Thomas G. Bernardin, Secretary
Title

Date April 7, 19 95

BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

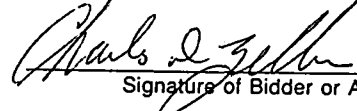
(Defined at I.C. 36-1-2-9.5)
(Please type or print)

Date: February 24, 1995

1. Governmental Unit: City of Evansville Board of Public Works
2. County: Vanderburgh
3. Bidder (Firm): Master Tire & Accessories, Inc.
Address: 905 W. Columbia St.
City/State: Evansville, IN 47710
4. Telephone Number: 812-428-4575
5. Agent of Bidder (if applicable): Charles D. Zeller

Pursuant to notices given, the undersigned offers bid(s) to City of Evansville Board of Public Works (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.


Signature of Bidder or Agent

BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body. Following is an example of the bid format:

Class or Item	Quantity	Unit	Description	Unit Price	Amount

NON-COLLUSION AFFIDAVIT

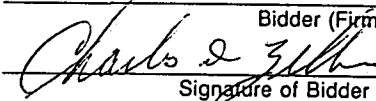
STATE OF INDIANA)
Vanderburgh COUNTY) SS:

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

Master Tire & Accessories, Inc.

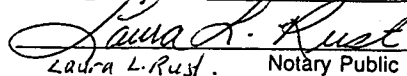
Bidder (Firm)


Signature of Bidder or Agent

Subscribed and sworn to before me this 24th day of February, 19 95.

My commission Expires: 12-9-98

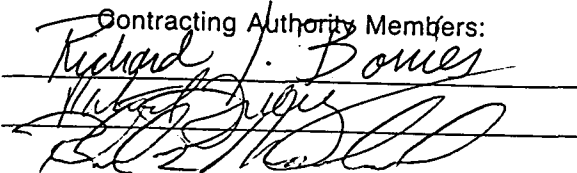
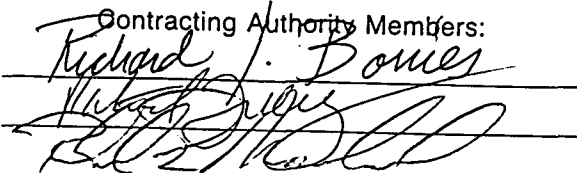
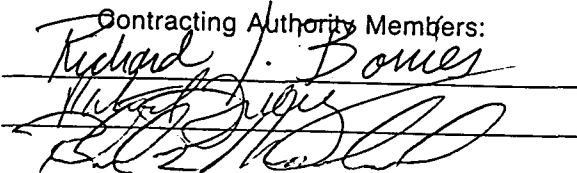
County of Residence: Vanderburgh


Laura L. Rust, Notary Public

ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of _____ (Governmental Unit) hereby accepts the terms of the attached bid for classes or items numbered _____ and promises to pay the undersigned bidder upon delivery the price quoted for the materials stipulated in said bid.

Contracting Authority Members:

Date: April 24, 1995

BID OF

Master Tire & Accessories, Inc.
(Contractor)

905 W. Columbia St.
(Address)

Evansville, IN 47710

FOR SALE OR
LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.5)

FILED _____, 19____

THIS BID ACCEPTED FOR THE
FOLLOWING CLASSES OR ITEMS

this _____ day of _____, 19____

P.O. No. _____

Date _____

IF NO PART OF BID IS ACCEPTED, WRITE
THE WORD "REJECTED" ACROSS FACE

BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.5)
(Please type or print)

Date: _____

1. Governmental Unit: VANDERBURG COUNTY
2. County: VANDERBURG
3. Bidder (Firm): SOUTHERN INDIANA TIRE
Address: 2201 COVERT AV
City/State: EVANSVILLE INDIANA
4. Telephone Number: 812-473-3990
5. Agent of Bidder (if applicable): _____

Pursuant to notices given, the undersigned offers bid(s) to _____
(Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.

Jack E. Clem
Signature of Bidder or Agent

BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body. Following is an example of the bid format:

Class or Item	Quantity	Unit	Description	Unit Price	Amount

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA)
) SS:
_____ COUNTY)

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

SOUTHERN INDIANA TIRE
Bidder (Firm)
Jack E. Clem
Signature of Bidder or Agent

Subscribed and sworn to before me this _____
My commission Expires: 4-11-98
County of Residence: Vanderburgh

1st day of March, 1995.
Kristen A. Schmitt
Notary Public

ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of _____ (Governmental Unit) hereby accepts the terms of the attached bid for classes or items numbered _____ and promises to pay the undersigned bidder upon delivery the price quoted for the materials stipulated in said bid.

Contracting Authority Members:
Richard L. Barnes
Michael J. Siler
Bob K. K...

Date: April 24, 1995

BID OF

(Contractor)

(Address)

FOR SALE OR
LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.5)

FILED _____, 19____

THIS BID ACCEPTED FOR THE
FOLLOWING CLASSES OR ITEMS

this _____ day of _____, 19____

P.O. No. _____

Date _____

IF NO PART OF BID IS ACCEPTED, WRITE
THE WORD "REJECTED" ACROSS FACE

VANDERBURGH COUNTY COMMISSIONERS MEETING
APRIL 24, 1995

Please sign in below:

NAME	ADDRESS	AFFILIATION?
1. <i>Hilton Hayden</i>	<i>5105 St Joe Ave</i>	<i>Van Co Hwy Dept</i>
2. <i>Terese Russler</i>	<i>512 Harmony Way</i>	<i>Van Co. Auditors</i>
3. <i>Shirley</i>	<i>804 Nelson Blvd</i>	<i>Van Co Auditors Office</i>
4. <i>Theresa Woodward</i>	<i>9505 Hillview</i>	<i>County Auditors Off.</i>
5. <i>Anne Yorgin</i>	<i>2909 Longacre St.</i>	<i>County Auditor Office</i>
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		

RESOLUTION

Whereas, Vanderburgh County continually finds that additional funding is needed to repair, maintain, and construct roads, streets, and bridges;

Whereas, communities all around the State are facing similar funding shortfalls;

Now, therefore, be it resolved that Vanderburgh County formally notifies members of the Indiana Senate that their proposal to increase funding for local government road and street construction, falls far short of the need.

The Vanderburgh County Commission respectfully asks the Indiana Senate to increase its funding proposal to at least that which the Indiana House of Representatives adopted - or an additional \$200 million over the next biennium.

Resolved this 24 day of April, 1995 by:

Richard J. Barnes

Patricia Fulez

John R. Monahan

burgh County Commission

*This came from the
Build Indiana Council*

*— it may be too late
to do anything now.*

*Call Vicki Kitchin
at 1-317-634-4774*

*& see if we can
still for the resolution
up.*

*RB
(funding
down to conf.
Comm.)*



BOARD of
COMMISSIONERS
of the County of Vanderburgh

RICHARD J. BORRIES
RICHARD E. MOURDO
PATRICK TULEY

FAX TRANSMITTAL
COVER
SHEET

To: Vicki Kitchin B.T.C.
From: Vanderburgh Co. Commission
Message: _____

#of pages including cover sheet 2
fax# 812-435-5995
phone# 812-435-5241

305 ADMINISTRATION BLDG. CIVIC CENTER COMPLEX EVANSVILLE, IN 47708 812-435-5241 FAX: 812-435-5995

TRANSMISSION REPORT

THIS DOCUMENT (REDUCED SAMPLE ABOVE)
WAS SENT

** COUNT **
2

*** SEND ***

NO	REMOTE STATION I. D.	START TIME	DURATION	#PAGES	COMMENT
1	913176378791-3936	4-25-95 9:02AM	1'35"	2	

TOTAL 0:01'35" 2

XEROX TELECOPIER 7020

To: VANDERBURGH CO. COMMISSIONERS
From: Vicki Kitchin/BIC

Date: 4-6-95
Page 1 of 6

Please deliver this fax to the Board of Commissioners. Thank you.

BIC

BUILD INDIANA COUNCIL

TO: County Commissioners
Mayors
BIC Grassroots Network

FROM: Vicki Kitchin

DATE: April 6, 1995

SUBJECT: SENATE'S PROPOSED FUNDING FOR ROAD AND STREET
CONSTRUCTION FALLS FAR SHORT OF WHAT IS NEEDED -
ACTION REQUESTED!

As most of you know by now, last week the Senate Finance Committee passed two bills that affect road construction funding. The two bills are HB 1646 (the budget bill) and HB 1007 (Allocation of Lottery Revenues). HB 1646 would partially remove funding the State Police from the highway accounts. This would cause approximately \$20 million per year that is currently being diverted to be left in the highway accounts and distributed among the Indiana Department of Transportation, cities and towns, and counties.

HB 1007 establishes a new account that would contain revenues from the lottery, parimutuel wagering, riverboat gaming, and charitable gaming. It is estimated that over the next biennium the total revenues in this new account would be about \$440 million. Proposed disbursements from this fund would be as follows:

	<u>FY96</u>	<u>FY97</u>
Teachers Retirement Fund	\$ 30 million	\$ 30 million
Police & Fire Pension Fund	\$ 10 million	\$ 10 million
*Auto Excise Reduction	\$120 million	\$140 million
<i>Local Road & Street Account</i>	<i>\$ 30 million</i>	<i>\$ 30 million</i>
School Technology	\$ 20 million	\$ 20 million

*FY 98, FY99, and FY00 distributions would be \$160 million, \$180 million and \$200 million, respectively.

A flow chart, illustrating the distributions from this new account, was prepared by the State Budget Agency and is enclosed with this letter.

April 6, 1995

Page Two

To sum it up, the total increase for road construction funding proposed by the Senate is about *\$50 million per year or \$100 million total over the next biennium*. As you can see road and street construction funding is pitted against the auto excise tax reduction. A less aggressive reduction would cause more dollars to be available for road and street construction.

The Senate proposal is *\$100 million less* than that proposed by the House through their version of the budget bill and language in House Bill 1428. (At this time HB 1428 is not expected to be heard by the Senate.) The Senate proposal is also far short of the funding actually needed for local governments, which BIC estimates to be an additional \$150 million per year, or \$300 million over the biennium. The Senate proposal, as well, does very little to address the state's need of an additional \$150 million per year.

Here are estimates showing how the House proposal, the Senate proposal and BIC's position compare:

	<u>House Proposal</u>	<u>Senate Proposal</u>	<u>BIC's Position</u>
Local government			
road construction	\$100 million/year	\$ 40 million/year	\$150 million/year
State road construction	<u>\$ 0</u>	<u>\$ 10 million/year</u>	<u>\$150 million/year</u>
TOTAL:	\$100 million/year	\$ 50 million/year	\$300 million/year

ACTION NEEDED NOW:

At this time it is expected that the Senate Finance Committee proposal will pass out of the Senate this week. That means that the next (and final?) opportunity for locals to get additional road funding during this session is in conference committee. Between now and the time this issue gets to conference committee, we all must do what we can to make a difference. Here's what BIC is proposing:

1. All County Commissioners, Mayors, other local officials, and BIC members must contact their Senators and let them know their proposal to fund road and street construction falls far short of the need. *At a minimum* the Senate should increase their funding proposal to equal what was proposed by the House - \$200 million over the next biennium. We believe that funding for local roads and streets should be increased by \$300 million over the next biennium. These contacts should be made between *now and the end of next week* (by Friday, April 14).

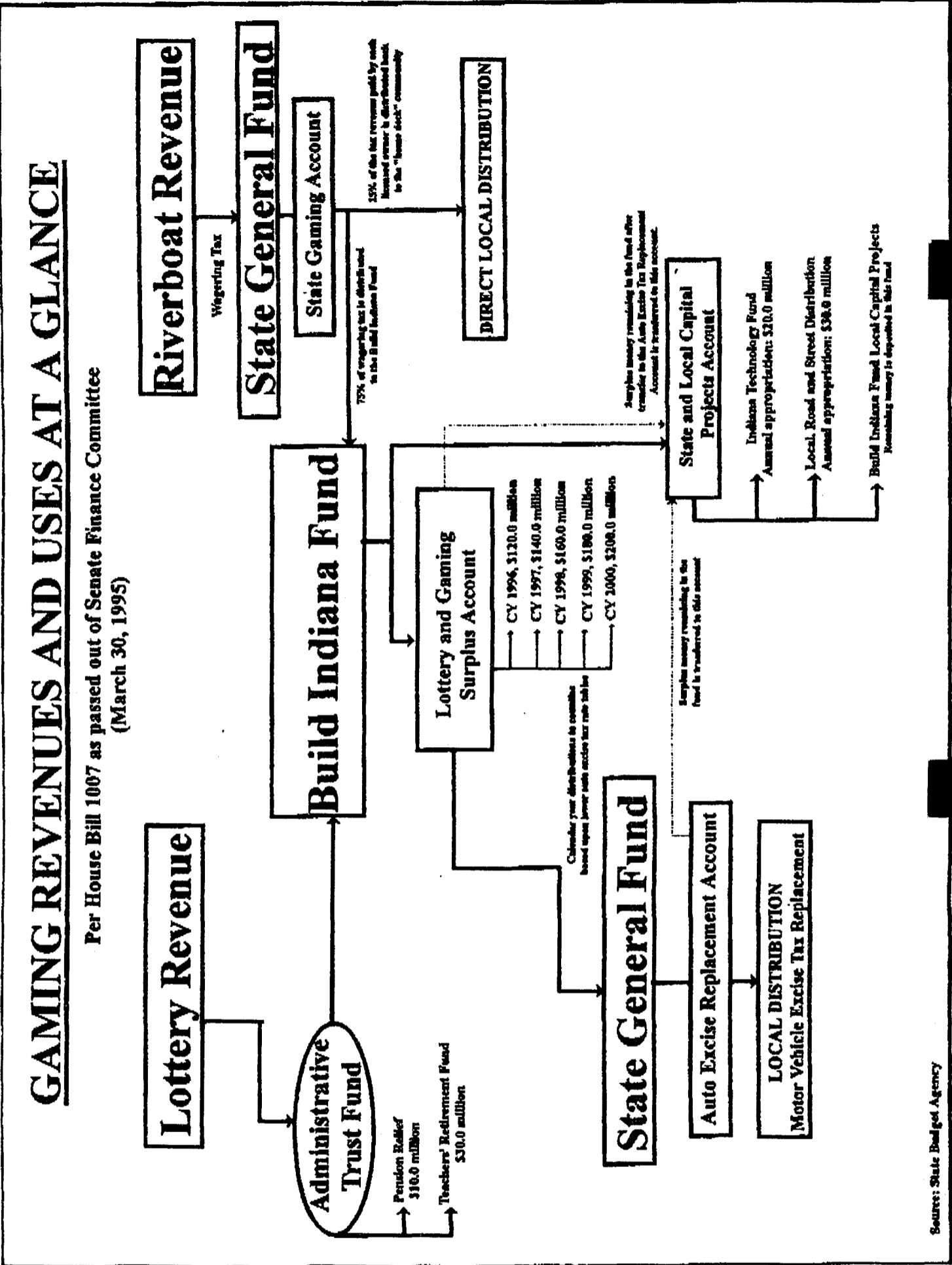
April 6, 1995
Page Three

2. Following this memo you will find a resolution that each county and city may adopt. The resolution states that the Senate proposal is not adequate to meet the funding needs of local communities. We ask that your Board of Commissioners or City fill in the blanks on this resolution and sign it. Then, fax it back to the BIC office. We will deliver copies to those Senator(s) who represent your county or city. We believe a written position clarifying your community's position on the need for additional road construction funding will keep the pressure on the Senate to increase their proposal.

ACTION by all of us is needed **NOW!** We still have an opportunity to make a difference. Please make phone calls and consider adopting the resolution as soon as possible. If we all work together we *can* make a difference!

Please call me if you have any questions.

Enclosures: a. State Budget Agency Flow Chart
b. Resolution



AGENDA

VANDEBURGH COUNTY COMMISSIONERS
April 24, 1995

5:30 P.M.

FINAL

1. CALL TO ORDER
2. INTRODUCTIONS
3. PLEDGE OF ALLEGIANCE
4. ACTION ITEMS
 - A. Approval of minutes
 - B. Any group-individual wishing to address the commission
 - C. Kelly Keller - 2801 Allens Lane - Drainage problem
 - D. Paul Griffin - 52 Herndon - Repair of Tire
 - E. Harris Howerton - Director of Community Corrections - Ordinance establishing funding of County Corrections Fund -Third Reading
 - F. Lynn Ellis - Purchasing - APA035-95 Burdette Food & Beverage Open bids
 - G. Rick Borries - Build Indiana Council Resolution
 - H. Cindy Mayo - Superintendent of County Buildings - Pool Maintenance
5. DEPARTMENT HEADS
 - Alan Kissinger.....County Attorney
 - Cindy Mayo.....Superintendent of County Buildings
 - Bill Morphew.....County Garage
 - John Stoll.....County Engineer (see attached requests)
6. CONSENT ITEMS
 - A. Travel/Education
**Auditor

*own budget **Commissioners budget *** unappropriated funds

 - B. Employment Changes (see attached lists)
 - C. Andy Davidson - Auditorium Commercial Manager - Council Call
 - D. TCI Cable - franchise fee check

7. Scheduled Meetings - List attached

8. OLD BUSINESS

9. NEW BUSINESS

10. MEETING ADJOURNED

DRAINAGE BOARD IMMEDIATELY FOLLOWS

VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department Sheriff

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
105S11301058	Brad Ellsworth		Grant	20	00 HR	4-10-92
"	Eric Williams		"	20	00 HR	"
"	Joseph Beckwith		"	20	00 HR	"
"	Thomas Wallis		"	20	00 HR	"

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED Appointments Made

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
"	Bill Denton		"	20	00 HR	"
"	Frank Lutz		"	20	00 HR	"
"	Jeff Johnson		"	20	00 HR	"
"	Robert Goedde		"	20	00 HR	"

RECORDER
COMMISSIONER'S RECORD

SIGNED BY

Ray Hammer DATE *4-17-92*
By R. L. Bakken
3/30

DATE OF REQUEST: 4-20-95 DEPARTMENT: AUDITOR
EMPLOYEES(S): AUDITOR SUZANNE CROUCH

PURPOSE: 1995 COUNTY BUDGET PREPARATION
AND FINANCIAL PLANNING SEMINAR
Proof (Copy of brochure or letter) must be attached.

REIMBURSEMENT CLAIMED	<u>X</u>	Mileage	<u> </u>	Parking
	<u>X</u>	Per diem	<u>X</u>	Registration
		Air fare		Other

APPROVED: [Signature]
Office Holder

Richard J. Borries
RICHARD J. BORRIES, PRESIDENT

RICHARD J. BORRIES, PRESIDENT
Richard J. Borries
PATRICK TULEY, VICE-PRESIDENT

RICHARD E. MOURDOCK, MEMBER

1995 COUNTY BUDGET PREPARATION
and
FINANCIAL PLANNING SEMINAR
A Core Course of the County DIPLOMA Program

**County Budget Preparation
and
Financial Planning Seminar**

Developed with all county officials in mind, the County Budget Preparation and Financial Planning Seminar will provide basic and detailed information regarding the fiscal nature of county government. And, as most people realize, money is the key to most administrative and policy programs. A core course of the County DIPLOMA Program, this seminar will be conducted by experts in the areas of budgeting and finance.

DIPLOMA Credit

Participants in the seminar will receive up to six DIPLOMA credits for attending the entire seminar. Participants who choose to leave early will receive partial credit.

Student-Friendly Seminars

One of the commitments the AIC has made to county officials for the DIPLOMA Program is easy access whenever possible. For that reason the County Budget Seminar is being offered in two locations on different days.

Wednesday, May 3, 1995
Holiday Inn, Columbus

OR

Friday, May 5, 1995
IVY Tech, Kokomo

AGENDA

8:00 - 8:55	REGISTRATION
9:00 - 9:05	Introduction of Presenter
9:05 - 10:30	County Budget Basics
10:30-10:45	BREAK
10:45-12:00	Budget Basics (<i>continued</i>)
12:00 - 1:00	LUNCH
1:00 - 2:15	Budget Basics (<i>continued</i>)
2:15 - 2:30	BREAK
2:30 - 3:30	County Government Revenue Sources and Distribution
3:30 - 4:30	Debt Financing Methods

REGISTRATION FORM

1995 County Budget Preparation and Financial Planning Seminar
May 3 or 5, 1995

Name(s): _____

Title: _____ County: _____

Address: _____

Phone: _____ No. Registered: _____ TOTAL \$ _____

PLEASE CHECK ONE:

☒ Wednesday, May 3 at Holiday Inn, Columbus ☐ Friday, May 5 at IVY Tech Kokomo

Please submit with check or claim for \$70 / person to:

Association of Indiana Counties, 101 West Ohio Street, Suite 1792, Indianapolis, Indiana 46204

Full refunds will not be given after May 1, 1995.



**BOARD of
COMMISSIONERS**
of the County of Vanderburgh

RICHARD J. BORRIES

RICHARD E. MOURDOCK

PATRICK TULEY

AGENDA REQUEST

NAME OF REQUESTOR: Kelly Keller

REQUESTOR TITLE: _____

DEPARTMENT: _____

REQUEST(S) BEING MADE:

Drainage problem - 2801 Allens Lane

DATE TO BE PLACED ON AGENDA: 4-24-95

ACTION ☒ CONSENT ☐ OTHER ☐



BOARD of
COMMISSIONERS
of the County of Vanderburgh

RICHARD J. BORRIES
RICHARD E. MOURDOCK
PATRICK TULEY

AGENDA REQUEST

NAME OF REQUESTOR: Paul Griffin

REQUESTOR TITLE: _____

DEPARTMENT: _____

REQUEST(S) BEING MADE:

52 Herndon. Herndon

We hit a hole on a county
road. He is not getting
information from County Highway

DATE TO BE PLACED ON AGENDA: _____

ACTION _____ CONSENT _____ OTHER _____

ORDINANCE NO. _____

ORDINANCE CONCERNING ESTABLISHMENT AND FUNDING OF
COUNTY CORRECTIONS FUND

WHEREAS, Senate Enrolled Act No. 395 added a new Chapter 6 to Indiana Code 11-12, which new Chapter 6 provides for the establishment and funding of a County Corrections Fund; and

WHEREAS, I.C. 11-12-6 provides that a County Legislative Body may adopt an ordinance before May 1 of each year to elect to receive deposits from the Indiana Department of Correction and to establish a County Corrections Fund; and

WHEREAS, the County Corrections Fund may be used only for funding the operation of the county's jail, jail program or other local correctional facilities; and

WHEREAS, the County Legislative Body shall designate either Level 1, Level 2 or Level 3 funding as defined in I.C. 11-12-6 with respect to deposits to be received thereunder; and

WHEREAS, Level 3 funding is the most appropriate level of participation for Vanderburgh County, Indiana;

THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA, AS FOLLOWS:

1. The Board of Commissioners of Vanderburgh County, Indiana elects to receive deposits from the Indiana Department of Correction (the "Department") in accordance with Senate Enrolled Act 395, I.C. 11-12-6 (the "Act").

2. The Board designates Level 3 funding, as defined in the Act, with respect to all deposits to be received by Vanderburgh County under the Act and this Ordinance.

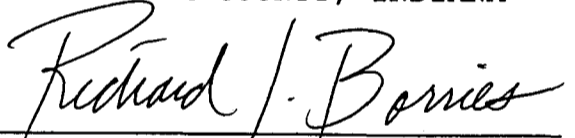
3. A fund, to be known as the "County Corrections Fund", is established. The County Corrections Fund shall consist of deposits made by the Department in accordance with the Act. Such Fund shall be administered by the County Fiscal Body.

4. The County Corrections Fund shall be used for any purpose authorized by the Act. Any money remaining in the County Corrections Fund at the end of the year does not revert to any other fund, but remains in the County Corrections Fund.

5. This Ordinance shall be in full force and effect upon adoption.

PASSED by the Board of Commissioners of Vanderburgh County, Indiana on the 24 day of April, 1995 and upon that day signed and executed by the members of the Board as appears by their respective signatures and all attested to by the Auditor of Vanderburgh County, Indiana.

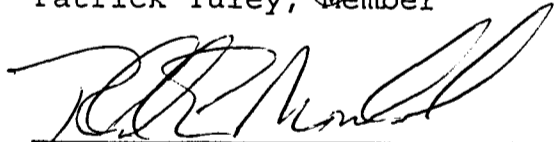
BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA



Richard J. Borries, President

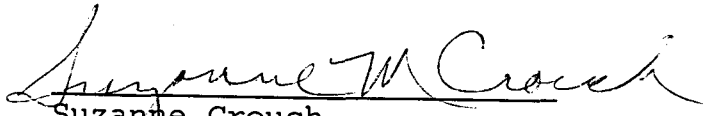


Patrick Tuley, Member

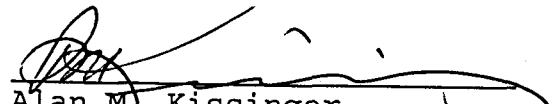


Richard Mourdock, Member

ATTEST:


Suzanne Crouch

APPROVED AS TO LEGAL FORM:


Alan M. Kissinger
County Attorney

Two copies of the foregoing Ordinance filed this ____ day
of _____, 1995 at _____ (time), and one copy
has been forwarded to the Commissioner of Correction, all in
accordance with I.C. 11-12-6-9 (a) (2), (b).

INDIANA SECRETARY OF STATE

By: _____

NOTICE OF HEARING DATES
ORDINANCE CONCERNING ESTABLISHMENT AND FUNDING OF
COUNTY CORRECTIONS FUND

NOTICE IS HEREBY GIVEN that the Board of Commissioners of Vanderburgh County, Indiana, has scheduled Hearing Dates at 5:30 p.m., in Room 307, Administration Building, Civic Center Complex, Evansville, Indiana with regard to the subject Ordinance as follows:

First Reading Monday, April 10, 1995
Second Reading Monday, April 17, 1995
Third/Final Reading Monday, April, 24, 1995

(insert ordinance here)

Richard Borries, President
Patrick Tuley, Vice-President
Richard Mourdock, Member
Attest: Suzanne Crouch, Auditor
Approved as to Form:
Alan M. Kissinger, Attorney
B.J. Farrell, Secretary

(Courier and Press April 3 and April 10)

ORDINANCE NO. _____

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COUNTY CORRECTIONS FUND

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WHEREAS, I.C. 11-12-6 provides that a County Legislative Body may adopt an ordinance before May 1 of each year to elect to receive deposits from the Indiana Department of Correction and to establish a County Corrections Fund; and

WHEREAS, the County Corrections Fund may be used only for funding the operation of the county's jail, jail program or other local correctional facilities; and

WHEREAS, the County Legislative Body shall designate either Level 1, Level 2 or Level 3 funding as defined in I.C. 11-12-6 with respect to deposits to be received thereunder; and

WHEREAS, Level 3 funding is the most appropriate level of participation for Vanderburgh County, Indiana;

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1. The Board of Commissioners of Vanderburgh County, Indiana elects to receive deposits from the Indiana Department of Correction (the "Department") in accordance with Senate Enrolled Act 395, I.C. 11-12-6 (the "Act").

2. The Board designates Level 3 funding, as defined in the Act, with respect to all deposits to be received by Vanderburgh County under the Act and this Ordinance.

3. A fund, to be known as the "County Corrections Fund", is established. The County Corrections Fund shall consist of deposits made by the Department in accordance with the Act. Such Fund shall be administered by the County Fiscal Body.

4. The County Corrections Fund shall be used for any purpose authorized by the Act. Any money remaining in the County Corrections Fund at the end of the year does not revert to any other fund, but remains in the County Corrections Fund.

5. This Ordinance shall be in full force and effect upon adoption.



BOARD of
COMMISSIONERS
of the County of Vanderburgh

RICHARD J. I

DON L. HUN

PATRICK R.

AGENDA REQUEST

NAME OF REQUESTOR: Lynn W. Ellis

REQUESTOR TITLE: Buyer

DEPARTMENT: Purchasing

REQUEST(S) BEING MADE:

Authorize the County Attorney, Alan Kissinger, to open
bids for bid number APA035-95, Food and Beverage Concession
for Burdette Park. The bids will be taken under advisement
until next week, May 1, 1995.

DATE TO BE PLACED ON AGENDA: April 24, 1995

ACTION XX CONSENT OTHER

Bid Recap

BID NO. 035-95

Burdette Food & Beverage

BIDDER

AMOUNT

DIAMOND FOODS, INC.

UNIT COST BID

SYSCO FOOD SERVICES CO.

" "

LANDSHIRE FOODS

" "

ALLIED POPCORN & CONCESSION SUPPLY

" "

COLONIAL BAKING CO.

" "

SURE-FINE FOODS

" "

WORKING DISTRIBUTORS, INC.

" "

FARM BOY FOODSERVICE

" "

WEBER DISTRIBUTING CO.

" "

SCHROEDER'S WHOLESALE, INC.

" "

April 10, 1995

Pool Maintenance Agreement

I agree to perform the preventive maintenance and other duties for opening, running and closing the swimming pools and slides at Burdette Park.

The pay will be \$8,100.00 per year, to be paid twice a year. The first check will be paid by the end of June, 1995 in the sum of \$4,050.00. The second payment of \$4,050.00 will be paid by the end of October, 1995.

Mark Tuley
Park Manager

David Austill

Mark Tuley

David Austill

Approved by Board of County Commissioners
on _____

Richard Borries, President

Patrick Tuley, Vice-President

Richard Mourdock, Member

VANDEBURGH COUNTY ENGINEERING DEPARTMENT

CONSENT AGENDA

April 24, 2995

OHIO STREET BRIDGE #3C 203-4545	
Bernardin Lochmueller (Inv. #94-026-5(7))	\$ 266.09
COUNTY LINE ROAD EAST BR. #320 203-4347	
Hansen Testing (Inv. #124767)	\$1000.00

ITEMIZED PROPOSAL

Browning Road Bridge Clean-Up

On Site Meeting: April 21, 1995 Quotes Due: April 24, 1995 @ 4:30 PM

#	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	EXTENDED
1.	Mobilization/Demobilization	LSUM	1	<u>346.68</u>	<u>346.68</u>
2.	Concrete Beam Removal	LSUM	1	<u>1,180.30</u>	<u>1,180.30</u>
3.	Substructure Removal	EACH	2	<u>3,154.11</u>	<u>6,308.22</u>
4.	Guard Rail Removal	LSUM	1	<u>201.57</u>	<u>201.57</u>
5.	Misc. Debris Removal	LSUM	1	<u>955.92</u>	<u>955.92</u>

TOTAL QUOTE: 8,992.69

Quote Submitted By: CCC OF EVANSVILLE, INC

By: *Donna G. Cook*
DONNA G. COOK

Address: 3100 BROADWAY.
P. O. BOX 7055
EVANSVILLE, IN 47719

Title: PRESIDENT

Date: APRIL 24, 1995

Return Quotes To: Vanderburgh County Engineering Department
201 Northwest Fourth Street Suite 307
Old Vanderburgh County Courthouse
Evansville, Indiana 47708

On or Before: Monday April 24, 1995 at 4:30 PM

ITEMIZED PROPOSAL


Browning Road Bridge Clean-Up

On Site Meeting: April 21, 1995 Quotes Due: April 24, 1995 @ 4:30 PM

#	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	EXTENDED
1.	Mobilization/Demobilization	LSUM	1	\$ 573.67	\$ 573.67
2.	Concrete Beam Removal	LSUM	1	1,260.00	1,260.00
3.	Substructure Removal	EACH	2	4,811.75	9,623.50
4.	Guard Rail Removal	LSUM	1	128.00	128.00
5.	Misc. Debris Removal	LSUM	1	462.00	462.00

TOTAL QUOTE: \$12,047.17

Quote Submitted By: JOHN MANS, INC.

By: 

Address: 20400 OLD STATE ROAD

HAUBSTADT, IN 47639

Title: PROJECT MANAGER

Date: APRIL 24, 1995

Return Quotes To: Vanderburgh County Engineering Department
 201 Northwest Fourth Street Suite 307
 Old Vanderburgh County Courthouse
 Evansville, Indiana 47708

On or Before: Monday April 24, 1995 at 4:30 PM

ITEMIZED PROPOSAL

Browning Road Bridge Clean-Up

On Site Meeting: April 21, 1995 Quotes Due: April 24, 1995 @ 4:30 PM

#	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	EXTENDED
1.	Mobilization/Demobilization	LSUM	1	1,230.00	1,230.00
2.	Concrete Beam Removal	LSUM	1	3,825.00	3,825.00
3.	Substructure Removal	EACH	2	3,570.00	7,140.00
4.	Guard Rail Removal	LSUM	1	300.00	300.00
5.	Misc. Debris Removal	LSUM	1	2,850.00	2,850.00

TOTAL QUOTE: \$15,345.00

Quote Submitted By: Deig Bros. Lumber & Construction Co., Inc.

By:

Alfred Deig

Address: 2804 A Street

Evansville, Indiana 47712

Title: President

Date: April 24, 1995

Return Quotes To: Vanderburgh County Engineering Department
201 Northwest Fourth Street Suite 307
Old Vanderburgh County Courthouse
Evansville, Indiana 47708

On or Before: Monday April 24, 1995 at 4:30 PM

ITEMIZED PROPOSAL

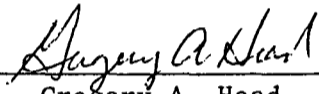
Browning Road Bridge Clean-Up

On Site Meeting: April 21, 1995 Quotes Due: April 24, 1995 @ 4:30 PM

#	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	EXTENDED
1.	Mobilization/Demobilization	LSUM	1	<u>2,550.00</u>	<u>2,550.00</u>
2.	Concrete Beam Removal	LSUM	1	<u>4,160.00</u>	<u>4,160.00</u>
3.	Substructure Removal	EACH	2	<u>4,290.00</u>	<u>8,580.00</u>
4.	Guard Rail Removal	LSUM	1	<u>525.00</u>	<u>525.00</u>
5.	Misc. Debris Removal	LSUM	1	<u>3,610.00</u>	<u>3,610.00</u>

TOTAL QUOTE: 19,425.00

Quote Submitted By: Koester Contracting Corporation

By: 
Gregory A. Head
Vice-President

Address: 14649 Highway 41 North
Evansville, IN 47711

Title: Vice-President

Date: 4/24/95

Return Quotes To: Vanderburgh County Engineering Department
201 Northwest Fourth Street Suite 307
Old Vanderburgh County Courthouse
Evansville, Indiana 47708

On or Before: Monday April 24, 1995 at 4:30 PM

ITEMIZED PROPOSAL

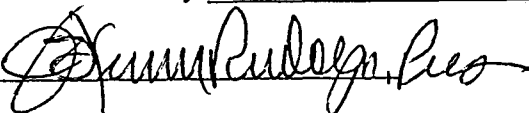
Browning Road Bridge Clean-Up

On Site Meeting: April 21, 1995 Quotes Due: April 24, 1995 @ 4:30 PM

#	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	EXTENDED
1.	Mobilization/Demobilization	LSUM	1	<u>\$1,000.00</u>	<u>\$ 1,000.00</u>
2.	Concrete Beam Removal	LSUM	1	<u>4,500.00</u>	<u>4,500.00</u>
3.	Substructure Removal	EACH	2	<u>9,000.00</u>	<u>9,000.00</u>
4.	Guard Rail Removal	LSUM	1	<u>250.00</u>	<u>250.00</u>
5.	Misc. Debris Removal	LSUM	1	<u>5,500.00</u>	<u>5,500.00</u>

TOTAL QUOTE: \$20,250.00

Quote Submitted By: J. H. RUDOLPH & CO., INC.

By: 

J. STEVEN RUDOLPH, PRESIDENT

Address: P. O. BOX 5226

EVANSVILLE, IN 47716-5226

Title: _____

Date: APRIL 24, 1995

Return Quotes To: Vanderburgh County Engineering Department
201 Northwest Fourth Street Suite 307
Old Vanderburgh County Courthouse
Evansville, Indiana 47708

On or Before: Monday April 24, 1995 at 4:30 PM

ITEMIZED PROPOSAL

Browning Road Bridge Clean-Up

On Site Meeting: April 21, 1995 Quotes Due: April 24, 1995 @ 4:30 PM

#	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	EXTENDED
1.	Mobilization/Demobilization	LSUM	1	900.00	900.00
2.	Concrete Beam Removal	LSUM	1	1200.00	1200.00
3.	Substructure Removal	EACH	2	3050.00	6100.00
4.	Guard Rail Removal	LSUM	1	400.00	400.00
5.	Misc. Debris Removal	LSUM	1	1200.00	1200.00

TOTAL QUOTE: 9800.00

Quote Submitted By: Phoenix Construction Company

By:

James Foley

Address: P O Box 6788

Evansville, IN 47719-0788

Title: President

Date: April 24, 1995

Return Quotes To: Vanderburgh County Engineering Department
201 Northwest Fourth Street Suite 307
Old Vanderburgh County Courthouse
Evansville, Indiana 47708

On or Before: Monday April 24, 1995 at 4:30 PM

ITEMIZED PROPOSAL

Browning Road Bridge Clean-Up

On Site Meeting: April 21, 1995 Quotes Due: April 24, 1995 @ 4:30 PM

#	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	EXTENDED
1.	Mobilization/Demobilization	LSUM	1	1500 ⁰⁰ / _{xx}	1500 ⁰⁰ / _{xx}
2.	Concrete Beam Removal	LSUM	1	2500 ⁰⁰ / _{xx}	2500 ⁰⁰ / _{xx}
3.	Substructure Removal	EACH	2	1000 ⁰⁰ / _{xx}	2000 ⁰⁰ / _{xx}
4.	Guard Rail Removal	LSUM	1	500 ⁰⁰ / _{xx}	500 ⁰⁰ / _{xx}
5.	Misc. Debris Removal	LSUM	1	5000 ⁰⁰ / _{xx}	5000 ⁰⁰ / _{xx}

TOTAL QUOTE: \$ 11,500⁰⁰/_{xx}

Quote Submitted By: SOUTHWEST ENGINEERING, INC.

By: MARTIN R. NUSSMEYER

Address: 5900 OAK GROVE ROAD

D.O. Box 5227
EVANSVILLE, INDIANA 47715

Title: PRESIDENT

Date: APRIL 24, 1995

Return Quotes To: Vanderburgh County Engineering Department
201 Northwest Fourth Street Suite 307
Old Vanderburgh County Courthouse
Evansville, Indiana 47708

On or Before: Monday April 24, 1995 at 4:30 PM

VANDERBURGH COUNTY HIGHWAY DEPARTMENT

PROGRESS REPORT

FRIDAY, APRIL 14, 1995 THRU THURSDAY, APRIL 20, 1995

FRIDAY, APRIL 14, 1995

HOLIDAY

MONDAY, APRIL 17, 1995

Payloader and four trucks graded and rocked roads in the bottoms.
Mowers worked on Baseline (West) and Old State and Old Princeton.
Two patch crews worked on Boonville New Harmony.
Two tree crews worked on Bayou Creek.
Trash crew worked on work orders.
Broom worked on St. Joe Ave.

TUESDAY, APRIL 18, 1995

Gradall, Grader and two trucks worked on Remediation at garage.
Mower and two tree crews worked on Old Petersburg.
Two patch crews worked on Marx and Upper Mt. Vernon.
Grader and two crews graded and rocked in the Bottoms.
Gradall and one crew removed spreaders and worked at the FOP
Camp.

WEDNESDAY, APRIL 19, 1995

Gradall and one crew replaced culvert on White Pine Drive.
Two patch crews worked on Marx Road and Church Road.
Gradall, Grader and two trucks worked on Remediation at garage.
Mower worked on Frontage and Old Princeton.
Payloader and two trucks graded and rocked Lyle and Schissler.
Two weed and brush crews worked at 408 S. Evans, 1421 S. Governor
and 1767 Garvin.
One crew ran conduit and wiring for A/C.

THURSDAY, APRIL 20, 1995

Gradall and three tree crews worked on Schutte, Old Boonville
Hwy on School bus turnarounds.
Gradall and one crew removed, and cleaned and oiled spreaders and
plows.
Grader and two trucks graded and rocked Shawnee Road.
One crew rocked mailbox approaches.
One crew ran conduit and wiring for A/C.
Two tree crews worked on work orders.

VANDEBURGH COUNTY BRIDGE CREW
PROGRESS REPORT
FRIDAY, APRIL 14, 1995 THRU THURSDAY, APRIL 20, 1995

FRIDAY, APRIL 14, 1995

HOLIDAY

MONDAY, APRIL 17, 1995

Crew #1 & #2 - worked on gate on Waterworks Road.

TUESDAY, APRIL 18, 1995

Crew #1 - repaired deck on St. George Road Bridge.

Crew #2 - repair bridge deck on Heckel Road bridge.

WEDNESDAY, APRIL 19, 1995

Crew #1 - repair bridge deck on Heckel Road bridge.

Crew #2 - replace culvert pipe on White Pine Drive.

THURSDAY, APRIL 20, 1995

Crew #1 - trim tree limbs and weeds around guardrail on Green River Road.

Crew #2 - break up concrete on White Pine Drive.



BOARD of
COMMISSIONERS
of the County of Vanderburgh

RICHARD J. BORRI
DON L. HUNTER
PATRICK R. TULEY

AGENDA REQUEST

NAME OF REQUESTOR: ~~XANERAXTETEM~~ ANDY DAVIDSON

REQUESTOR TITLE: COMMERICAL PROPERTY MANAGER

DEPARTMENT: AUDITORIUM

REQUEST(S) BEING MADE:

COUNCIL CALL FOR UNION OVERTIME

approved

DATE TO BE PLACED ON AGENDA: APRIL 24, 1995

ACTION _____ CONSENT X OTHER _____

305 ADMINISTRATION BLDG. CIVIC CENTER COMPLEX EVANSVILLE, IN 47708 812-426-5241



TCI GREAT LAKES, INC.

April 6, 1995

Vanderburgh County
Civic Center Complex
Evansville, IN 47708

ATTN: Board of Commissioners

Dear Sir/Madam:

Franchise fees for the period of January 1, 1995 through March 31, 1995, for Vanderburgh County are as follows:

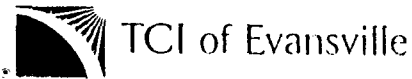
Gross Revenues	\$860,618.80
Franchise Fee Rate	<u>X 5%</u>
Franchise Fee Due	<u>\$ 43,030.94</u>

I hereby certify that the amounts shown are the Gross Receipts as reflected in the company's books and records for the period indicated.

Sincerely,

Peter T. Kieltyka
Vice President and Controller

111 Plingston Road
Suite 400
Deerfield, Illinois 60015
(708) 480 9292
FAX (708) 480 7462
An Equal Opportunity Employer



April 11, 1995

Rick Borries, President
Board of Commissioners of
Vanderburgh County
305 Administration Building
Civic Center Complex
Evansville, IN 47708

Dear Mr. Borries:

Enclosed please find check #379308 from TCI Great Lakes, Inc., dated April 5, 1995, in the amount of \$43,030.94. This check is for the first quarter 1995 franchise fee from TCI of Evansville to the county of Vanderburgh.

Also enclosed please find the financial report of gross receipts for this same period.

I trust that you will find this information complete and satisfactory for your needs. Should you desire further information or clarification, please feel free to call upon me directly.

Sincerely,

A handwritten signature in cursive script that reads "Delores M. Gatlin".

Delores M. Gatlin
Area Manager

1900 North Fares Avenue
P.O. Box 4658
Evansville, IN 47724-0658
(812) 422-1167
FAX (812) 423-2427

An Equal Opportunity Employer

April 1995

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
2 Daylight Savings--ect ahead 1 hour	3 93 / 273 3:30pm Dep't. Head 4:00pm Exec. Session 5:30pm Commissioners	4 94 / 271 1:30pm Job Study	5 95 / 270 3:30pm County Council	6 96 / 269	7 97 / 268	8 98 / 267
9	10 99 / 266 4:30pm Solid Waste 5:30pm Commissioners	11 100 / 265 4:30pm Solid Waste 5:30pm Commissioners	12 101 / 264	13 102 / 263	14 103 / 262 GOOD FRIDAY	15 104 / 261 105 / 260
16 Easter	17 106 / 259 Approved by Board 4:00pm Exec. Session 5:30pm Commissioners 7:00pm Meetings	18 107 / 258 9:00am Insurance Comm.	19 108 / 257	20 109 / 256 9:00am Steering Comm. 12:00pm PC-Technical 5:00pm Pigeon Creek	21 110 / 255	22 111 / 254 112 / 253
23	24 113 / 252 4:00pm Exec. Session 5:30pm Commissioners 6:30pm Drainage Btd.	25 114 / 251	26 115 / 250 3:30pm Personnel & Finance	27 116 / 249	28 117 / 248	29 118 / 247 119 / 246
30	120 / 245					

May						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

March						
S	M	T	W	T	F	S
		1	2	3	4	
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

NOTICE OF HEARING DATES
ORDINANCE NO. 395
ESTABLISHMENT AND
FUNDING OF
COUNTY CORRECTIONS
FUND
NOTICE IS HEREBY GIVEN
that the Board of Commis-
sioners of Vanderburgh
County, Indiana, has set
the date of the public
hearing on the subject Or-
dinance at 5:30 p.m.
in the Building, Civic Center
Complex, Evansville, Indiana
with regard to the subject Or-
dinance as follows:
First Reading Monday, April
10, 1995
Second Reading Monday,
April 17, 1995
Third Reading Monday,
April 24, 1995
ORDINANCE NO.
ESTABLISHMENT AND
FUNDING OF
COUNTY CORRECTIONS
FUND
WHEREAS, Senate Enrolled
Act No. 395 added a new
Chapter 6 to Indiana Code 11-
12, which new Chapter 6 pro-
vides for the establishment
and funding of a County Cor-
rections Fund; and
WHEREAS, the County Legis-
lative Body may adopt an ordi-
nance before May 1 of each
year to elect to receive de-
posits from the Department
of Correction and to establish
a County Corrections Fund;
and
WHEREAS, the County Cor-
rections Fund may be used
only for funding the opera-
tion of the county's jail, jail
program or other local cor-
rectional facilities; and
WHEREAS, the County Legis-
lative Body shall (re)allocate
funding as defined in LC 11-
12-6 with respect to deposits

PROOF OF PUBLICATION OF LEGAL ADVERTISEMENT

Acct XV15

STATE OF INDIANA
VANDERBURGH COUNTY

Personally appeared before JULIE WEINZAPFEL a Notary Public
Angy Mercer who being sworn, says she is Bookkeeper of the
Evansville Courier Company, publisher of The Evansville PRESS a
daily newspaper published in the city of Evansville, in said county and
state and that the legal advertisement, of which the attached is a true
copy, was printed in its issues of:
APRIL 3, 10, 1995

Signed Angy Mercer
ING DATES

Subscribed and sworn to before me this date: 4-14-95

Julie A. Weinzapfel Notary Public
Notary Resident of Posey County

My Commission expires: 7/28/95
Invoice: No.
108 Lines 1 time @ .380 \$ 41.04

NOTICE OF HEARING DATES
ORDINANCE CONCERNING
ESTABLISHMENT AND
FUNDING OF A COUNTY
AND COUNTY CORRECTIONS
FUND.

NOTICE IS HEREBY GIVEN
that the Board of Commis-
sioners of the County of Com-
mons, Indiana, has sched-
uled the following hearing dates:
p.m., in Room 307, Adminis-
trative Building, Civic Center
Complex, Evansville, Indiana
concerned to the subject Or-
dinance as follows:

First Reading Monday, April
10, 1995

Second Reading Monday,
April 17, 1995

Final Reading Monday,
April 24, 1995

ORDINANCE CONCERNING
ESTABLISHMENT AND
FUNDING OF A COUNTY
AND COUNTY CORRECTIONS
FUND.

WHEREAS, Senate Enrolled
Act No. 365 provides for Chapter 6 to Indiana Code, new
Chapter 6 to Indiana Code, Article 12, which new Chapter 6 pro-
vides for the establishment
and funding of a County Cor-
rections Fund;

WHEREAS, Senate Enrol-
led Act No. C-11-12-6 pro-
vides that a County Legisla-
tive Body may adopt any legisla-
tion before May 1st of each
year to elect to receive de-
posits from the Department
of Corrections and to establish
a County Corrections Fund;

WHEREAS, the County Cor-
rections Fund may be used
only for funding the opera-
tions of the county's jail, jail
detention center, other local cor-
rectional facilities, and
WHEREAS, therefore, the Leg-
islative Body shall designate
Level 1, Level 2 and Level 3
funding, as defined in I.C. 11-
12-6, with respect to deposits

STATE OF INDIANA

VANDERBURGH COUNTY

Personally appeared before JULIE WEINZAPFEL, a Notary Public Angy Mercer who being sworn, says she is Bookkeeper of the Evansville Courier Company, publisher of The Evansville COURIER a daily newspaper published in the city of Evansville, in said county and state and that the legal advertisement, of which the attached is a true copy, was printed in its issues of:

APRIL 3, 10, 1995

Signed

ARRIVING DATES

Subscribed and sworn to before me this date: 4-14-95

CORRECTIONS

Notary Resident of Posey County

My Commission expires:

Invoice:

108 Lines 1 time @ .380 \$ 41.04

TIME 9:25AM.

ORDINANCE NO. _____

RECEIPT

ORDINANCE CONCERNING
COUNTY

DATE: 04/25/95
REC# 00010035

TIME: 09:45:52
OPR: CAS

Betty J. Hermann
Recorder of Vanderburgh County
1 NW M. L. King Jr Blvd
Evansville, IN 47708

WHEREAS, Senate Enrolle
to Indiana Code 11-12, which
establishment and funding of

WHEREAS, I.C. 11-12-6 p
Body may adopt an ordinance :
receive deposits from the In
establish a County Correction

WHEREAS, the County Cor:
funding the operation of the county's jail, jail program or other
local correctional facilities; and

WHEREAS, the County Legislative Body shall designate either
Level 1, Level 2 or Level 3 funding as defined in I.C. 11-12-6
with respect to deposits to be received thereunder; and

WHEREAS, Level 3 funding is the most appropriate level of
participation for Vanderburgh County, Indiana;

THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA, AS FOLLOWS:

1. The Board of Commissioners of Vanderburgh County,
Indiana elects to receive deposits from the Indiana Department of
Correction (the "Department") in accordance with Senate Enrolled
Act 395, I.C. 11-12-6 (the "Act").

2. The Board designates Level 3 funding, as defined in the
Act, with respect to all deposits to be received by Vanderburgh
County under the Act and this Ordinance.

DESCRIPTION	TRN AMOUNT
OTHER FEE	10.00
Book Code MI	
Book Number 000000004	
Page Number 000005644	
RECEIPT ADJUSTMENT	10.00-
TRANSACTION TOTAL	
CHECK	
CHANGE	0.00

HAVE A NICE DAY!

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e

ct to

nd to

or

ORDINANCE NO. _____

ORDINANCE CONCERNING ESTABLISHMENT AND FUNDING OF
COUNTY CORRECTIONS FUND

WHEREAS, Senate Enrolled Act No. 395 added a new Chapter 6 to Indiana Code 11-12, which new Chapter 6 provides for the establishment and funding of a County Corrections Fund; and

WHEREAS, I.C. 11-12-6 provides that a County Legislative Body may adopt an ordinance before May 1 of each year to elect to receive deposits from the Indiana Department of Correction and to establish a County Corrections Fund; and

WHEREAS, the County Corrections Fund may be used only for funding the operation of the county's jail, jail program or other local correctional facilities; and

WHEREAS, the County Legislative Body shall designate either Level 1, Level 2 or Level 3 funding as defined in I.C. 11-12-6 with respect to deposits to be received thereunder; and

WHEREAS, Level 3 funding is the most appropriate level of participation for Vanderburgh County, Indiana;

THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA, AS FOLLOWS:

1. The Board of Commissioners of Vanderburgh County, Indiana elects to receive deposits from the Indiana Department of Correction (the "Department") in accordance with Senate Enrolled Act 395, I.C. 11-12-6 (the "Act").

2. The Board designates Level 3 funding, as defined in the Act, with respect to all deposits to be received by Vanderburgh County under the Act and this Ordinance.

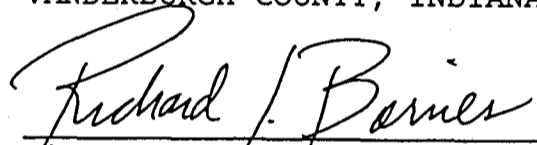
3. A fund, to be known as the "County Corrections Fund", is established. The County Corrections Fund shall consist of deposits made by the Department in accordance with the Act. Such Fund shall be administered by the County Fiscal Body.

4. The County Corrections Fund shall be used for any purpose authorized by the Act. Any money remaining in the County Corrections Fund at the end of the year does not revert to any other fund, but remains in the County Corrections Fund.

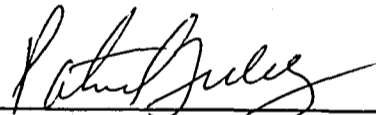
5. This Ordinance shall be in full force and effect upon adoption.

PASSED by the Board of Commissioners of Vanderburgh County, Indiana on the 24th day of April, 1995 and upon that day signed and executed by the members of the Board as appears by their respective signatures and all attested to by the Auditor of Vanderburgh County, Indiana.

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA



Richard J. Borries, President

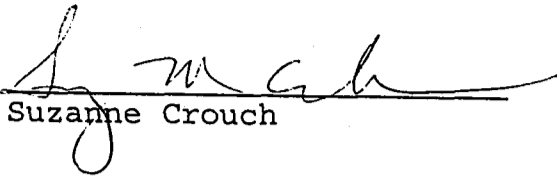


Patrick Tuley, Member

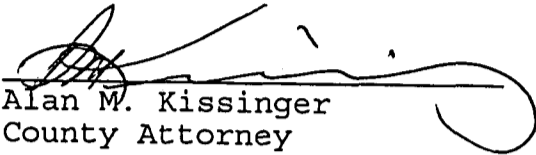


Richard Mourdock, Member

ATTEST:


Suzanne Crouch

APPROVED AS TO LEGAL FORM:


Alan M. Kissinger
County Attorney

Two copies of the foregoing Ordinance filed this ____ day
of _____, 1995 at _____ (time), and one copy
has been forwarded to the Commissioner of Correction, all in
accordance with I.C. 11-12-6-9 (a) (2), (b).

INDIANA SECRETARY OF STATE

By: _____

**MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS**

MAY 1, 1995

TABLE OF CONTENTS

Introductions & Pledge of Allegiance	1
Approval of Minutes	1
Action Items	1
Dennis Feldhaus - Helfrich Insurance	1
Lynn Ellis - Purchasing	2
Cindy Mayo - Superintendent of County Buildings	4
Rose Zigenfus - EUTS	4
Bill Morpew - County Highway/Garage	5
John Stoll - County Engineer	5
Alan Kissinger - County Attorney	7
Consent Items	10
Old Business	12
New Business	12
Adjournment	22

The Vanderburgh County Board of Commissioners met in session at 5:44 p.m. on Monday, May 1, 1995, in the Commissioners Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Good evening, everyone, and welcome to our May 1 meeting of the Vanderburgh County Commission. I'd like to call to order at this time our weekly meeting and give introductions of those folks here in attendance from our staff this evening. To my far right is:

Mrs. Cindy Mayo, Superintendent of County Buildings
County Attorney, Alan Kissinger
County Commissioner, Pat Tuley
County Commissioner, Rick Borries
County Commissioner, Richard Mourdock
County Auditor, Suzanne Crouch
Official Recording Secretary, Teri Lukeman

Would you stand with us please to say the Pledge of Allegiance?

RE: ACTION ITEMS

President Borries: We have an agenda printed for your information. It should be available to you on the table nearest the wall. The items on there. One item that I will bring up under new business is an item discussing the, not the Executive Inn, but the Green Convention Center and I will refer to new business for that particular item later in our agenda. At this time, we do have minutes to approve if the Commissioners would be willing to do so.

Commissioner Mourdock: Mr. President, I move for the approval of the minutes from April 24.

Commissioner Tuley: I'll second.

President Borries: So ordered.

President Borries: Are there any persons who do not see his or her item on the agenda at this time? If so, we'd like to hear from you. Any items that you do not see that don't relate to our agenda this evening?

Donald Day: (Inaudible)

President Borries: Yes, I will make some comments under New Business because our agenda was printed very early this morning. If you can stay, I'll be happy to hear from you at that time, or you can make them now, whichever is best for your schedule. Okay. Ken Kirkwood, 421 E. Gum.

Cindy Mayo: I don't believe Mr. Kirkwood is going to come, but he did call the office. The tree has been removed; he's very pleased with the work that was done out there and wanted to thank the County Garage for taking care of that problem.

President Borries: Good. Thank you. Dennis Feldhaus from Helfrich Insurance. He's the County Agent of Record regarding certain county insurance matters.

Dennis Feldhaus: Good evening, Commissioners. On behalf of the Insurance Committee, which is a committee of employees of Vanderburgh County, which I sit on and act as liaison to you, the three Commissioners, we have been looking at, and studying, the ability of Vanderburgh County to initiate a flex plan, a cafeteria plan, if you will for county employees. We have discussed this already. The insurance committee has been very supportive of it. Basically, I'm here this evening to ask of your approval before public hearing for the provider of that service to the county. Again, the cost to the county for the provider to do this for the county is zero. Basically, their asset comes in to play by having

a pool of employees to market for additional products that might be eligible, but the cost to the county is zero dollars. It's win-win situation. We've worked out all the automation problems through the Auditor's Office and we are ready to implement, hopefully, July 1, through that office, the flex plan. Basically, it allows employees to pay for their medical contributions and some plans with pre-tax dollars, saving them money and, in essence, saving the county money because we don't pay social security tax on those premium savings. I've shared with you already, prior to this meeting, the savings involved in dollar amounts. If you have questions and you want to review those figures again, I'll be more than happy to do that. I have Mr. David Marion from Aflac with me this evening. There were two providers that bid on this service: Aflac and Colonial Life. My recommendation to you is Aflac for two reasons. One, they are the largest provider of such services. They are an A+ rated company and finally, they have local service in Mr. Marion. He lives, works and can provide immediate service to our county needs. The other provider was in Indianapolis. That presented some logistics problems in my opinion. So with that, I ask that the Commissions approve Aflac as the provider of the Flex Plan and we move forward. Are there any questions?

Commissioner Mourdock: Yes, Dennis. Just to clarify, you were saying they were recommended both as the low bidder and as a AAA rated company. Is that right?

Dennis Feldhaus: There was nothing to bid. Both companies are providing, would be willing to provide the service to the county at no cost. Basically, my recommendation is on local service and the rating of the company.

Commissioner Mourdock: Okay. I would ask just one question of the County Auditor to confirm as far as looking at the computer hardware or whatever it is that Dennis referred to there that he'd put through your office, you're comfortable for a July 1 start up?

Suzanne Crouch: We've been working with Dennis since the first of the year, yes.

Commissioner Tuley: If there are no more questions, I'm ready to move for approval.

Commissioner Borries: Okay.

Commissioner Tuley: I move for approval of the recommendation of Dennis and the insurance committee.

Commissioner Mourdock: I'll second.

Commissioner Borries: So ordered.

Dennis Feldhaus: Thank you, sir.

Commissioner Borries: Thank you.

RE: LYNN ELLIS - PURCHASING

Commissioner Borries: Lynn Ellis regarding approval of bid APA035-95 Burdette Park Concessions.

Lynn Ellis: You have a bid summary in front of you for the concessions. The award recommendation is broken down. There are some items being recommended for Diamond Foods. A couple of the condiments for Sysco, several items for Land Shire Foods, Colonial for the bread, Allied Popcorn for the cinnamon and sugar mix and one of the condiments, Sure Fine Foods for chicken and tenderloin, Working Distributors for some of the novelty-shaped juices for the children and Weber Distributing for the syrup for the shaved ice. The bids have been evaluated by Burdette staff and by purchasing

staff and we concur on the recommendations. Those bidders highlighted are those recommended for award. There are notes on the last page of your bid tabulation. Sysco was low on a couple of the bid items food products, however, they failed to submit the required samples, and so Burdette staff was unable to test them for comparison purposes. Therefore, their food products are not being recommended for award. The pizza items are being recommended from Land Shire except for the sauce, which the sauce that was requested in the request for bids was not bid upon by any of the bidders and so Burdette staff will quote that item separately. Otherwise, they are recommended from Land Shire. There was not one bidder that was low on every item and it is recommended that was purchase all of those items from the same vendor. The chicken nuggets are recommended for award from both Sure Fine as a primary source and Diamond Foods as a secondary source. There is a slight possibility that at times, Sure Fine would not have that item available, and if that were the case, then we would need to be able to purchase that from the next low bidder which is Diamond Foods. Bud, Sure Fine would be contacted initially for that supply.

Commissioner Borries: Questions of Lynn Ellis?

Commissioner Mourdock: I move acceptance of the recommendation of County Purchasing for the Food and Beverage Concessions APA035-95.

Commissioner Tuley: I'll second.

Commissioner Borries: So ordered.

Lynn Ellis: Thank you.

Commissioner Borries: I might say that they must have tested a few of these on me today. I went out there for lunch. I'm not sure which of the ones I had, but the food was very good. I didn't get any pizza but I think I got hot dogs, hamburgers, shaved ice, it was very good and Mrs. Moers was there and they all watched as I made a fool out of myself as usual for lunch. So, it was very good. Thank you.

Lynn Ellis: Joyce said she felt like she was going to smell like a chicken nugget, because she was cooking them today.

Commissioner Borries: They had lots of stuff there, that's right. I think it promises to be a real successful operation. Thank you.

Lynn Ellis: Thank you. Should I request this? There's a bid to be opened for the Engineer, right? Should I request that at this time, I don't see it on the agenda, so that the Attorney can go ahead and proceed with that?

Cindy Mayo: It was advertised for bid openings.

President Borries: Sure.

Lynn Ellis: If I'm not mistaken, the bid number is 95-04-01.

Cindy Mayo: That's correct.

Lynn Ellis: Is that right? I would like to request that bid be authorized to be opened by the County Attorney.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Lynn Ellis: Thank you.

President Borries: Thank you.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

President Borries: Cindy Mayo, Superintendent of County Buildings regarding pool maintenance.

Cindy Mayo: I think probably you can speak on this Rick. I did speak to Mark Tuley and he said that he was going to provide you with a certificate of insurance which I believe was the question for Mr. Austill.

President Borries: Yes. He did so. I have a copy of it. I would like to enter it into the record. He does have insurance with James L. Will Insurance Agency, so we'd like to submit that for the record.

Commissioner Mourdock: Mr. President, since I brought this up last week just wanting to be the cautious person that I am, I guess, having seen the insurance there I feel much better about it and move that we grant the award as submitted. I guess, even as I make that a motion, I have a question, though. It was just kind of a hand-written contract almost. Is there another contract form that we normally use. Someone asked a question last week. I think you did, Rick.

Cindy Mayo: Mr. Tuley said that he did speak to Mr. Kissinger about that, and he said that just an informal type of agreement, just something typed up so that we would know would be sufficient in this case.

Alan Kissinger: It's not really the type of thing that we have in the contract to set out for Mr. Austill. It's somewhat of a casual relationship with him in consideration of his many years of experience and doing what he does. If you would look at the lease form that we use to lease part of Mr. Austill's property, you would see that is very informal as well. I don't want to give you the wrong impression. He's kind of from the old school. I agreed to do it, or you agreed to do it, and here are our signatures, so this is what we're going to do. I haven't had any problem in the past, hopefully, will not have in the future. I think what we have in writing is certainly sufficient to cover all parties.

Commissioner Mourdock: Having heard that, now I will make the motion that we accept this.

Commissioner Tuley: I'll second.

President Borries: So ordered.

Commissioner Mourdock: And I'll pass this on to Suzanne.

President Borries: Okay. We'll sign this here and I'll pass this on.

RE: ROSE ZIGENFUS - EUTS

President Borries: Okay, we're into our Department Head reports...

Cindy Mayo: Ms. Zigenfus called late this afternoon as said she was not able to complete her report and asked to be placed on the agenda for next week.

President Borries: Okay.

RE: ALAN KISSINGER - COUNTY ATTORNEY

President Borries: Alan Kissinger, County Attorney. Should we...

Alan Kissinger: I defer.

President Borries: You defer? Okay.

CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

President Borries: Cindy Mayo, Superintendent of County Buildings.

Cindy Mayo: I have nothing to report.

President Borries: Okay.

BILL MORPHEW - COUNTY GARAGE

President Borries: Bill Morphey, County Garage. Let the record indicate that the Vanderburgh County Highway Department submitted a progress report from Friday, April 21 through Thursday, April 27 indicating work done throughout the county. Bill supplied us with a picture of Harold Steckler there, who is retiring. He's been a grade-all operator and, how many years out there?

Bill Morphey: Twenty-eight years. There is a picture of a grade-all there on the keg. Friday was his last day.

President Borries: He did an outstanding job, I'll tell you. I'm sorry I couldn't have been there, I had several other conflicts at that point.

Commissioner Tuley: Yes, I wanted to come, too.

President Borries: Bill, any other items with you?

Bill Morphey: No sir.

President Borries: How are the road closings? Any today that we need to be aware of with the rains we've had?

Bill Morphey: The ditches are filling up. I certainly hope we don't have a repeat of what we had here a week or so ago. No, we've been chasing down barricades that floated away and trying to get the debris off the roads from the past floods. Hopefully, this doesn't come back up again. We're about ready to pave. We're going to try to start paving next week. We're supposed to have our oil in, so hopefully, we'll be paving next Monday.

President Borries: Any questions of Bill?

Commissioner Mourdock: It's pretty straight forward.

President Borries: Thank you, Bill.

Bill Morphey: Thank you.

RE: JOHN STOLL - COUNTY ENGINEER

President Borries: John Stoll, County Engineer.

John Stoll: First of all, I'd like to request to come before Council this Wednesday to request an emergency transfer of \$35,000 from the Base Line Road line item to the Contractual Services line item so that way, we'll have the money in place to cover a contract for the Browning Road Bridge replacement.

President Borries: Okay, may I have a motion?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Commissioner Mourdock: I'm wishing we had a choice.

John Stoll: That would be nice. Next, I've got the cover sheet for those bridge plans

President Borries: Man, that's fast. You have your staff, younger than you in many cases working on this, but it's great.

John Stoll: They're not done yet, but hopefully by this time next week, they will be done. So that way we can go ahead and have them out to get quotes prior to next weeks' meeting. Hopefully, our plan is to have the bids submitted to the meeting on May 15.

President Borries: Okay. I'll go ahead and sign and pass these.

John Stoll: Okay, the next item I have is Reimbursable Utility Agreements between the County and Sigeco for the Ohio Street Bridge project. The agreements are for \$44,690.47. Our share of that will be 20% and we need these agreements signed in order to stay on schedule for a potential June lighting.

President Borries: Okay, may I have approval of this reimbursement agreement?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: The next agreement that I have is also for the Ohio Street Bridge. It's between the State and the County. It's for federal money for that project. The estimated breakdown of that cost is, the total project estimate is for \$2,156,600. Our share is estimated to be \$431,320 and this is just an agreement that says we have the money in place and we can proceed on sending a check to INDOT once the bids are opened.

Commissioner Mourdock: I move acceptance of the reimbursement agreement with the State for the Ohio Street Bridge.

Commissioner Tuley: I'll second.

President Borries: So ordered.

John Stoll: The final item I have is street acceptances for Stephanie Lane, Kelli Lane and Christopher Court. These streets were brought up at the Road Hearing in March and Bill Morphew and I have been out and inspected the streets. The condition is acceptable and I recommend that they be accepted at this time.

President Borries: Any questions of Mr. Stoll?

Commissioner Mourdock: I'm sorry, I was busy writing down which roads.

President Borries: These are the ones where we were petitioned, I think, they had not been accepted previously, they've inspected them and found we can work with what's there.

Commissioner Mourdock: I'll move for the acceptance of the streets and roads in Dunaway Subdivision as submitted by the County Engineer.

Commissioner Tuley: I'll second.

President Borries: So ordered.

John Stoll: That's all I have unless you have any questions.

President Borries: Any questions of John?

Commissioner Mourdock: Any report yet, John, on the Swinging Way Court?

John Stoll: Oh yes, I've got that. Bill Higgins had gotten in touch with Mr. Meyer. We had, in the past, Mr. Hollingsworth had contacted our office. This dates back to 1994 and, at that time, a letter was sent to Mr. Hollingsworth saying what repairs needed to be done to those streets before they could be accepted by the County. No action was taken at that time, and then when you gave me Mr. Meyers' name, Bill Higgins got in touch with him again and let him know the same things that Mr. Hollingsworth had been told in the past as far as the improvements needed to get those roads up to county standards. As it stands right now, Mr. Meyer and Mr. Hollingsworth have both expressed an interest in trying to get a contract or get some estimates on what it would cost to bring the roads up to standard.

Commissioner Mourdock: Okay. At this point then the momentum is basically on their side to try to do that and then come back? So they're going to be coming back to us after those improvements are made, ostensibly, and then again, try to get us to take over those?

John Stoll: What I would assume is, once they discuss with a contractor, there is still an outstanding letter of credit on this subdivision, so I would assume they would get some estimates from a contractor, get with a developer to find out whether or not the developer would be willing to fund any improvements, I should say repairs, and then contact us if they go ahead with it, so that way, we could have an inspector in site while repairs were taking place. You're right, right now we're just waiting for a response back from any of the parties who are wanting the streets improved.

President Borries: Other questions of John? Thank you.

John Stoll: Thanks.

RE: ALAN KISSINGER - COUNTY ATTORNEY

President Borries: We're coming back to Mr. Kissinger, County Attorney for his report.

Alan Kissinger: I have the bid recap on VC95-04-01 Concrete Road Repairs. The first bidder was Concrete Paver, Inc., they submitted a bid in the amount of \$49,493. Next was Deig Brothers Lumber & Construction Co., Inc., they bid in the amount of \$73,692. The next was J. H. Rudolph & Co., Inc., the bid is \$59,394. Law Construction Inc., bid \$48,015.40. I think these need to be taken under advisement till next weeks' meeting.

President Borries: May I have a motion to do so?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Alan Kissinger: I also have three agreements all of which relate to Burdette Park. The first is the Burdette Park Food & Beverage Manager Agreement. There is a lady by the name of Merilee Combs, who has agreed to take this position and Mr. Mark Tuley is requesting that the Commissioners approve this agreement between Merilee Combs and the County. She does, apparently, have credentials which qualify her very well for the position of Food & Beverage Manager. I have prepared the Agreement. The high points

of the Agreement are that the term of the Agreement shall be from the first day of May this year, which is today, although, in fact she will not go to work until Wednesday, and the contract will terminate on September 30 of this year. That is the end of that contract, although it may be renewed from year to year if both parties are in agreement as to the terms, etc. This Agreement binds us only from the first day of May this year until the 30th day of September of this year. She is designated a contract, seasonal employee, not eligible for vacation pay, sick pay or other County benefits and she will be responsible for the payment of all income, social security and other taxes, and the County will not be responsible for withholding those amounts. She will be paid at the rate of \$9.00 per hour. Originally, I think the Agreement was going to be \$8.00 per hour, but before the Agreement could be signed, she was offered another position at more than \$8.00 per hour and Mr. Tuley felt like she was experienced enough and would be valuable enough to the County, that he's asking that she be paid \$9.00 an hour. I have amended that in writing and initialled it prior to signing it. All work, they anticipate her work will be for 40 hours per week, any work in excess of 40 hours per week will not be paid overtime, it will still be a straight \$9.00 per hour. She will be included pursuant to our conversations, discussions with Mr. Dennis Feldhaus, our County Insurance Agent, on the County's liability policy. She will be bonded and the County will agree to pay for that bond and the County will be the beneficiary of that bond as to her handling of any money or other property or things that come into her possession pursuant to her employment. The Agreement can be terminated on 20 days notice from either party and the source of the compensation for this Agreement will be the Burdette Park Revolving Fund, which was created by Title 3 Chapter 36 of the Vanderburgh County Code of Ordinances which was passed about a month ago, or so. She will be paid pursuant to claims presented to the County Auditor on forms approved by the Indiana State Board of Accounts. I think there was also a contact made with the State Board of Accounts. She would be paid each 2 weeks on Friday and somewhat of an unusual procedure for the Auditor, but I think the Auditor indicated that we could be accommodated on that even if the State Board of Accounts indicated that the procedure was acceptable. We have also included a specific list of duties, which constituted a job description for the Food and Beverage Manager, and also have indicated in the contract that she will be responsible for performing any other duties that are seemed to be appropriate and necessary by Burdette Park Management. I ask that you consider, the Commissioner's give favorable consideration to approve them of this agreement.

Commissioner Mourdock: Alan one quick question here that comes up when you mention the revolving fund that we voted on a couple of weeks ago. It was my understanding at that time...correct me if I'm wrong...that the monies that were in that would be used in the budget that had been established for Burdette Park. So, with that I presume this position was already in their budget expenditures?

Alan Kissinger: No. I think that probably was a misunderstanding on your part, and probably because of the way it came about. I didn't mean that you weren't...you didn't know what was going on, I just meant that the...

Commissioner Mourdock: That's alright, you probably would have been right with that too, probably.

Alan Kissinger: The Burdette Park Manager is required to establish a budget that there was not sufficient time to do that this year. That first budget will be submitted for the Revolving Fund only. That will be separate from the regular Burdette Park Operating Budget. And that will be submitted April of next year for approval or comment by the County Commissioner's.

Commissioner Mourdock: Okay. I do remember that now that you say

that. That was going to kick in next year. Well, aside from the funding source then, do you know or do either of the Commissioner's know, was this position planned for in the general budget for the park?

Alan Kissinger: No. It was not.

Commissioner Mourdock: So they had no intention of hiring a Food Manager, but now we are?

Alan Kissinger: No.

Commissioner Tuley: Because we are changing a complete...

Alan Kissinger: They didn't have any intention of making, of hiring a Food Manager and paying that Food Manager from the regular Burdette Park budget. They anticipated doing it, because we did last year terminate the contract with the (inaudible) there who handled it previously. But no, there was not an official budget slot for Food and Beverage Manager.

Commissioner Mourdock: Okay.

Commissioner Borries: Because this person would be a seasonal employee and not a full time employee. I don't believe he would put that in the budget unless it would have gone under part time help of some sort.

Commissioner Mourdock: Yes, and when Alan first started through this I thought, why are we doing this for basically a part time employee, but once you get into the bonding and the liability...I mean, I understand why we want a contract person on this. This is certainly something other than someone sweeping up the park at night, and cleaning up on the weekends.

Alan Kissinger: And I did see this individual's resume. It's impressive. The park management people are quite satisfied that she will be able to do the job.

Commissioner Mourdock: I'm not trying to micro manage your decision, I'm just looking at it...

Alan Kissinger: Understood.

Commissioner Mourdock: ...from the funding side, and how that's done.

Commissioner Borries: Give me your name and address please.

Janet Watkins: Janet Watkins, 7907 Peach Blossom Lane. Isn't it against the law not to give time and half for any work over forty hours?

Alan Kissinger: An employee if not coerced, or under any other type of pressure, you can waive certain of those rights even if they're working full time, year round, forty hours per week. They can waive those benefits. Even pursuant to the union agreements, those benefits can be waived. This a contract employee. This individual is not a county employee. The short answer to your question is, is no.

Commissioner Mourdock: Is it expected that this will be a forty hour, well, all hours worked in excess of forty shall be compensated at the same rate. Do you know, is there any expectation as far as what the hours will be with this position?

Alan Kissinger: They anticipate that, probably for the first few weeks of this agreement, that she is going to work more than forty hours. However, they think it's going to level out because they

plan to bring in some other seasonal people, part time people to assist with that job, at which time it will probably taper off at about forty hours a week.

Commissioner Borries: Joyce, do you want to give your name for the record please?

Joyce Moers: Joyce Moers. We really don't anticipate very often that it would go over forty hours. Only on rare occasions, you know. If the season is exceptionally hot, maybe we've got a lot of attendance that maybe we don't anticipate, it could be, if you have employees here sick and can't get a replacement, she may have to be that replacement, things like that. But we do plan on giving her a forty hours schedule, and don't anticipate it going beyond that unless we can't help it. There will probably be times when that will happen, but hopefully very rarely.

Commissioner Mourdock: Do we see this next year then as coming out of the fund, I'm sorry, it's coming out of the same fund, but being budgeted through that fund?

Alan Kissinger: Yes.

Commissioner Mourdock: Okay.

Alan Kissinger: Yes. That will be one of the items that you would include in your budget for the Burdette Park Revolving Fund.

Joyce Moers: Yes.

Alan Kissinger: For next year.

Joyce Moers: Yes. That is one of the items that will be in the budget.

Commissioner Mourdock: Mr. President, then I'll move acceptance of the purposed agreement with Merilee Combs as recommended by the County Attorney.

Commissioner Tuley: I'll second.

Commissioner Borries: So ordered.

Alan Kissinger: Next matter, once again, is Burdette Park. This is the Pool Concession's Agreement. I think, as you will recall, this was, was it bid, or were there quotes? Do you recall, Joyce?

Joyce Moers: On Coca Cola?

Alan Kissinger: Yes.

Joyce Moers: Yes it was bid, and it was accepted by this Board, probably about a month ago.

Alan Kissinger: We have that Pool Concession Agreement based on the bid, and that has to be signed. Joyce you may want to take this and get Merilee's full signature on this and make sure that it does get back to the Auditor's Office after she has signed it.

Joyce Moers: Okay.

Alan Kissinger: The last matter that I have is a Letter Of Agreement from the MAC Group, Marketing Advertising Communications, with Burdette Park. This contract basically speaks for itself. This is a professional service contract. It is not required to be bid, nor are we required to get quotes, however, Mr. Tuley did advise me that, basically the rates for all of these professional service outfits are either the same, or very close to the same. That this has been negotiated with the MAC Group, and this is

something that is done every year. Am I correct Joyce?

Joyce Moers: We have had an agency for awhile and we...this is the first time we've made a change in a while, so we did some research and found this group there very good. We've already had them do some things that we are very pleased with. We have checked out rates. They are within range...well within range rates. We're very pleased with them.

Alan Kissinger: Do you anticipate one of Mr. Mourdock's questions; what it budgeted?

Joyce Moers: Yes, this is budgeted.

Alan Kissinger: Alright.

Joyce Moers: We have an advertising budget, and this is paid out of our advertising budget.

Alan Kissinger: Okay. This Agreement was prepared by the MAC Group, so it doesn't have a place for all the traditional signatures, but I will note that I did review, and approve it. And I assume that the Burdette Park Management is recommending that the Commissioner's approve this Agreement.

Joyce Moers: Yes, they are.

Commissioner Mourdock: What is the total amount of the Agreement? I presume it's on, basically, a lump sum type of thing for a period of time.

Joyce Moers: It's five hundred (\$500.00) per month for the year...

Commissioner Mourdock: Okay.

Joyce Moers: ...every month for the year. Their services, we pay them five dollars (\$5.00)...five hundred dollars (\$500.00) per month. Some of their services, they may be very busy in one month, but a little bit slower in another month, so it averages out over the year.

Commissioner Mourdock: I've not heard of that group. Are they out of Evansville?

Joyce Moers: They are here in Evansville, yes. On the eastside.

Alan Kissinger: On the Burdette Pool Concessions Agreement, Joyce, you need to take that with you, and get Bluegrass Coca Cola Bottling Company to sign that, and get that back to the Auditor's Office.

Joyce Moers: Okay.

Alan Kissinger: That's all I have to report.

Joyce Moers: Thank you.

Alan Kissinger: I would like to make a recommendation. In reference to the employment change select for Community Correction. That is somewhat in a state of limbo. I would ask the Commissioner's to defer acting on that this week and schedule for this specific action in next weeks' action.

Commissioner Borries: Okay.

Alan Kissinger: That's all I have to report.

Commissioner Borries: Thank you, Alan.

Commissioner Mourdock: I don't know that we've got a formal motion to approve...

Commissioner Borries: I'm not sure we did on this.

Commissioner Mourdock: On MAC's, so I'll make that as a motion that we approve the MAC Group Contract for advertising.

Commissioner Tuley: I'll second.

Commissioner Borries: So ordered.

RE: CONSENT ITEMS

Commissioner Borries: Consent items, Travel, Education, Employment Changes. Mr. Kissinger has referred to one that we will defer, also, a Report of the County Treasurer for March, 1995.

Commissioner Tuley: I'll move at this time then that the Consent Items be approved as submitted with the exception as noted by Mr. Kissinger.

Commissioner Mourdock: I'll second.

Commissioner Borries: So ordered.

RE: OLD BUSINESS

Commissioner Mourdock: I'll just mention briefly; I had a conversation with Mr. Hafer the other day, Vision 2000.

Commissioner Borries: Yes.

Commissioner Mourdock: He expressed some interest in bettering the communication between this Board and Vision 2000. Obviously, all of us were concerned several weeks ago with the American Cold Storage Project and timing of how that was brought to the Board, and I think we just need to follow through, communicate well with him, with the Department Metropolitan Development, if we want to see some improvements in that area. I think we all agree we need to.

Commissioner Borries: Thank you. I have one item that, as we so often do when there are three of us on a Board, and we all work at different things. I would like to put together, and I will ask you to be thinking of these items for 1995, a list of accomplishments, certain items that we're working on. Well, I had asked this to be done in 1994, and here it is May, and anyway we do have a working document at this point to put in for the record about some of the activities that Vanderburgh County was involved with during 1994, and some are a working list for I think for 1995 as well, but I would like to submit that at this time.

RE: NEW BUSINESS

Commissioner Borries: May I read a statement at this time? I had the opportunity to make earlier today, so that you would have the opportunity to get it earlier today. The passage of the One Cent Food and Beverage Tax to fund renovations of the Vanderburgh Auditorium was truly a bi-partisan effort. The work of the County Councilman Bettye Lou Jerrel was particularly effective with Republican members of the Indiana General Assembly and local community supporters. The leadership of State Representative Vaneta Becker and State Senator Greg Server was vital in securing passage without any conference committee changes. State Representatives Dennis Avery, Jeff Hays, Larry Lutz, and State Senator Joe O'Day all played an important roll in supporting the passage of House Bill 1711. Finally, Mayor Frank McDonald's

endorsement of the project ensured a unified focus to this effort. I emphasize "unified" because, without unanimous support at the local level for a bill of this nature, there was little likelihood of passage in this session.

However, since the introduction of the Bill in January, dramatic changes which may affect the future of the 17 million dollar convention business in this community have occurred. The main convention facility, known as The Executive Inn, will be sold in various parcels. This will leave the community, which we are the third largest city in the State, without the capability of attracting large conventions of 1000 people or more. Our place as a Regional Center can no longer be assured without such a facility. Literally, the mission and work of the Vanderburgh County Convention and Visitors Bureau will be seriously diminished without adequate facilities for large conventions.

I have discussed this issue with Mr. Tom Green, owner of the Executive Inn. From our discussions, Mr. Green had offered the Convention Center for sell to the County for the price of 2.1 million dollars. Now by referring to the Convention Center I want to be very clear this does not include in any fashion the hotel or anything associated with the hotel. The Convention Center is the facility immediately across the street from the Vanderburgh County Auditorium. This cost is approximately \$18 per square foot for the 115,000 square foot facility.

I believe we must consider this offer and acquire the facility. Because the renovation of the Vanderburgh Auditorium and Convention Center across the street now provides the impetus to tie these buildings together. The time is right for this community to have a viable, first class convention facility for the 21st century.

And tonight, I ask my fellow Commissioners for support for this project. Also, I believe that we should ask the Convention and Visitors Bureau for One Cent of the Five Cent Innkeepers Tax to Fund the acquisition and renovation of the Green Convention Center Facility. Let me digress a bit to say that the Convention and Visitor's Bureau are the group that a... well certain applications have to be filed before them for approval to be forwarded to the County Council. And because we, I think this Board had originally endorsed and I hope still endorses improvements to the Vanderburgh Auditorium. This particular project because it is different, I believe can come from a different source. Finally, I would ask the Vanderburgh County Council to approve the funding for both the Vanderburgh County Auditorium and Green Convention Centers Projects. This can be done without any impact to local property taxpayers. It will solidify our place as the regional hub again for the 21st century.

With the arrival of the riverboat gaming later this year, we must focus on developing our convention facilities into a viable attraction for groups who will visit here. There is a bit of a typo in this, but, or at least, I think, a sentence left out, but just look at what St. Louis County, Missouri for example, has done with some ambitious efforts. After that community lost its NFL franchise team, a committee planned to a project that resulted in a \$270 million dollar dome stadium. Apparently, the impact of an NFL franchise was that important to their future tourist business. So, they have built that stadium, and as you know now recently they have a new NFL franchise.

This project will be for less than \$270 million dollars, but no less important to the future of Evansville's tourism business, and this evening again, I would ask for consideration for a joint meeting with the Convention Bureau, The Vanderburgh County Council and our Commission Board for a full discussion of this issue. I believe that we can truly make a difference in these facilities and

have something that we can be proud of, and because of Mr. Green's proposed sale, that the time to do it is right now. So I thank you for allowing me to make those comments.

If you have some questions we would certainly want to ask for your input and comment at this time. We do have a gentleman here that is also indicating that he would like to speak.

Commissioner Mourdock: He has been very patient, so please feel free.

Donald Day: My name is Donald Day, 2601 Skyline Drive. I had some questions on the a...a lot of things that have been going on in the past and plus in the future. The only thing that I want is just some consideration and I would appreciate your time to hear me out. As far as the auditorium goes, the transfer of taxes from the airport to the Convention Center or to the auditorium to bring the building up to date as far as improvements and possible future expansions and whatever. What is going to happen when that's done and then we go back to the airport is now still wanting to expand. Is this tax going to back to the airport, and are we going to pay for an expansion again? Like I said; this is just food for thought for me. I don't see how we can justify putting tax money into the Green Convention Center or still just doing it to the Vanderburgh County Auditorium. Are we going to have two facilities, or we going to tear one down and make one a parking garage to handle? These are just questions that I had. I'm sure that you all have got a lot of thought into the matter and have a lot more resources than I have, since I just learned about it about six and half hours ago. I don't feel like we should be competing against private industries as far as the Convention Center along with the Executive Inn. That should all be one package. Something I was wondering about was the federal government is cutting back. They're downsizing the federal government. How's that going to affect us here in the local community? Are we going to need funds to supplement welfare or even the state highway? I know we have wishes and dreams. Some of it I heard today is being worked on as for as the clover leaf at Burkhardt and Lloyd Expressway. Now maybe funding has already been approved for this, I don't know. I haven't seen anything on the news. The only thing I just remember hearing on the news back that USI ext. from USI to I64 is a funding there for that road. Are we going to count on the state to give us money to build this? Or are they going to cut back too? The governor's already signed a bill to cut two years out for welfare. How's that going to come down and affect us locally? If the people here aren't locally on welfare we can't get money from the federal, we can't get money from state, where's the money going to come from? Sure hope it's not going into maintenance on a building across the street. I did learn this evening about the bridge on Ohio Street. I'm glad to see some action has finally been taken. I was wondering how long I was going to have to sit there and look at a ten mile an hour speed limit on the bridge. I guess it's being worked on. I hope it's not down at the same time the other one is down. Otherwise we're going to have to charter an airplane to get across the creek. Something else that might have to be looked at is boat ramps. When we get the riverboat in, there is a lot of boats that put in at Dress Plaza. I don't know if you have a jurisdiction on the county boat ramps or not. I don't know if that's park, city county park, I'm not sure. If they put the boat down here, is the boaters going to be able to put in at the river, are we going to have to expand the boat ramps to handle the increase traffic there? Then last of all I heard Burdette Park mentioned all evening today, so I put my two cents in for Burdette Park. We also put roller skating rink sometime ago, now we have a parking lot. I was just wondering if maybe funds cannot be allowed to put a roller skating rink or as everybody said on the news and what have you...the ice skating rink at Swonder Ice Rink is overflowing now. Maybe consideration should be taken in putting an ice skating rink in. We're trying to get our kids off

the streets and everything else. I'm sure there's not too many people in the room that didn't cruise when they were in high school, but that is one thing that I can see that could help out Burdette Park and maybe put that money someplace else, instead of going into maintenance of a building. Like I say, I may be premature in my concern over getting the Green Convention Center, but I'm just...it just doesn't set right to tack on another building with maintenance cost and what have you. Is it really going to be worth while? I'm sure that you have done your leg work and trying to figure out if it is going to be feasible, but I don't see how it's going to be feasible when the old county auditorium wasn't carrying its' weight. How are we going to get the Green Convention Center to carry its' weight? Thank you for your time.

Commissioner Borries: Thank you Mr. Day. Appreciate it very much. You have a wide range of concerns here and they are certainly our concerns. Appreciate you mentioning these. Yes sir.

Charlie Sakaria: My name is Charlie Sakaria. I use to own hotel in Evansville. I'm pretty much familiar with hotel industry in Evansville area and also the surrounding, because I sell hotels and motels in the area of about five states. I agree with Richard Borries 100% percent that County should seriously try to buy Green Convention Center. There are a few things, I just heard from some of the things I'm going to contract back to his proposals buy, we should buy. Three or four years ago our convention used to be pretty close to about 140 to 150 a year. That has dropped last year to about 75. This year we've got only 50. Normally a convention in Evansville area would be running about 300 people per convention average. That's comes out about 45,000 people coming into town. Each persons spends many amount of \$100 including motel rooms. Not spend not counting as what if the gaming commission has been approved. How much they will spend on the gambling that remains to be seen. But, just with those figures...if we come back and start getting conventions to four years ago to what we use to have it, we'll be generating an excess of 15 million dollars just from the people who are visiting. Just their staying, and just eating not spending any money purchasing or anything they might buy for. As for as the funding is concerned I know that people are worrying about the taxes going up. So am I too. I own quite a few properties in Evansville. Mr. Tuley knows about that. I'm also involved in a little bit problem with Oak Tree Village who has not paid my property tax since 1992. Still hasn't paid it. Eventually they'll pay. Beside that point funding wise...I think...I don't know exactly what's happening with hotel, motel tax, and also the restaurant tax. If he can come up with that 1% tax which is...it can be easily funded. Now as far as the price is concerned I don't know how much Tom Green has control over the price. I think somebody (inaudible) Robert. I know exactly where it stands. I think 2.1 million dollar that was his proposal I don't how (inaudible)...I don't know how much authority does he have to control that 2.1 million. If the County seriously considering the purchase I think I would not sign that 2.1 million dollar purchase price.

Commissioner Mourdock: You would or you would not?

Charlie Sakaria: I would not. Because you know there isn't...face it. I don't know that's what I'm saying. I'm not going to say exactly how much time Tom Green has over the price, but I think somebody needs to see the legality of it, who's controlling the pencil to sign the papers. That's 2.1 million...a little bit too much. Not for the price of the property itself, but the way it's been right now the financial conditioning. Sometimes you know people have to take advantage of the financial institutions, and I think it's public money why we should not consider what they want to have. So I think all the Council members, County members, they should really seriously consider about purchasing this property. Thank you very much.

President Borries: Thank you for speaking. Other persons at this time who would like to speak? Commissioners? Comments, or thoughts?

Commissioner Mourdock: I'll start off with the discussion then on this and there is the old saying in politics, that I have friends on both sides of the issue, and I want to stand firmly with my friends. Mr. Day and Mr. Sakaria, if I pronounce that properly, I agree with the points that both of you made. Number one Mr. Day, the question is where will the money come from? How will the withdrawal of federal funds affect this county? What are we going to do with the State cutting back? The bottom line was that there's all kind of needs for money. Are we best served when that money is being used for the Convention Center? And you also made the point to raise the question, have we done our leg work? And to be honest with you I think that's what we need to do. I don't know that we have done nearly enough of that to begin to make this kind of decision. Mr. Sakaria your comments about the, basically the economics of this I think it's very well taken. The 300 people average for a convention, and obviously an average is an average, we have some in this city that go up to 2000. I know...I've been president of one of those. They mean big bucks for this area, and that's the big consideration. I also thought, and maybe this is my Republican leaning, supposedly Abraham Lincoln once said that government ought do those things only that people cannot do for themselves. And that's the question I'm going to have to balance out in the coming weeks. Is this something...is an essential surface? Is it something that the county is obligated to provide? And I'm not sure that I have the answer to that question yet, and I want to kick that around. I think that there are several things that Commissioner Borries specific to your proposal that I would like to see us act on and obviously we will be taking this under advisement since it's a difficult and involved issue. Number one, I want to see if there's a way that we can have a commitment from whoever ends up with the hotel, that we can have rooms available for conventions. My nightmare scenario here, is that riverboat is doing such a bang up business that the hotel is booking people in day and night for that and, as a result, we can't get the kind of room discounts we need that make the convention business worthwhile. The worst thing we could have happen would be to have this convention center and then not have hotel rooms to serve it. The same is true for the parking. We need a commitment from the parking garage or find some other way to do the parking, and your comment Mr. Day, while I think you meant it or said it rather glibly, maybe it shouldn't be glib. Maybe we should look at a parking garage at one of the two locations. I don't know. Parking is always a problem in this city. I think we need to have a good appraisal from that. I think all of us will agree, a good appraisal from perhaps a well-defined consultant, which is someone from outside the area, who has a briefcase and more than 50 miles away. Maybe we just need that outside opinion. That someone can come in and study this from a distance, if you will. I think it's also important that we get a report from the Evansville Convention and Visitor's Bureau as to how other similar size cities have gathered their assets to work toward this end. We all go to Indianapolis frequently and use the convention center there and know it's a great facility. I think many times we want to say that if Indianapolis can do it, we can do it. But Indianapolis has a huge population base to draw from and, obviously, we don't have that, and obviously, aren't going to have it in the foreseeable future. So, I would like to see a report from the Convention Bureau telling us, I don't know, maybe Omaha, Nebraska, I don't know, some city in West Virginia, somewhere that's closer to a match to tell us what we can and can't do. So those are just a few of the questions, and I'm sure I'll have many more over the coming several weeks. Is it worth looking into? Absolutely, there's no way that space could be reproduced at \$18 a foot. It's simply a matter of, is that the best use of county funds? Can we maintain it once we do purchase it, assuming we do? And then, will it

somehow work with the other hotel businesses in town to be a sufficient draw to make it work? So those are my points.

President Borries: And well said.

Commissioner Mourdock: Thank you.

Commissioner Tuley: Who says you can't straddle a fence and keep both ears on the ground?

Commissioner Mourdock: There's a mixed metaphor if I've ever heard one, but I guess it fits!

Commissioner Tuley: I think that's what we need to do. I think there's some compelling arguments for both sides of the issue. I don't think, in the short time from the day when Commissioner Borries held his news conference until we were fully aware of his proposal, that anybody could sit here and make a recommendation one way or the other. I think there's a lot of questions to be answered. On the surface it sounds good, but I think until we really get in there and try to answer some of the issues that were raised by both sides, I'm not willing to take a stance one way or the other at this point in time.

Commissioner Mourdock: And let me add one, I skipped to my first one here. I think we need a lot of public comment as Mr. Day and Mr. Sakaria just did. One thing I would like to do is perhaps dedicate a meeting here, one of our Monday meetings, in addition to having the meeting that you suggested, Rick, with the Council folks. I'd like to dedicate one public meeting here that we can well advertise simply for public comment on this issue. I think we are going to see, unlike a lot of issues as you well know, you'll get 90% of one side of the issue showing up. I think this one has got enough merit to it, enough backers on both sides, I think we would have a very meaningful discussion if we did dedicate one meeting to that issue.

President Borries: Well, thank you for your comments. Let me say that I wholeheartedly endorse that. We've had meetings at the Vanderburgh Auditorium before and that might be a very appropriate place to have your special meeting. How would you want me to proceed at this time so that the ideas don't languish, and really what my purpose was this evening, was to get you thinking and talking and I've done that. I want to say that, again I have a personal feeling about this. Call it a gut feeling, if you will, based on conversations that I have had with a lot of people about this particular convention center, I believe that it is something we seriously must consider. Your comments concerning availability of rooms, parking, many other things, you're exactly right, they have to be addressed. But, I would want to stress to Mr. Day that what I am proposing, what I was thinking about here, is something that will not impact on local property taxpayers. That is, I'm not asking for any additional property taxes. In fact, I don't think, because of some of what the Mayor has done in terms of 8% property tax credits, it would be possible to do that. But I'm really glad you showed up. I think it shows that, hopefully, we're hitting the mark here in relation to getting some people thinking and, again, I don't want this community to, frankly, have an inferiority complex about this. That's why I used the St. Louis County thing. That's a \$270,000,000 dome stadium, and it worked for them. And all I'm saying is, that a community this size, looking ahead into the 21st century, frankly, we can't, I don't think, provide convention space in the limited space that we have in the Auditorium, even if we renovated. And, if we want to look ahead at really becoming a regional center, you can look at Owensboro and what they've done with their Arts Theater over there, you can look at Louisville, Kentucky, we can look at a lot of other communities. I think we need to do that, as Commissioner Mourdock has pointed out. But I think when we look at that, Ft. Wayne, the Ft. Wayne

Center, South Bend, what they have done, look at some smaller cities than Indianapolis, although Indianapolis is a model. Again, I think we have to look at what Mr. Sakaria said to look at the visitors who come in here, and frankly, I don't think we can put them up and down Highway 41 either, and think that's going to be a very viable solution for the future. I'm not jumping up and down about saying that this is something else that government has to do, but government ought to, in my opinion, do things to help the community, and frankly, we need to keep it on a positive track, and I believe that is something we need to seriously consider in this thing. So, I appreciate your comments, both of you, and we will, is it all right with the Commissioners if we would schedule some meetings then? What is your feeling? What do we need to do at this point, because I don't want the project to languish too long. I would say this, and Mr. Green did not indicate that he, I mean, this is no brinkmanship on his part, he does have another buyer for the convention facility. He is going to parcel it up. It will be more marketable to hoteliers, and I think Mr. Sakaria was tending to maybe balance what I was saying. Hotels, if you look at several that are being built on the east side right now, have very little convention space and public space. They are rooms, small meeting rooms, continental breakfast, virtually no food service. That's really where the hotel industry is moving. And so, this is going to be a very marketable hotel. There will be a lot of rooms there, but very little other services provided, and so, that's what we have to look at from a cost effective way. Who would be providing these services, and it's my understanding that even if they would start tomorrow, and they won't because they don't have their boat in the water yet, but the Aztar group has planned to have about 15,000 square feet of space in their new facility when it is built in the next few years. Again, that's 15,000 and not 150,000 like what this facility has across the street. So again, I wanted folks to think about this. I believe it's something that we....The attorney here is advising me on some things here.

Alan Kissinger: (Inaudible)

President Borries: Yes. In order for the Board of Commissioners to be authorized to appoint appraisers, the Council must first adopt an ordinance or resolution indicating that the County has an interest in purchasing the property. Can we go that far to say that there would be an interest there? That's all I'm asking for, whatever you think we need to do here, one vote.

Commissioner Mourdock: My gut hunch is that, that's fine. I think certainly, we have an interest. Mr. Sakaria, and again, I hope I'm coming close in the pronunciation, Charlie's comment, regarding the value of the property is the question I have in my mind, and certainly, when you start that process you've given away some of your negotiating position. Certainly if an appraisal comes out much below what the price is that's been discussed, that hurts their negotiating position, so it may be 6 of 1 and half dozen of the other. But Pat, I'm interested in your comments. You know the financial side of this.

Commissioner Tuley: I don't think there's a problem with just saying that we're, at least, interested in exploring and having an appraisal done just to see the reality of the asking price or the price that we've been quoted to see is it realistic. The questions, and I call him Charlie Brown because I always screw up his last name, so I always call him Charlie Brown like a lot of other people do, want to make sure that the asking price, because there's a lot of other financial people involved here, that he does have that authority to make that recommendation and acceptance, before we get too far out on a limb.

Commissioner Mourdock: Excellent point. And given the creditors in this situation...

Commissioner Tuley: Yes, that's what I mean.

Commissioner Mourdock: Excellent point.

President Borries: You should talk with Mr. Green yourselves, and I think you and I will do that.

Commissioner Mourdock: Right. Yes.

Commissioner Tuley: The only thing I've got at this point in time, it seems like with every answer, there's one more question, and I think that's why...

President Borries: It's a complicated situation.

Commissioner Tuley: I don't want it to not be going in, you know, there's questions to be answered, and I think the only way we're going to get those is to start asking questions. And one of them definitely is the appraisal. If the appraisal doesn't check out, that stops a lot of the other questions we've got to ask, and the answer as to whether or not Mr. Green does have the authority to sign off on it at a given price.

Commissioner Mourdock: With that being the very valid point that it is, I would suggest perhaps we take it under advisement for a week now that this thing has come up at this meeting as public discussion. As you've indicated, Commissioner Tuley and I can talk to the bank, talk to Mr. Green, or whoever, and make ourselves comfortable.

President Borries: Okay.

Alan Kissinger: If I may, the only reason that I brought this up, is because of the possibility of timing. Quite frankly, I'm not sure when the County Council meets, but the County Council must adopt this resolution before we're even allowed to appoint appraisers, and then after, we must appoint 2 appraisers, and then we're not allowed to purchase the property for more than the average of those 2 appraisers appraisals. The amount that they're appraised is the value of the property, and I'm not certain of the timing of the County Council's meeting, and in consideration of the fact that they meet only once a month, this coming Wednesday?

President Borries: Yes, they meet the third.

Alan Kissinger: I don't know, I suppose that they could adopt that resolution at their coming meeting, if the Commissioners want to consider it. I don't want to influence you or establish policy for you, but I just wanted to tell you that's something that you need to consider, as far as whether you vote on anything tonight as far as this project is concerned.

Commissioner Tuley: But it's a valid point, if they meet the third, which is when they meet, and if we don't give them at least the option to explore adopting a resolution, then we don't do anything until June 7.

Alan Kissinger: Right, it would be another month. And then, we have to go through our process of actually appointing the appraisers. In your discussions with Mr. Green,... let me go back one step, several weeks ago, there was a date published in the paper as to the date that they planned to have their auction. What date was that? Do you know?

President Borries: Is it the end of this month? I'd have to go back and look at the legal.

Commissioner Mourdock: That's what I thought, it was late June. I think the 28th or 29th, as I recall.

Commissioner Tuley: It's the 27th.

Commissioner Mourdock: The 27th? Okay, thank you.

President Borries: Yes, what happens is, I know, and I digressed a bit as I was talking this last time, Mr. Green did not indicate any brinkmanship, but I know that he has another buyer for at least what we're calling the convention facility, not for convention purposes.

Commissioner Tuley: Are you of the opinion, Alan, that they, meaning the Council, could act as early as Wednesday if we, basically, agreed to just get an appraisal done?

Alan Kissinger: As far as a resolution is concerned, I presume that if I prepare that resolution, then they would be able to. Let me check the statute very quickly and find out.

Commissioner Tuley: If they could act on it, at least we'll get that out of the way.

Commissioner Mourdock: Is it possible that they can act without a recommendation of this Board?

Commissioner Tuley: I don't think so.

President Borries: We have to at least indicate an interest, and that's all I'm asking for.

Commissioner Mourdock: I understand.

Commissioner Tuley: I don't think anybody is ready to commit, even yourself at this point in time.

President Borries: No.

Commissioner Mourdock: Well, if Alan comes back with adequate confidence from the statute, I would be willing to go with that. I will wait till he comes back.

Commissioner Tuley: I'm just concerned about whether or not they can even act on that Wednesday, and again this is Monday.

President Borries: I can say this, since he's out of the room, but he was the County Council's Attorney for a while, so he probably is going to be able to figure that statute out, I hope, pretty quickly.

Donald Day: Is there any possibility of getting a dome stadium?

President Borries: There's a possibility, there's a possibility, but...

Donald Day: (Inaudible)

President Borries: A retractable dome stadium? I'm not saying we have to dream that big, I'm just...

Commissioner Mourdock: Actually, when Commissioner Borries used that as an example, I was very close to saying, when he was judging it a success, we'll wait until Super Bowl rolls around before we can judge that a success.

President Borries: They haven't won a game yet, and I know how that is. But, I guess I only used it, St. Louis is a very large metropolitan area, but I think it's, by NFL standards, the 16th or 18th market in the United States.

Commissioner Mourdock: Coming back to the serious issue here, one

thing that you had suggested, Rick, was the idea of getting with the Council to discuss this further and, certainly, if you're going to be in town for their meeting, even before we get the information back from Alan, I would ask, as President of the Commission, you represent us to suggest that we do have a joint meeting of some sort to discuss this thoroughly, and also to let them know of our plan of having a public meeting, and certainly inviting them to hear input from the public on this issue.

President Borries: Okay. I know we all don't need another meeting. We need, and I think, you'll be here next week, won't you?

Commissioner Mourdock: As far as I know.

President Borries: Okay. So there will be 2 of us. I'm not sure if Mr. Tuley...

Commissioner Tuley: No, I'll be out of town.

President Borries: He will not be able to attend, so that's why I needed to know if you'd be here. But, we will have a Solid Waste Meeting immediately before that. If we could find out, Cindy Mayo, that we might not have such a large set of Rezonings on the 15th, I'm wondering if we could crunch some time, maybe, before our meeting, have it at the Vanderburgh Auditorium, invite the members of the County Council, invite the Visitor's Convention Bureau on that date. How does that sound?

Commissioner Tuley: I wouldn't think you're going to have a whole lot of Rezonings.

President Borries: On the 15th?

Commissioner Tuley: Unless there's been things that, because it seems like the last time we only had 3 that were first readings.

Commissioner Mourdock: Yes. I think that's right.

President Borries: Why wouldn't we just, if we don't have a lot of things to vote, the meeting if we have an Executive Session, let's say start at 5:30. Do you think that would be appropriate?

Commissioner Mourdock: Do we have time to advertise it?

President Borries: I think, Teri would we have, it would be 2 weeks, surely we could advertise it, couldn't we? Suzanne?

Suzanne Crouch: Yes.

President Borries: How would that be?

Commissioner Tuley: And I would ask Cindy and Cindy to limit the agenda items to those things that we absolutely have to do on the 15th because of the Rezonings that do start at 7. It's advertised at 7, I'd hate to stop in the middle of the meeting to go to Rezonings and then come back to that meeting.

President Borries: Right.

Alan Kissinger: I haven't found anything. This index system is,....I'll look tomorrow morning.

Commissioner Mourdock: Let me make the motion this way, then. Unless otherwise advised by the County Attorney after his review of the statutes, I move that we present to the County Council a request for an appraisal of the Green Convention Center.

Commissioner Tuley: I'll second because it's just our recognition

of our interest and nothing more at this time.

Commissioner Mourdock: I understand.

President Borries: And I will so ordered. Thank you for your thoughts and thank you for being such a fine audience this evening. We have a Drainage Board that will immediately follow, if we can get Mr. Jeffers in here, a special Drainage Board.

Commissioner Tuley: We have a Drainage Board Meeting?

President Borries: It's on the agenda. Is there other business this evening? This meeting is adjourned.

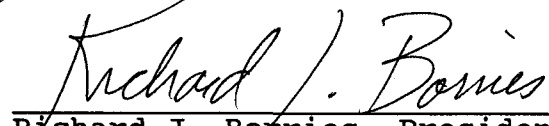
Meeting adjourned at 7:02 p.m.

THOSE IN ATTENDANCE

Richard J. Borries
Richard E. Mourdock
Cindy Mayo
Teri Lukeman
Lynn Ellis
Joyce Moers
Charlie Sakaria

Patrick Tuley
Suzanne Crouch
Alan Kissinger
Bill Morpew
John Stoll
Donald Day
Dennis Feldhaus

**VANDERBURGH COUNTY BOARD OF
COMMISSIONERS**


Richard J. Borries, President

Patrick Tuley, Vice President


Richard E. Mourdock, Member

AGENDA

VANDERBURGH COUNTY COMMISSIONERS

May 1, 1995

5:30 P.M.

1. CALL TO ORDER

2. INTRODUCTIONS

FINAL

3. PLEDGE OF ALLEGIANCE

4. ACTION ITEMS

A. Approval of minutes

B. Any group-individual wishing to address the commission

C. Ken Kirkwood - 421 E. Gum - County owned lot adjacent to his

D. Dennis Feldhaus - Helfrich Insurance - County Insurance matters

E. Lynn Ellis - Approval of bid #APA035-95 - Burdette Park Concession

F. Cindy Mayo - Superintendent of County Buildings - Pool Maintenance

5. DEPARTMENT HEADS

Rose Zigenfus.....EUTS

Alan Kissinger.....County Attorney

Cindy Mayo.....Superintendent of County Buildings

Bill Morphew.....County Garage

John Stoll.....County Engineer (see attached requests)

6. CONSENT ITEMS

A. Travel/Education

*Health Department

*own budget**Commissioners budget***unappropriated funds

B. Employment Changes (see attached lists)

C. Jayne Berry-Bland - County Treasurer - March '95 Treasurer's Report

7. SCHEDULED MEETINGS - LIST ATTACHED

8. OLD BUSINESS

9. NEW BUSINESS

10. MEETING ADJOURNED

DRAINAGE BOARD MEETING IMMEDIATELY FOLLOWING

April 10, 1995

Pool Maintenance Agreement

I agree to perform the preventive maintenance and other duties for opening, running and closing the swimming pools and slides at Burdette Park.

The pay will be \$8,100.00 per year, to be paid twice a year. The first check will be paid by the end of June, 1995 in the sum of \$4,050.00. The second payment of \$4,050.00 will be paid by the end of October, 1995.

Mark Tuley
Park Manager

David Austill

Mark Tuley

David Austill

Approved by Board of County Commissioners
on

Richard J. Borries
Richard Borries, President

Patrick Tuley
Patrick Tuley, Vice-President

Richard Mourdock
Richard Mourdock, Member

BURDETTE PARK FOOD & BEVERAGE
MANAGER AGREEMENT

THIS AGREEMENT is made and entered into by and between the Board of Commissioners of Vanderburgh County, Indiana (hereinafter referred to as "County"), and Marilee E. Combs, of Vanderburgh County, Indiana (hereinafter referred to as "Food Manager"), effective the 1st day of May, 1995, pursuant to the following terms and conditions:

1. TERM. The term of this agreement shall begin on the 1st day of May, 1995, and shall terminate on September 30, 1995. This agreement may be renewed from year to year, pursuant to terms and conditions agreed on by the parties, in writing, at the time of renewal.

*Amended
5-1-95
Pre-Signing
ANK*

2. ^{NINE}COMPENSATION. Food Manager shall be compensated at the rate of ~~Eight~~ ^{NINE} Dollars (\$~~8~~⁹.00) per hour for all hours worked, as documented and approved by Burdette Park management. All hours worked in excess of forty (40) hours per week shall be compensated at the same rate of ~~Eight~~ ^{NINE} Dollars (\$~~8~~⁹.00) per hour. Food Manager shall be considered a seasonal employee, as defined by the Vanderburgh County personnel Policy. All compensation pursuant to this agreement shall be paid each two weeks, on Friday.

3. NATURE OF SERVICE. Food Manager shall perform all services and abide by all instructions contained in the Burdette Park Food & Beverage Manager Job Description, which is attached hereto and marked "Exhibit A", and made a part of this agreement. Food Manager shall be under the direct supervision of Burdette Park management.

4. NATURE OF RELATIONSHIP. The parties hereby acknowledge and agree that Food Manager shall be considered a contract seasonal employee and shall not be eligible for vacation pay, sick pay, holiday pay, health insurance or other benefits available to full-time Vanderburgh County employees. Food Manager shall be responsible for the payment of all income, social security and other taxes on the compensation paid by County. County shall not be responsible for withholding said sums from Food Manager's compensation.

5. LIABILITY. County shall be responsible for, and shall hold Food Manager harmless from, any and all liability for property damage or personal injury which may result in the normal course of the execution of Food Manager's duties, pursuant to this agreement. County shall not be responsible for any liability for any property damage or personal injury which may result from activities outside the scope of Food Manager's duties.

6. BOND. Food Manager shall be bonded to account for all money, property and other things that may come into Food Manager's possession during the term of this agreement. County shall be the beneficiary of said bond, and shall be responsible for the payment of any premium therefor.

7. TERMINATION. Either party may terminate this agreement by giving twenty (20) days written notice of intent to terminate to the other party.

8. SOURCE OF COMPENSATION. All compensation and other expenses which result from this agreement shall be paid from the Burdette Park Revolving Fund, Title III, Chapter 36, of the Code of Ordinances of Vanderburgh County, Indiana, as amended. All claims made for payment of compensation and other expenses pursuant to this agreement shall be presented for payment to the Auditor of Vanderburgh County on a form approved by the Indiana State Board of Accounts.

9. ENTIRE AGREEMENT. This agreement contains the entire understanding between the parties, and may be amended only in writing signed by both parties hereto.

Date: 5/4/95

Board of Commissioners of Vanderburgh
County

Richard J. Borries
Richard J. Borries, President

Attest: Suzanne Crouch
Suzanne Crouch
Vanderburgh County
Auditor

Marilee E. Combs
Marilee E. Combs

Approved As To Form:

Alan M. Kissinger
Alan M. Kissinger
Vanderburgh County Attorney

**BURDETTE PARK
FOOD & BEVERAGE MANAGER
JOB DESCRIPTION**

CONCEPT: TO OVERSEE FOOD CONCESSION OPERATIONS AT THE AQUATIC CENTER. (3) THREE CONCESSIONS STANDS, AND (1) ONE CONCESSION STAND IN THE PARK'S DEVOY BUILDING (MAIN OFFICE). IT IS THE DESIRE OF THE PARK MANAGEMENT TO OPERATE A CLEAN MODERATELY PRICED FOOD SERVICE WITH CUSTOMER SATISFACTION THE TOP PRIORITY. THIS POSITION IS A SEASONAL JOB, AS DEFINED BY THE VANDERBURGH COUNTY PERSONNEL POLICY. THIS POSITION REPORTS TO THE PARK MANAGER AND IS RESPONSIBLE FOR THE DAY TO DAY OPERATION OF THE FOOD DEPARTMENT.

GENERAL DUTIES INCLUDE

(1) MENU PLANNING AND PRODUCT DEVELOPMENT

WORKS WITH PARK MANAGER IN DEVELOPING MENU WITH GUIDELINES FROM THE WORLD WATERPARK ASSOCIATION. ALL FOOD AND SUPPLIES WILL BE PURCHASED WITH THE FOLLOWING IN MIND; QUALITY, AND PRICE. SELLING PRICES MUST BE DEVELOPED TO BE CONSISTANT WITH THE EVANSVILLE MARKET AREAS. THE FOOD ITEMS MUST BE CORRECTLY SIZED, TOP QUALITY, AND PROPERLY PRESENTED IN ATTRACTIVE PACKAGING. THE ABILITY TO IMPLEMENT CHANGE IN PRODUCT MIX ACCORDING TO CUSTOMER DEMANDS IS ESSENTIAL FOR THE SUCCESSFUL OPERATION OF THE FOOD SERVICE.

(2) SETTING AND MAINTAINING EXPENSE AND REVENUE GOALS

THIS INCLUDES THE FOLLOWING:

- (A) ASSISTS IN THE BUDGETING PROCESS.
- (B) MANAGING THE BUDGET AFTER IT HAS APPROVAL.
- (C) BI-WEEKLY REVIEW MEETING WITH PARK MGR.
- (D) THE FOOD AND BEVERAGE MGR. MUST BE ABLE TO MAKE ADJUSTMENTS IMMEDIATELY IN PRICING, LABOR COSTS, COST OF SALES, FOOD PRODUCT SELECTION AND LINESPEED TO ENSURE SUCCESS IN MEETING REVENUE AND EXPENSE GOALS.

(3) HIRING & TRAINING OF PERSONNEL

THE FOOD AND BEVERAGE MANAGER WILL BE A HANDS ON POSITION IN REGARDS TO HIRING, TRAINING AND STAFFING REQUIREMENTS WITH THE FOLLOWING:

- (A) ALL PHASES OF HIRING PROCESS.
- (B) MULTIPLE TRAINING OF STAFF TO ENSURE LINESPEED AND LEARNING OF DIFFERENT STAFF POSITION.
- (C) STAFF SCHEDULING WILL BE DETERMINED BY USING THE FOLLOWING CRITERIA:
 - (1) WEATHER.
 - (2) CUSTOMER COUNT.
 - (3) DAY OF WEEK TRAFFIC
GENERALLY HEAVIER ON WEEKENDS.

"EXHIBIT A"

(4) SAFETY & SANITATION

THE FOOD AND BEVERAGE MANAGER MUST ENSURE THAT ALL OSHA, HEALTH DEPT., AND INSURANCE CODES ARE ENFORCED TO ENSURE THE SAFETY OF EMPLOYEES AND CUSTOMERS ALIKE. DAILY AND WEEKLY, OPENING AND CLOSING, CLEANING PROCEDURES WILL HAVE TO BE DEVELOPED IN CONJUNCTION WITH HEALTH CODE REQUIREMENTS.

(5) INVENTORY CONTROL

THE FOOD AND BEVERAGE MANAGER MUST BE EXPERIENCED IN SETTING UP STRICT CONTROLS TO REDUCE WASTE AND CONTROL LOSSES. FOOD ROTATION MUST BE A PART OF THESE CONTROLS TO ENSURE QUALITY. REQUIREMENTS:

- (1) 2 YEARS FOOD AND BEVERAGE EXPERIENCE.
- (2) EXCELLENT COMMUNICATION SKILLS.
- (3) SAFETY-SANITATION SKILLS.
- (4) PURCHASING-INVENTORY SKILLS A PLUS.
- (5) WORK WELL WITH YOUNG PEOPLE.
- (6) CUSTOMER RELATIONS.
- (7) LIFTING- #50LBS.

~~CITY~~/COUNTY UTILITY REIMBURSEMENT AGREEMENT

THIS AGREEMENT, made and entered into this 1st day of May A.D. 1995,

by and between Board of Commissioners
of Vanderburgh County

(hereinafter referred to as the
LPA),

and the Southern Indiana Gas
and Electric Company

(hereinafter referred to as the Utility)

WITNESSETH:

WHEREAS, the LPA desires to make certain highway improvements,
consisting of projects for the construction of Ohio Street Bridge and the reimbursable
utility work thereon is to be designated as Project STP-BRM-480() and,

WHEREAS, the State of Indiana through the Indiana Department of Transportation
hereinafter referred to as "State," has agreed to recommend approval of this project to
the Federal Highway Administration for construction with funds apportioned to the State
under Public Law #85 as found in Title 23, United States Code and Acts amendatory
thereof and supplementary thereto, and,

WHEREAS, the State will award the contract and supervise the construction of the
project and act as Liaison agent for the LPA with the Federal Highway
Administration, and,

WHEREAS, due to the said highway construction, certain adjustments, removals,
alterations and relocations of the existing facilities of the Utility will have to be made as
shown on Exhibit "A" attached hereto and by this reference made a part of this
agreement, and,

WHEREAS, it is necessary for the parties hereto to comply with the applicable
terms and provisions of the Federal Highway Administration's Federal-Aid Highway
Program Manual Volume 6, Chapter 6, Section 3, Subsection 1 (hereinafter called
FHPM 6-6-3-1) dated September 6, 1985, and Federal-Aid Highway Program Manual
Volume 6, Chapter 6, Section 3, Subsection 2 (hereinafter called FHPM 6-6-3-2) dated

September 6, 1985, in order to obtain Federal participation in the payment of the costs involved herein, and,

WHEREAS, it is in the best interests of the Utility and the LPA, for the Utility to make the necessary adjustments, removals, alterations and/or relocations of its existing facilities as shown on Exhibit "A" with the Utility's regular construction and maintenance forces, or by a contractor paid under a contract let by the Utility.

NOW, THEREFORE, for and in consideration of the mutual covenants herein recited, the Utility and the LPA do herein agree as follows:

SECTION I. The Utility with its regular construction or maintenance crew and personnel, at its standard schedule of wages and working hours, or by an approved contractor as set forth in Paragraph 9 of FHPM 6-6-3-1, will make the necessary adjustments, removals, alterations and/or relocation in its existing facilities as shown on Exhibit "A". The preliminary estimated cost thereof is \$ 44,690.47 as shown on the estimate attached hereto, marked Exhibit "B", and prepared in accordance with Paragraph 10 of FHPM 6-6-3-1 which said Exhibit "B" is hereby made a part of this agreement.

SECTION II. The Utility will be reimbursed for its actual costs of the work in Exhibit "B" upon presentation of itemized bills to the LPA from the Utility; said itemization being shown and said costs being computed by and in accordance with the methods and procedures set forth in Paragraph 10 of FHPM 6-6-3-1. The Utility accounts and the accounts and records of any contractor or subcontractor involved in carrying out the purpose of work shall be kept in such manner that they may be readily audited and actual costs determined, and such accounts shall be available for audit by auditors of the Indiana Department of Transportation, and the Federal Highway Administration for a period of not less than three (3) years from date final payment has been received by the Utility in accordance with Paragraph 10.i.(3) of FHPM 6-6-3-1.

Should the accumulated costs of the work materially exceed the

Exhibit "B" preliminary estimated costs, due to conditions not known or anticipated at the time of estimate preparation, and no substantial change in the scope of work, method of installation, change in location, or other changes of similar nature has taken place, the Utility shall notify the LPA in writing of such fact and the reasons therefor as promptly as possible.

The payments to the Utility will be made on the basis hereinafter set forth;

Progress or Final Billing. The Utility may submit progress billings reflecting the actual cost incurred or it may submit a final billing upon completion of the project. It is agreed that progress payments be made by the LPA to the Utility for not more than ninety-five percent (95%) of the total amount of work done as shown on monthly statements or when the amount due the Utility equals \$1,000.00 or more, said progress billing to be paid within sixty (60) days of receipt. It is further agreed that upon receipt of a final bill, prepared in the same format as the estimate Exhibit "B", the Utility shall be reimbursed for such items of project work, project expense, and project retainage within ninety (90) days after issuance of the audit report.

Provided, however, that all relevant books, records and accounts of the Utility and the accounts and records of any contractor or subcontractor involved in carrying out the proposed work to which a payment for a relocation has been made by the LPA, shall be audited by the State and the Utility following such audit shall delete those items from the final bill or refund that portion of the payment for which it is not entitled to reimbursement. The billing shall be compatible with the format as used in Exhibit "B."

SECTION III. The Utility shall not start work on the work contemplated by this Agreement until written notice has been given to the Utility by the LPA that the work has been authorized and that funds are available to reimburse the Utility, nor until a satisfactory starting date has been established with the appropriate District Engineer

- of the State.

SECTION IV. FHPM 6-6-3-1 and FHPM 6-6-3-2 form an essential part of this Agreement, and terms or provisions of this Agreement shall in no way abrogate or supersede the terms or provisions set forth in said FHPMs provided, however, notwithstanding said terms and conditions, the LPA shall reimburse the Utility for the work or expense shown on Exhibit "B" and all other work or expense performed or incurred pursuant to the written direction of the LPA.

SECTION V. The Utility, its contractor and subcontractors, if any shall not discriminate against any employee or applicant for employment, to be employed in the performance of this contract, with respect to his hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of his race, color, religion, national origin or ancestry. Breach of this covenant may be regarded as a material breach of the contract.

SECTION VI. The Utility for itself, its employees, agents and representatives, shall indemnify, protect and save harmless the County of Vanderburgh and the State of Indiana from and against any and all legal liabilities and other expenses, claims, costs, losses, suits or judgments for damages, or injuries to or death of persons or damage to or destruction of property (hereafter "Claim"), arising out of intentional tortious acts of or arising out of the contributing or sole negligence of the Utility, its employees or agents or contractors, in relation to or in connection with any work performed or to be performed pursuant to this Agreement, provided, however, that where said LPA, IN Dept. of Transportation or the State of Indiana, is guilty of negligence with respect to the occurrence or occurrences giving rise to the Claim, the Utility shall have no duty to indemnify, protect, or save harmless the LPA, Indiana Department of Transportation, and the State of Indiana.

IN WITNESS HEREOF, the parties hereto separately and severally have caused this instrument to be executed in their respective names by and through their duly authorized officers.

THE UTILITY:

ATTEST:

Southern Indiana Gas & Electric Co.

P. O. Box 569
Evansville, IN 47741
(Utility Name)

A. E. Goebel
(Secretary of Utility-Signature)

R. G. Rehman
(Signature of Officer)

A. E. Goebel
(Secretary's Name Printed or Typed)

R. G. Rehman
Chairman, President & C.E.O.

(Officer's Name Printed or Typed)

(Officer's Position)

ACKNOWLEDGMENT

State of Indiana County of Vanderburgh SS

Before me, the undersigned Notary Public in and for said County, personally

appeared R. G. Rehman & A. E. Goebel, Secretary
Chairman, President & C.E.O.
(Names and offices of signers of Utility)

for **Southern Indiana Gas & Electric Co.**
P. O. Box 569
Evansville, IN 47741

and acknowledged the execution of the foregoing contract on this 11th day
of April, 1995.

Witness my hand and seal the said last day.

My Commission Expires

Charlotte A. Schlensker
(Signature)

May 10, 1996

(Printed
or Typed) Charlotte A. Schlensker
(Notary Public)

BOARD OF COUNTY COMMISSIONERS

Richard J. Borries
Signature

Commissioner - Richard J. BORRIES
(Print or Type Name and Title)

Patrick Tuley
Signature

Commissioner Patrick Tuley
(Print or Type Name and Title)

Richard E. Mourdock
Signature

Richard E. Mourdock Commissioner
(Print or Type Name and Title)

ATTEST:

Suzanne M. Crouch
Auditor

Suzanne M. Crouch
(Print or Type Name)

ACKNOWLEDGMENT

STATE OF INDIANA

COUNTY OF Vanderburgh

On this 1st day of May, 19 95 there appeared before me, a Notary Public in and for said (County) Richard Borries, Patrick Tuley and Richard Mourdock, and _____ respectively, of the Board of Commissioners of Vanderburgh County and stated that the above agreement was signed and attested in behalf of said County.

Witness my hand and seal this 1st, day of May, 19 95
My Commission Expires:

April 2, 1999

Teresa L. Lukeman
Notary Public

My County of Residence:

Vanderburgh

Teresa L. Lukeman
(Printed)

Determination of the Reimbursement Ratio & Estimated Reimbursable Cost

The estimated cost from one work station to another shown on the Exhibit "A" varies considerably. Therefore the reimbursement ratio has been calculated on a man-hour basis versus a pole location basis as follows:

Reimbursement Ratio

Total Estimated Manhours =	845.27 MH's	
Non-Reimbursable Work @ Locations 1, 1A, 6, 6A, 7, and 7A =	160.31 MH's	
Reimbursement Ratio:	$\frac{845.27 \text{ MH's} - 160.31 \text{ MH's}}{845.27 \text{ MH's}}$	= 81.03%
		<u>Sav 81%</u>

Estimated Cost

Total Estimated Cost Per Exhibit "B" =	\$55,173.42
Estimated Cost Eligible For Reimbursement Per This Agreement: \$55,173.42 x 81% =	<u>\$44,690.47</u>

STATE - LOCAL PUBLIC AGENCY AGREEMENT

CONSTRUCTION AND PROJECT MANAGEMENT FOR FEDERAL AID PROJECTS

THIS AGREEMENT is made and entered into May 1,
1995, by and between the STATE of Indiana, acting by and through the Indiana
Department of Transportation, hereinafter referred to as the "STATE", and the
Local Public Agency, Vanderburgh County, hereinafter
referred to as the "LPA".

WITNESSETH

WHEREAS, plans and specifications have been prepared for this project;

WHEREAS, the right-of-way for the project is of sufficient width to meet
the approved design standards for the project; and

WHEREAS, any additional right-of-way procured for the project was
obtained by the LPA in compliance with STATE and Federal Highway
Administration policies and procedures.

WHEREAS, through the cooperation of the LPA, the STATE and the Federal
Highway Administration, the following designated project has been approved by
the Federal Highway Administration and is ready for letting by the STATE:

Project No. BRF-E480(002) Des. No. 9286960

Description: Bridge #36 over Pigeon Creek on Ohio Street
in Vanderburgh County

NOW THEREFORE, in consideration of the mutual covenants, herein contained, the LPA and STATE mutually covenant and agree as follows:

1. The LPA's share of the cost shall be the total amount of the entire cost of said project (approximately \$ ^{2,156,600}~~1,962,000~~) less the amount contributed by the Federal Government through Federal-aid. The LPA has by an appropriation duly made and entered of record appropriated the sum of \$ ~~392,400~~ ^{\$ 431,320} to apply to the cost of said project, which amount is estimated to equal the LPA's share of the entire cost of the project.
2. The LPA hereby agrees that all utilities which cross or otherwise occupy the right-of-way of said highway shall be regulated on a continuing basis by the LPA with written use and occupancy agreements in accordance with the STATE'S utility accommodation policy titled "STATE of Indiana STATE Highway Commission Policies Covering the Use and Occupancy of Public Highway by Utilities".
3. The LPA shall comply with the applicable conditions set forth in (1) Title 23, U.S. Code, Highways, (2) the regulations issued pursuant thereto, and (3) the policies and procedures promulgated by the STATE and Federal Highway Administration relative to the project.
4. A. General
 1. Notice is hereby given to the LPA or its subcontractor that failure to carry out the requirements set forth in 49 CFR, Sec. 23.43(a) shall constitute a breach of contract and, after notification, may result in termination of the contract or such remedy as the STATE deems appropriate.
 2. The referenced section requires the following policy and Disadvantaged Business Enterprise (DBE) obligation to be included in all subsequent agreements between the LPA and any subcontractor.
 - a. It is the policy of the Indiana Department of Transportation that disadvantaged business enterprises, as defined in 49 CFR, Part 23, shall have the

maximum opportunity to participate in the performance of contracts financed in whole or part with Federal funds under this contract. Consequently the DBE requirements of the 49 CFR, Part 23, apply to this contract.

- b. The LPA agrees to ensure that disadvantaged business enterprises, as defined in 49 CFR, Part 23, have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this contract. In this regard, the LPA shall take all necessary and reasonable steps, in accordance with 49 CFR, Part 23, to ensure that disadvantaged business enterprises have the maximum opportunity to compete for, and perform contracts. The LPA shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of Federal assisted contracts.
 3. As part of the LPA's equal opportunity affirmative action program it is required that the LPA shall take positive affirmative actions and put forth good faith efforts to solicit proposals or bids from and to utilize Disadvantaged Business Enterprise subcontractors, vendors or suppliers.
4. B. Definitions
The following definitions apply to this section.
 1. "Disadvantaged Business Enterprise" means a small business concern: (a) Which is at least 51 percent owned by one or more socially and economically disadvantaged individuals, or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals: and (b) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
 2. "Small Business concern" means a small business as defined pursuant to section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto.
 3. "Socially and economically disadvantaged individuals" means those individuals who are citizens of the United States (or lawfully admitted permanent residents) and who are black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Asian-Indian Americans women, or and any other minorities or individuals found to be disadvantaged by the Small Business Administration pursuant to section 8(a) of the Small Business Act..
 4. "Certified Disadvantaged Business Enterprises" means the business has completed and filed with the Indiana Department of Transportation a request for certification,

and that the business has been reviewed and determined to comply with the guidelines established in 49 CFR, Part 23. Businesses which are determined to be eligible will be certified as a Disadvantaged Business Enterprise (DBE).

4. C. Subcontracts

1. If the LPA intends to subcontract a portion of the work, the LPA is required to take affirmative actions to seek out and consider disadvantaged business enterprises as potential subcontractors prior to any subcontractual commitment.
2. The contacts made with potential disadvantaged business enterprise subcontractors and the results thereof shall be documented and made available to the STATE and the FHWA when requested.
3. In those cases where the LPA originally did not intend to subcontract a portion of the work and later circumstances dictate subletting a portion of the contract work, the affirmative action contacts covered under paragraph C.1. and C.2. of this Section shall be performed.

4. D. Affirmative Actions

The LPA agrees to establish and conduct a program which will enable Disadvantaged Business Enterprises to be considered fairly as subcontractors and suppliers under this contract. In this connection the LPA shall:

1. Designate a liaison officer who will administer the LPA's Disadvantaged Business Enterprise program.
2. Ensure that known Disadvantaged Business Enterprises will have an equitable opportunity to compete for subcontracts, so as to facilitate the participation of Disadvantaged Business Enterprises..
3. Maintain records showing (1) procedures which have been adopted to comply with the policies set forth in this clause, including the establishment of a source list of Disadvantaged Business Enterprises, (2) awards to Disadvantaged Business Enterprises on the source list, and (3) specific efforts to identify and award contracts to Disadvantaged Business Enterprises.
4. Cooperate with the STATE in any studies and surveys of the LPA's Disadvantaged Business Enterprise procedures and practices that the STATE may from time to time conduct.
5. Submit periodic reports of subcontracting to known Disadvantaged Business Enterprises with respect to the records referred to in Subparagraph (3) above, in such form and manner and at such times as the STATE may

prescribe.

4. E. Leases and Rentals

1. The LPA shall notify the Indiana Department of Transportation when purchases or rental of equipment (other than leases for hauling) are made with disadvantaged businesses. The information submitted shall include the name of the business, the dollar amount of the transactions, and the type of purchase made or type of equipment rented.

4. F. DBE Program

Unless otherwise specified in this Agreement, the DBE Program developed by the STATE and approved by the Federal Highway Administration applies to this Agreement.

5. The plans, specifications and special provisions shall be subject to the approval of the STATE and the Federal Highway Administration.

The STATE will prepare the Engineer's Estimate for the construction project. The STATE will advertise for bids for construction of the project. Upon receipt of an acceptable bid less than the Engineer's Estimate the STATE will award a contract for the project. If the acceptable bid is within 5% above the Engineer's Estimate, and the LPA concurs, the STATE may award the contract.

6. The construction contract shall be awarded based on unit prices and on estimated quantities, and if the total payment to the contractor under the construction contract is more or less than the estimated cost at the time of the signing of the construction contract, the LPA portion of the cost shall increase or decrease accordingly.

Changes in the construction contract shall not be made without approval of the LPA, the STATE and the Federal Highway Administration.

7. When the construction contract is awarded and before the beginning of the work thereunder, the LPA shall pay to the STATE, within

forty-five (45) days after the contract is awarded, a sum equal to one hundred percent (100%) of the LPA's share of the bid price for construction. If an Advice of Change Order, AC, is approved which increases the project cost, the LPA shall pay to the STATE within ninety (90) days a sum equal to one hundred percent (100%) of the LPA's share of the increased cost.

8. The LPA shall provide competent and adequate engineering, testing, and inspection service to insure the performance of the work is in accordance with the construction contract, plans and specifications. In the event that the engineering and inspection service provided by the LPA shall, in the opinion of the STATE, be incompetent or inadequate, the STATE shall have the right to supplement the engineering and inspection force or to replace engineers or inspectors employed in such work at the expense of the LPA.

The STATE's engineers shall control the work the same as on other construction contracts.

9. If the LPA or its consultant is providing project management, the LPA shall make reports to the STATE as to the progress and performance of the work at such times as the STATE may require.
10. Upon completion of the construction and project management and prior to final reimbursement of the project management costs pursuant to this Agreement, a final audit of the project management costs shall be done by the Indiana Department of Transportation's Division of Accounting and Control in accordance with generally accepted auditing standards and the cost principles contained in the Federal Acquisition Regulations, 48 CFR Subpart 31.2. After the final audit is approved by the STATE, then final payment shall be made.

11. A. The LPA portion of the construction cost shall equal the total payment to the contractor less the amount eligible for Federal-aid reimbursement.
11. B. The LPA portion of the project management costs shall equal the cost incurred by the LPA in providing such service for this project less the amount eligible for Federal-aid reimbursement. Costs eligible for Federal-aid Reimbursement shall be limited to a maximum percentage of the construction cost. The maximum percentage rates are:

<u>Types of Funds</u>	<u>Project Prefix</u>	<u>Max. %</u>
Interstate Substitution	IX	15%
Urban	M, MG	15%
Rural Secondary	RS, RSG, SR	15%
Bridge Replacement &	BRM, BRS, BRZ	15%
Bridge Rehabilitation	BHM, BHS, BHZ	15%
Railroad Demonstration	RR	Unlimited
Hazard Elimination	HES	Unlimited
Railroad Protection	RRP	Unlimited
Railroad Crossing	RRS	Unlimited
Minimum Allocation	MA	Same as for the type of funds for the project "but for" using MA funds

1. Project Management by Consultant - A Separate Agreement between the LPA and the Consultant, setting forth the scope of work and fee, is required and must be approved by the STATE before the letting. Only costs incurred after the STATE's written notice to proceed to the LPA and the LPA's written notice to proceed to the Consultant shall be eligible for Federal-aid reimbursement. The STATE shall approve in writing the Consultant's

personnel prior to their assignment to the project.

2. Project Management by LPA - The personnel must be bona fide employees of the LPA. They can not be paid on a "retainer" basis. Only costs incurred after the STATE's written notice to proceed to the LPA shall be eligible for Federal-aid reimbursement.

The STATE shall approve in writing the LPA's personnel prior to their assignment to the project.

- ii. C. In accordance with IC 8-23-2-14 the LPA shall pay the STATE the actual cost, less the amount eligible for Federal-aid reimbursement, for performing laboratory testing of materials. The material-testing charge shall be determined by application of the approved material testing rate to actual construction costs incurred, excluding project management costs. This rate is based upon the amount of eligible costs of operating the Indiana Department of Transportation material testing function divided by the total costs incurred for specific types of contracts which utilize the services of the material testing function. The cost of providing material testing is included in the maximum limitation mentioned in Section 11B.
11. D. The LPA shall pay the STATE for expenses incurred in performing the final audit less the amount eligible for Federal-aid reimbursement. This cost is eligible for Federal-aid and is not included in the maximum limitation mentioned in Section 11B.
11. E. The LPA shall pay the STATE for expenses incurred in supervising the project according to the terms in Section 8 less the amount eligible for Federal-aid reimbursement. This cost is included

in the maximum limitation mentioned in Section 11B.

11. F. If, for any reason, the STATE is required to repay to the Federal Highway Administration the sum or sums of Federal funds paid to the LPA or any other entity through the STATE under the terms of this Agreement, then the LPA shall repay to the STATE such sum or sums upon receipt of a billing from the STATE. Payment for any and all costs incurred by the LPA which are not eligible for Federal funding shall be the sole obligation of the LPA.
12. A. Construction by Contractor - During the progress of the work, the contractor through the LPA or its representative shall submit invoice vouchers to the STATE for construction completed.
12. B. Construction by LPA - During the progress of the work, the LPA shall submit claim vouchers to the STATE for construction completed.

When claiming costs, the contractor or LPA shall certify by its responsible officer and/or engineer that those costs represented by the subject billing represent work physically completed. Upon approval of the voucher by the STATE, the STATE will request Federal-aid funds from the Federal Highway Administration for the amount of the subject voucher. Upon receipt of Federal-aid funds, the STATE will make payment to the contractor or LPA.
13. Project Management by LPA or Consultant - The LPA shall be reimbursed for management costs expended by submitting claim vouchers to the STATE not more often than once per month during the progress of the work. Upon approval of the claim voucher by the STATE, the STATE will request Federal-aid funds from the Federal

Highway Administration for the amount of the subject claim voucher. Upon receipt of Federal-aid funds, the STATE will make payment to the LPA.

14. The LPA's share of the project cost shall be the amount as determined by the procedure outlined in Section 11 of this Agreement. From the LPA's share thus computed, there shall be deducted all previous payments made by the LPA to the STATE. Billings to the LPA for its share of project costs shall be due and payable 30 days from date of billing by the STATE. If the LPA has not paid the full amount due within 60 days past the due date, the STATE shall be authorized to proceed in accordance with IC 8-14-1-9 to compel the Auditor of the STATE of Indiana to make a mandatory transfer of funds from the LPA's allocation of the Motor Vehicle Highway Account to the Indiana Department of Transportation's account.
15. The LPA, prior to final acceptance of the project by the STATE and the Federal Highway Administration, shall place and maintain informational, regulatory, and warning signs or other markings and traffic signals necessary for proper traffic operations in the vicinity of the project subject to the approval of the STATE and the concurrence of the Federal Highway Administration. The LPA shall not open the project to traffic for unrestricted use until all appropriate traffic control devices, either temporary or permanent, are installed and functioning properly. Both temporary and permanent traffic control devices shall conform to the National Manual on Uniform Traffic Control Devices.
16. After the completion of the construction work in accordance with the plans and specifications and the approval thereof by the LPA, the

STATE and Federal Highway authorities, the LPA shall provide all maintenance, satisfactory to the STATE and the Federal Highway Administration, at the LPA's expense.

17. During the contract period and for three (3) years from the date of final payment the LPA shall maintain all books, documents, papers, accounting records and other evidence pertaining to the cost incurred and shall make such materials available at their respective offices at all reasonable times for inspection by the Federal Highway Administration, the STATE, or other authorized representatives of any unit providing money for the project and copies thereof shall be furnished if requested.

18. The LPA agrees to indemnify, defend, exculpate, and hold harmless the STATE, its officials and employees from any liability due to loss, damage, injuries, or other casualties of whatever kind, or by whomsoever caused, to the person or property of anyone on or off the right-of-way arising out of, or resulting from the work covered by this Agreement or the work connected therewith, or from the installation, existence, use, maintenance, condition, repairs, alteration, or removal of any equipment or material, whether due in whole or in part to the negligent acts or omissions (A) of the STATE, its officials, or employees; or (B) of the LPA, its agents or employees, or other persons engaged in the performance of the work; or (C) of the Federal Highway Administration, its officials, agents, or employees; or (D) the joint negligence of any of them; including any claims arising out of the Workmen's Compensation Act or any other law, ordinance, order, or decree. The LPA agrees to pay all reasonable expenses and attorneys fees

incurred by or imposed on the STATE in connection herewith in the event that the LPA shall default under the provisions of this Section.

19. Pursuant to I.C. 22-9-1-10 the LPA and its subcontractor, if any, shall not discriminate against any employee or applicant for employment, to be employed in the performance of work under this Agreement, with respect to hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of race, color, religion, sex, handicap, national origin or ancestry. Breach of this covenant may be regarded as a material breach of the Agreement.
20. If this Agreement is for \$100,000.00 or more the LPA
 20. A. Stipulates that any facility to be utilized in performance under or to benefit from this Agreement is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities issued pursuant to the requirements of the Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.
 20. B. Agrees to comply with all of the requirements of section 114 of the Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all regulations and guidelines issued thereunder.
 20. C. Stipulates that as a condition of Federal-aid pursuant to this Agreement it shall notify the STATE and Federal Highway Administration of the receipt of any advice indicating that a facility to be utilized in performance under or to benefit from this Agreement is under consideration to be listed on the EPA Listing of Violating Facilities.

Insofar as authorized by law this contract shall be binding upon the parties hereto, their successors or assigns.

This Contract shall not be effective unless and until approved by the Attorney General of Indiana, or his authorized representatives, as to legality and form.

In Witness whereof, the state of Indiana and the LPA, through their respective officials, have hereto affixed their signatures.

Clerk-Treasurer or County Auditor

Mayor, with (Board of Public Works)
or (Town Board)
or (County Commissioners)

ATTEST:

Suzanne M. Crouch
Signature

Suzanne Crouch, County Auditor
(Print or type Name and Title)

Richard J. Borries
Signature

Richard J. Borries, President
(Print or type Name and Title)

Patrick Tuley
Signature

Patrick Tuley, Vice President
(Print or type Name and Title)

Richard E. Mourdock
Signature

Richard E. Mourdock, Member
(Print or type Name and Title)

Signature

(Print or type Name and Title)

Approved as to legality and form.

STATE OF INDIANA
BY: INDIANA DEPARTMENT OF TRANSPORTATION

Pamela Carter
Attorney General of Indiana
Dated approved: _____

Stanley C. Smith
Commissioner

A C K N O W L E D G M E N T

State of Indiana County of Vanderburgh SS:

Before me, the undersigned Notary Public in and for said County personally appeared Richard G. Barnes Patrick
(name of signers, their official

Auley, Richard Mowdock, County Commissioners
capacity and firm name)

and each acknowledged the execution of the foregoing contract on this 1
day of May, 1995, and each acknowledged and stated that he is the
party authorized by the said firm to execute the foregoing contract.

Witness my hand and seal the said last named date.

My Commission Expires

April 2, 1999

Vanderburgh
County of Residence

Teresa L. Lukeman
Notary Public

Teresa L. Lukeman
Print of type name

A C K N O W L E D G M E N T

State of Indiana, County of Marion, SS:

Before me, the undersigned Notary Public in and for said County,
personally appeared _____,
(name) (title)

of the Indiana Department of Transportation, and acknowledged the execution of
the foregoing contract on this _____ day of _____, 19 ____.

Witness my hand and seal this said last named date.

My Commission Expires

Notary Public

County of Residence

VANDEBURGH COUNTY ENGINEERING DEPARTMENT

OLD COURT HOUSE, SUITE 307
201 N.W. 4TH STREET
EVANSVILLE, INDIANA 47708

812-435-5773

DATE: May 1, 1995

ACCEPTANCE OF STREET/ROAD IMPROVEMENTS IN: DUNAWAY SUBDIVISION

Dear Commissioners:

The undersigned have made an inspection of the subject street and storm drainage (included in the street right of way) improvements on April 26, 1995 . These improvements were constructed/finished on/by 1980. All streets were constructed with H.A.C. in accordance with the approved plans.

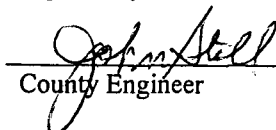
The following is a summary of the length of the completed 24 feet wide streets.

STREET NAME	R/W	LENGTH LF	MILES
Stephanie Lane	50'	590'	.11
Kelli Lane	50'	320'	.06
Kristopher Court	50'	500'	.10
TOTAL		1410'	.27

It is recommended that these streets/roads and row storm drainage improvements be accepted for maintenance.

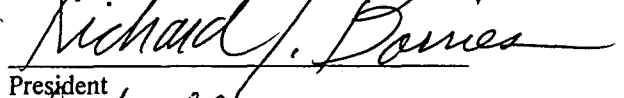
If you have any questions please contact the County Engineering Department.

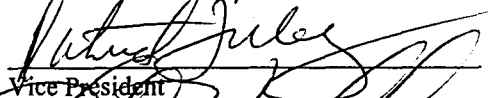
Respectfully:

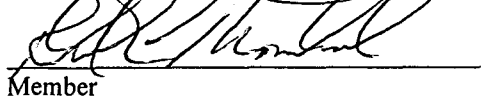

County Engineer

CC: Developer
VC Highway Department
APC
Design Engineer
INDOT
Sub file
Road file

Accepted for Maintenance by the Board
County Commissioners


President


Vice President


Member

VANDERBURGH COUNTY ENGINEERING DEPARTMENT

OLD COURT HOUSE, SUITE 307
201 N.W. 4TH STREET
EVANSVILLE, INDIANA 47708

812-435-5773

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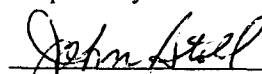
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If you have any questions please contact the County Engineering Department.

Respectfully:



County Engineer

CC: Developer
VC Highway Department
APC
Design Engineer
INDOT
Sub file
Road file

Accepted for Maintenance by the Board
County Commissioners



President

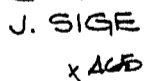


Vice President



Member

PRELIMINARY



TRAVEL REQUEST FORM
FOR
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: April 21, 1995 DEPARTMENT: Health/Nursing

EMPLOYEE(S): Dennis Myers

Frances Straeffer

Valencia Hall

DATE(S) OF TRAVEL: May 1, 1995

DESTINATION: The Chateau, Mariah Hill, IN

PURPOSE: Southwest Regional Meeting of School Nurses and Public Health Nurses

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: No

MEANS
OF
TRAVEL

COUNTY VEHICLE NUMBER: _____

OTHER: _____

REIMBURSEMENT CLAIMED

☒ Mileage

☐ Parking

☐ Per diem

☐ Registration

☐ Air fare

☐ Other

APPROVED: _____

Department Head

APPROVED: _____

Office Holder

APPROVED BY:

VANDEBURGH COUNTY COMMISSIONERS this 1st day of May, 1995

Richard J. Borries
RICHARD J. BORRIES, PRESIDENT

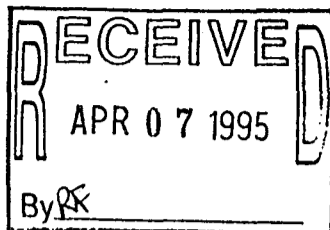
Patrick Tuley
PATRICK TULEY, VICE PRESIDENT

Richard Mourdock
RICHARD MOURDOCK, MEMBER

~~Evan~~ Bayh, Governor

John C. Bailey, M.D., State Health Commissioner

Indiana State Department of Health
1330 West Michigan Street
P.O. Box 1964
Indianapolis, IN 46206-1964
317/383-6100 TDD 317/383-6859



Indiana State Department of Health

An Equal Opportunity Employer

April 5, 1995

TO: School Nurses and Public Health Nurses

FROM: Carol Kronke, R.N., IASN Southwest Representative
and
Patsy Eifert, R.N.
Louise Anderson, R.N.
Indiana State Department of Health Consultants

SUBJECT: Southwest Regional Meeting

Date: May 1, 1995

Time: 3:00 - 6:00 p.m.
3:30 - 4:00 p.m. Networking and Sharing
4:00 - 5:00 p.m. Speaker
5:00 - 6:00 p.m. Dinner and Door Prizes

Place: The Chateau
Mariah Hill, Indiana (See enclosed map)

Speaker: Representative from Tri-Cap will talk about school based clinics

The cost of a two (2) meat buffet plus gratuity, drink and dessert will be \$9.50.

Please make check payable to Debbie Fischer. Reservations and checks should be sent by April 24.

Detach and mail reservation to: **Debbie Fischer**
HCR 68, Box 280
St. Meinrad, Indiana 47577

_____ I will attend the buffet dinner (Payment enclosed)
Name _____ **Telephone** _____
Address _____
School _____ **County** _____

"...helping Hoosiers attain the highest level of health possible."



LETTER OF AGREEMENT

April 24, 1995

Mr. Mark Tuley
Park Manager
BURDETTE PARK
Nurrenbern Road
Evansville, IN 47712

Dear Mark:

This letter is to confirm our understanding that you have retained The MAC Group Agency, Inc. (Agency) as advertising agency of record for Burdette Park (Client). This appointment shall become effective May 01, 1995 and continue in force for one year from that date and thereafter until terminated by 30 days notice in writing by either party.

Agency's assignment will be to develop and execute marketing and advertising programs on behalf of Burdette Park and to serve as advertising counsel for same.

Agency agrees to devote Agency's best efforts to Client's interests and to endeavor in every way to make Client's marketing and advertising successful, and Client agrees to aid Agency in doing so by making available to Agency needed information pertaining to Client's business and to cooperate with Agency in expediting Agency's work. Agency intends to utilize Client's resources and personnel when appropriate, subject to Client's approval, to assist with the development of various projects in order to minimize costs.

(812) 471-5700
Fax (812) 471-5900
4972 Lincoln Ave.
Suite 201
Evansville, IN
47715



LETTER OF AGREEMENT

Page 2

Agency will perform the following professional services for Client...

1. Study Client's product(s) and/or service(s).
2. Analyze Client's present and potential markets.
3. Employ in Client's behalf Agency's knowledge of the industry and its methods of operation.
4. Employ in Client's behalf Agency's knowledge of available media and means that can cost-effectively be used to advertise and market Client's product(s) and/or service(s).
5. Acting on study, analysis and knowledge described above, formulate and recommend a definite action plan(or plans) for Client's marketing, business development and community relations activities in keeping with a budget specified by Client.
6. In the execution of this plan, when approved by Client, Agency will as required do the following...
 - a. Develop creative concepts for advertising, collateral or other appropriate forms of communication.
 - b. Write and design Client's advertising, collateral or other appropriate forms of communication.
 - c. Order the space, time or other means to be used for Client's advertising, endeavoring to secure the most advantageous rates available.
 - d. Properly incorporate the message in mechanical or other form and forward it with proper instructions to advertising media and/or other vendors.
 - e. Check and verify insertions, displays, broadcasts, or other means used, to such degree as is usually performed by agencies.
 - f. Audit invoices for space, time, preparation, printing and services on Client's behalf.
7. Cooperate with Client's organization to make advertising and collateral materials effective.

(812) 471-5700
Fax (812) 471-5900
4972 Lincoln Ave.
Suite 201
Evansville, IN
47715



LETTER OF AGREEMENT

Page 3

In consideration of account and media planning, creative concept, advertising copy and layout, and conference professional services rendered by Agency on behalf of Client, Agency shall receive a monthly fee of \$500.00.

The monthly fee is based on an anticipated annual amount allocated to media advertising. Specifically, a media budget of \$40,000.00 at the standard commission rate of 15% yeilds an annual media commission of \$6,000.00, which produces a monthly fee of \$500.00. The monthly fees outlined will be invoiced to Client on the first of each month with fee billing beginning in April, 1995. Should the media expenditure exceed the \$40,000.00 base, Agency will receive additional compensation equal to 15% of the amount spent above \$40,000.00.

If the contract should be voided by Burdette Park prior to April 30, 1996, Burdette Park will be responsible for payment to The MAC Group for the balance of the fee schedule(contract months remaining X \$500), and/or the commission value of the media accrued at the time of the termination, if above the \$40,000 fee base.

In consideration of creative execution(final layout, art direction, type spec, mechanical assembly and broadcast production supervision) services rendered by Agency on behalf of Client, Agency shall receive it's current hourly billing rates(see attached Hourly Rate Schedule). Outside/out-of-pocket expenses, such as photography, final artwork, typesetting, broadcast production, printing, talent, etc., will be billed to Client based on actual cost plus the customary standard agency mark-up rate of 17.65%(15% margin). Any costs Agency expects to incur for project work on Client's behalf will be submitted for Client approval in advance of beginning that work. Agency will make every effort to procure the best value(cost and quality) for Client so as to present the optimum image to the consuming public.

(812) 471-5700
Fax (812) 471-5900
4972 Lincoln Ave.
Suite 201
Evansville, IN
47715



LETTER OF AGREEMENT

Page 4

Media advertising will be invoiced to Client at Agency's net cost. All media will be invoiced at the end of month in which the media is run. Agency will be liable for payments to media vendors only to the extent Client has paid agency for media advertising published and/or run. A fundamental principle applying to the Client-Agency financial relationship is that the advertising agency shall finance its own service, but not the advertising of its clients. Therefore, Client agrees to pay Agency within the time limit terms set forth on any/all invoices to Client; generally, Net 30 Days.

Agency is authorized to act as Client's agent in purchasing and developing materials and services required to produce advertising on Client's behalf. All such materials and services will become Client's property upon full payment thereof. Agency may, with Client's prior approval, use other local vendors as subcontractors where appropriate to gain cost efficiencies.

In performance of the services contemplated by this agreement, Agency agrees to hold in strict confidence all confidential or proprietary information that Agency receives relating to Client's business, and Agency will not divulge or otherwise communicate such information to a third party without Client's prior consent.

If the aforementioned meets with your approval, we would appreciate your signing one of the enclosed copies of this letter and returning same to us. We appreciate the opportunity to serve Burdette Park and are looking forward to building a long and successful association with your fine organization.

Cordially,

Cathie Harmon

Cathie Harmon

President

The MAC Group Agency, Inc.

Accepted By: **Burdette Park**

By: *Richard J. Barnes*

Title: President, Board of Commissioners of

Date: 5-1-95 Vanderburgh County

*Reviewed & approved
5-1-95
AM Kessinger*

(812) 471-5700
Fax (812) 471-5900
4972 Lincoln Ave.
Suite 201
Evansville, IN
47715

VANDERBURGH COUNTY ENGINEERING DEPARTMENT

CONSENT AGENDA

May 1, 1995

CLAIMS:

FRANKLIN STREET BRIDGE #4 203-4340 United Consulting Engineers (Inv. #7)	\$19,042.58
BIXLER ROAD BRIDGE #7 203-4349 CCC of Evansville (Inv. #95001C)	\$19,606.09
LYNCH ROAD BRIDGES 203-4395 Bernardin Lochmueller (Inv. #92-032-1(20))	\$ 9,062.97
LYNCH ROAD GRADING 216-4827 Bernardin Lochmueller (Inv. #92-032-1(20))	\$11,781.02



REMITTANCES TO BE MAILED TO:

P.O. Box 1515 • Evansville, IN 47706-1515 • (812) 423-2020

B.J. Farrell
Vanderburgh County
305 Civic Center Complex
Evansville, IN 47708

1995 member pledge.....\$ 110,000.00
Paid to date.....\$ \$27,500.00
Your balance.....\$ \$82,500.00
Amount due.....\$ \$27,500.00

1995 payment schedule

___ Annual
___ Semi- annual
Q Quarter
Other

Billing date: 04/11/95

Account number: 100122

RETURN THIS PORTION WITH YOUR REMITTANCE

DETACH AND KEEP THIS PORTION FOR YOUR RECORDS



REMITTANCES TO BE MAILED TO:

P.O. Box 1515 • Evansville, IN 47706-1515 • (812) 423-2020

B.J. Farrell
Vanderburgh County
305 Civic Center Complex
Evansville, IN 47708

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Paid to date.....\$ \$27,500.00
Your balance.....\$ \$82,500.00
Amount due now.....\$ \$27,500.00

1995 payment schedule

___ Annual
___ Semi-annual
Q Quarterly
Other

Billing date: 04/11/95

Account number: 100122

An investment in Vision 2000 is tax deductible as a
business expense, not as a charitable contribution.

--

CLAIM No. WARRANT No.

IN FAVOR OF
NAME AND ADDRESS

Vision 2000

100 N.W. Second Street, Suite 208

Evansville, IN 47708-0127

\$ 27,500.00

ON ACCOUNT OF APPROPRIATION

ACCOUNT NO. 130-353

PURCHASE ORDER NO.

INVOICE NO.

PURPOSE 1995 Member Pledge 2nd Qtr.

Allowed 19

In the sum of \$

Richard J. Barnes
Robert J. Juley
Robert J. Juley
Commissioners County

I have examined the within claim and hereby certify as follows:

That it is in proper form.

That it is duly authenticated as required by law.

That it is based upon contract.
statutory authority.

That it is apparently correct.
incorrect.

Auditor

I certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned.
and was in accordance with contract, except

19

ACORD. CERTIFICATE OF INSURANCEDATE (MM/DD/YY)
05/01/95

PRODUCER

James L. Will Insurance Agency
1925 West Franklin St.
P.O. Box 6107
Evansville, IN 47719-0107

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

COMPANY

Acincinnati Insurance Company

COMPANY

B

COMPANY

C

COMPANY

D

INSURED

David P. Austill
7533 National Lane
Newburgh, IN 47630

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	CAP7896128	05/05/92	05/05/97	GENERAL AGGREGATE \$
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				PRODUCTS-COMP/OP AGG \$600,000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				PERSONAL & ADV INJURY \$300,000
	OWNER'S & CONTRACTOR'S PROT				EACH OCCURRENCE \$500,000
					FIRE DAMAGE (Any one fire) \$100,000
					MED EXP (Any one person) \$5,000
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT \$
	<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS				SOCIETY INJURY (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE \$
	<input type="checkbox"/> HIRED AUTOS				
	<input type="checkbox"/> NON-OWNED AUTOS				
	GARAGE LIABILITY				AUTO ONLY-EA ACCIDENT \$
	<input type="checkbox"/> ANY AUTO				OTHER THAN AUTO ONLY:
					EACH ACCIDENT \$
					AGGREGATE \$
	EXCESS LIABILITY				EACH OCCURRENCE \$
	<input type="checkbox"/> UMBRELLA FORM				AGGREGATE \$
	<input type="checkbox"/> OTHER THAN UMBRELLA FORM				\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				STATUTORY LIMITS
	THE PROPRIETOR/ PARTNERS/EXECUTIVE OFFICERS ARE: <input type="checkbox"/> INCL <input type="checkbox"/> EXCL				EACH ACCIDENT \$
	OTHER				DISEASE-POLICY LIMIT \$
					DISEASE-EACH EMPLOYEE \$

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

SWIMMING POOL MAINTENANCE

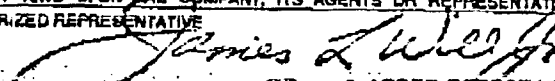
CERTIFICATE HOLDER:

VANDERBURGH COUNTY COMMISSIONERS
c/o BURDETTE PARK
5301 NURRENBERN RD
EVANSVILLE IN 47712

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE



CB... © ACORD CORPORATION 1993

ACORD 25-S (3/93) 1 of 1 #99582/M3575

BURDETTE POOL CONCESSIONS AGREEMENT

This Agreement is made as of the first day of May, 1995, between Bluegrass Coca-Cola Bottling Company (hereinafter referred to as "Coca-Cola") and The Board of Commissioners of Vanderburgh County, Indiana (hereinafter referred to as "County").

WITNESSETH

Now, therefore, in consideration of the promises contained herein, the parties agree as follows:

1. County hereby grants to Coca-Cola the exclusive privilege of advertising its soft drink products (soft drink products shall include, but not limited to, carbonated and non-carbonated flavored beverages, waters, juices, juice-containing drinks, fruit-flavored drinks and sports drinks) in the Burdette Pool area.
2. Advertiser shall have the rights provided herein for a term of three (3) years beginning May of 1995, unless mutually extended by written agreement of the parties or unless sooner terminated as provided herein.
3. During the term, County agrees to purchase from Coca-Cola at fair and reasonable prices all of its annual requirements for soft drink products for sale within the Burdette Pool area and at all authorized events and functions, including all sales through vending machines and fountain dispensing equipment. County shall require that all concessionaires and other third parties likewise abide by this agreement. Prices may be raised if there is a cost of goods increase or operating expenses escalate.
4. If any of the exclusive advertising rights granted to Coca-Cola herein are restricted or limited or if any of the exclusive product availability rights are discontinued, limited or not complied with during the term hereof, Coca-Cola may elect, at its option, but not as its obligation or as its sole remedy, to terminate this agreement.
5. County shall indemnify and hold harmless Coca-Cola from all losses, damages and expenses, including attorneys fees, resulting from any and all claims, demands or rights of action that may be asserted at any time against Coca-Cola which are caused by or result from County's negligent actions or inactions in the use, operation or maintenance of the equipment.
6. Each party hereby represents and warrants that all necessary approvals for this agreement have been obtained

and the person whose signature appears below has the authority necessary to execute this agreement on behalf of the party indicated.

7. All equipment provided by Coca-Cola for Burdette Pool concessions shall remain the property of Coca-Cola.
8. Pricing:
- | | |
|----------------------|-----------|
| Postmix (5 Gal. Bib) | \$33.00 |
| 12oz Cans (Carb.) | \$ 6.38 |
| CO2 | No Charge |
| Fruitopia Cans | |
| Minute Maid Cans | \$11.65 |
| Powerade | |
| 20 oz | \$12.00 |
| Naya Water | |
| 500 Mil. | \$13.50 |
9. Coca-Cola will provide 3000 32 oz cups and lids at no charge.
10. All mechanical service on equipment will be no charge.
11. Promotions:
- A. Coca-Cola will provide a minimum of three (3) radio remotes yearly.
 - B. Coca-Cola will continue to be a sponsor of the Nightmare Forest.
 - C. Additional promotions by agreement of parties, in writing.
12. This agreement applies only to activities and events which take place within the Burdette Park pool concession area, and is not applicable to other areas of Burdette Park
13. This agreement shall constitute the entire agreement of the parties as to the subject matter hereof and shall supersede all previous communications, either oral or written, of the parties. This agreement may be modified or amended only in writing signed by each of the parties hereto.

Date: 5/1/95

Board of Commissioners of Vanderburgh
County

Attest: Suzanne Crouch
Suzanne Crouch
Vanderburgh County
Auditor

By: Richard J. Borries
Richard J. Borries

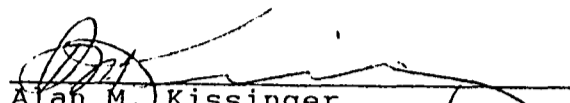
Title: President

Bluegrass Coca-Cola Bottling Company

By: _____

Title: _____

Approved As To Form:


Alan M. Kissinger
Vanderburgh County Attorney



BOARD of
COMMISSIONERS
of the County of Vanderburgh

RICHARD J. I

DON L. HUNT

PATRICK R. T

AGENDA REQUEST

NAME OF REQUESTOR: Lynn W. Ellis

REQUESTOR TITLE: Buyer

DEPARTMENT: Purchasing

REQUEST(S) BEING MADE:

Approve the award of bid number APA035-95 for Food and Beverage
Concession at Burdette Park as indicated on the attached
Summary of Bids.

The recommended bidders are the low responsive and responsible
bidders meeting specifications. They have all been tested for
taste, etc. and Burdette Park recommends said award as indicated
herein.

RECEIVED

APR 28 1995

Vanderburgh County Commissioners

DATE TO BE PLACED ON AGENDA: May 1, 1995

ACTION XX CONSENT OTHER

**SUMMARY OF BIDS
FOOD & BEVERAGE CONCESSIONS
BID NO. APA035-95**

BIDDER	DIAMOND FOODS, INC.	SYSCO/ LOUIS- VILLE FOOD SERVICES	LAND- SHIRE FOODS	ALLIED POPCORN & CON- CESSION SUPPLY	COLONIAL BAKING COMPANY	SURE FINE FOODS CORP	WORKING DISTRIBU- TORS, INC.	WEBER DISTRIBU- TING CO.	SCHROE- DERS WHOLE- SALE, INC.
CITY, STATE	EVANS- VILLE, IN	LOUIS- VILLE, KY	OWENS- BORO, KY	EVANS- VILLE, IN	EVANS- VILLE, IN	EVANS- VILLE, IN	EVANS- VILLE, IN	EVANS- VILLE, IN	EVANS- VILLE, IN
BREAD									
HAMBUR- GER BUNS	No bid	\$0.103 ea			\$0.92/ 8 ct				
HOT DOG BUNS	No bid	\$0.107 ea			\$0.92/ 10 ct				
PIZZA									
READY MADE CRUST 12"	\$8.90/24 \$0.37 ea	\$0.433 ea	\$16.20 1-36 ct \$0.45 ea						
SLICED PEPPER- ONI (BULK)	\$26.35/ 2/5#	\$1.76/lb	\$49.50 2/12.5 lb						
PRE- COOKED SAUSAGE TOPPING (BULK)	\$25.32/ 4/5#	\$7.47/5 lb	\$46.00 4/10 lb or 8/5 lb						

PRE-COOKED BEEF TOPPING (BULK)	\$27.96/4/5#	\$8.80/5 lb	\$54.008/5 lb							
SHREDDED MOZZARELLA CHEESE (BULK)	\$39.10/4-5# \$60.23/6-5#	\$8.83/5 lb	\$26.851-15 lb							
PIZZA SAUCE (CODE BRAND-CALIFORNIA PREPARED WITH OIL, CHEESE AND SPICES)	\$22.90/6-10#	\$3.70/#10 can		\$19.95/6/#10						
MEATS										
CHOPPED BEEF STEAK 75/25 4-1	\$21.15/15#	\$0.334 ea						\$0.35/portion 10#		
CHOPPED BEEF STEAK 75/25 6-1	\$21.15/15#	\$0.21 ea						\$0.233 portion 10#		
CHOPPED BEEF STEAK 75/25 8-1	\$20.09/14#	\$0.16 ea						\$0.175 portion 10#		

ALL MEAT HOT DOGS 8-1	\$12.08/ 10# \$12.85/ 10#	\$1.13/lb	\$11.20/ 10 lbs	\$12.50/ 10 lb	\$0.148 portion 10#			
ALL MEAT SKINLESS POLISH SAUSAGE 6-1	\$14.61/ 10#	\$2.04/lb	\$11.90/ 10 lbs	\$12.60/ 10 lb	\$0.265 portion 10#			
ALL MEAT CORN DOG 8-1	\$6.84/6# \$10.33/6 -1	\$0.27 ea	\$12.48/ 12 lbs					
NATURAL CHICKEN BREASTS BREADED AND BATTERED , FLASH- FRIED (3.5 OZ)	\$33.59/ 48	\$0.87 ea			\$0.686 portion 10#			
NATURAL CHICKEN STRIPS OR TENDERS BREADED AND/OR BATTERED , FLASH- FRIED	\$21.45/ 10# \$24.17/ 10#	\$2.60/lb			\$3.25/lb or \$32.50/ case			
NATURAL CHICKEN NUGGETS BREADED AND/OR BATTERED	\$16.86/ 10#	\$2.22/lb			\$1.50/lb random sizing			

GRILLED ALL MEAT TENDER- LOIN (3- 3.5 OZ)		\$0.73 ea						\$3.69/lb approx \$0.92 - 10#; \$3.39/lb approx \$0.85 - 10#				
CHICKEN SALAD, SAND- RIDGE BRAND	\$29.77/ 2/5#	\$14.43/5 lb										
CHICKEN FRYZ	\$30.90/ 3/5#							\$25.00/ case 17.2 portion 1.1 oz				
AMERICAN CHEESE SLICES	\$35.49/ 4-5# \$35.49/ 4-5#	\$8.46/5 lb	\$39.80/ 4/5 lbs					\$1.79/lb 4/5#				
OTHER												
FRENCH FRIES 3/8 REGULAR CUT/ GRADE PXLF	\$15.54/ 6-5# \$12.08/ 6-5#	\$1.95/5 lb										
PRETZEL SALT												

[illegible]

BEVERAGES									
READY TO USE ASSORTED FLAVORS OF SYRUP FOR SHAVED ICE	Prices range from \$7.74/1 gal to \$25.77/1 gal					\$14.95/ 4-1 gal jugs - Gold Medal; \$22.00/ 4-1 gal jugs - RIO; \$20.00/1 doz bottles; \$3.00/1 dox pour- outs			\$6.60/ case of 12/20 oz; \$0.55/ bottle; \$165.00/ 25 cases Citrus Punch
									\$4.95/ gallon
COFFEE - 10 CUP PACKETS	\$31.79/ 64/1.5 oz	\$0.40 ea				\$18.50/ 42 ct & filter			
ASSORTED NOVELTY SHAPED JUICES/ DRINKS	No bid					\$12.50/ 24/case		\$14.75/ 48 case; \$1.84/6 pk; \$0.31/ bottle POWER RANGER BOTTLES	\$7.19/ case Pure 8oz bottle; \$7.99/24 case 16oz Citrus Grove; \$8.44/24 case 16oz sport cap; \$9.32/24 case 8 oz Power Rangers
NOVEL- TIES	No bid								

SUPPLIER	Diamond Foods	SYSCO	Land-shire	Allied Popcorn	Colonial	Sure Fine	Working	Gold Medal	Schroeders
BIDDER CONFORMS TO SPECS	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
BIDDER MEETS OSHA REQUIREMENTS	Not indicated	Not indicated	Yes	N/A	Yes	Yes	N/A		
NEAREST FACTORY FACILITY	N/A	Louisville, KY	Owensboro, KY	N/A	N/A	N/A	N/A	Evansville	N/A
BIDDER SUBMITTED MFG SPECS	Yes	Not indicated	Yes	N/A	N/A	No	N/A	Yes	No
BIDDER SUBMITTED \$50 BID BOND	Yes	Yes	Yes - in previous bid; still on file	Yes	Yes	Yes	Yes	Yes	Yes
BIDDER WILL FURNISH PERFORMANCE BOND	Yes	Yes	Not indicated	Yes	Yes	No	No	Yes	Yes
BIDDER WILL INDEMNIFY THE COUNTY	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

BIDDER INCLUDED 3 REFERENCES	Yes	No	Indicat- ed Yes but failed to include	Yes	N/A	No	Yes	indicat- ed Yes but failed to include	Indicat- ed Yes but failed to include
BIDDER POSSESS- ES LICENSES	Yes	Not indicat- ed	Yes	Yes	Yes	Yes	Yes	Yes	Yes
BIDDER WILL PROVIDE MANUALS	Yes	Yes	Yes	N/A	N/A	no	N/A	Yes	Yes
BIDDER WILL PROVIDE TRAINING	Yes	Yes	Yes	N/A	N/A	No	N/A	Yes	Yes
BIDDER EXECUTED EEO PLEDGE	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
BIDDER EXECUTED FORM 95	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Sysco failed to submit required samples; therefore, food products cannot be recommended for award as a taste test was not performed for comparison purposes.

Pizza items are recommended for award to Landshire as they are providing equipment at no additional cost. The overall cost for pizza items cannot be determined at this point due to unknown quantities. The sauce is not being recommended for award. Price checks will be obtained for the sauce.

The chicken nuggets are recommended for award from both Sure Fine (primary source) and Diamond Foods (secondary source) due to uncertainty as to whether Sure Fine will have available at all times.

THE PASSAGE OF THE ONE CENT FOOD AND BEVERAGE TAX TO FUND RENOVATIONS OF THE VANDERBURGH AUDITORIUM WAS TRULY A BI-PARTISAN EFFORT. THE WORK OF COUNTY COUNCILMAN BETTYE LOU JERREL WAS PARTICULARLY EFFECTIVE WITH REPUBLICAN MEMBERS OF THE INDIANA GENERAL ASSEMBLY AND LOCAL COMMUNITY SUPPORTERS. THE LEADERSHIP OF STATE REPRESENTATIVE VANETA BECKER AND STATE SENATOR GREG SERVER WAS VITAL IN SECURING PASSAGE WITHOUT ANY CONFERENCE COMMITTEE CHANGES. STATE REPRESENTATIVES DENNIS AVERY, JEFF HAYS, LARRY LUTZ, AND STATE SENATOR JOE O'DAY ALL PLAYED IMPORTANT ROLES IN SUPPORTING THE PASSAGE OF HB 1711. FINALLY, MAYOR FRANK MCDONALD'S ENDORSEMENT OF THE PROJECT ENSURED A UNIFIED FOCUS TO THIS EFFORT. I EMPHASIZE "UNIFIED" BECAUSE WITHOUT UNANIMOUS SUPPORT, THERE WAS LITTLE LIKELIHOOD OF PASSAGE IN THIS SESSION.

HOWEVER, SINCE THE INTRODUCTION OF THE BILL IN JANUARY, DRAMATIC CHANGES MAY AFFECT THE FUTURE OF THE 17 MILLION DOLLAR CONVENTION BUSINESS IN THIS COMMUNITY. THE MAIN CONVENTION FACILITY, THE EXECUTIVE INN, WILL BE SOLD IN VARIOUS PARCELS. IT WILL LEAVE THIS COMMUNITY, THE THIRD LARGEST IN THE STATE, WITHOUT THE CAPABILITY OF ATTRACTING LARGE CONVENTIONS OF 1000 PEOPLE OR MORE. OUR PLACE AS A REGIONAL CENTER CAN NO LONGER BE ASSURED WITHOUT SUCH A FACILITY. LITERALLY, THE MISSION AND WORK OF THE VANDERBURGH COUNTY CONVENTION AND VISITORS BUREAU WILL BE SERIOUSLY DIMINISHED WITHOUT ADEQUATE FACILITIES FOR LARGE CONVENTIONS.

I HAVE DISCUSSED THIS ISSUE WITH MR. TOM GREEN, OWNER OF THE EXECUTIVE INN. FROM OUR DISCUSSIONS, MR. GREEN HAS OFFERED THE CONVENTION CENTER TO THE COUNTY FOR THE PRICE OF 2.1 MILLION DOLLARS. THIS COST IS APPROXIMATELY \$18 PER SQUARE FOOT FOR THE 115,000 SQUARE FOOT FACILITY.

I BELIEVE WE MUST CONSIDER THIS OFFER AND ACQUIRE THE FACILITY. THE RENOVATION OF THE VANDERBURGH AUDITORIUM AND CONVENTION CENTER ACROSS THE STREET PROVIDES THE IMPETUS TO TIE THESE BUILDINGS TOGETHER. THE TIME IS RIGHT FOR THIS COMMUNITY TO HAVE A VIABLE, FIRST CLASS CONVENTION FACILITY FOR THE 21ST CENTURY.

I WILL ASK MY FELLOW COMMISSIONERS TO SUPPORT THIS PROJECT. ALSO. I BELIEVE WE SHOULD ASK THE CONVENTION AND VISITORS BUREAU FOR ONE CENT OF THE 5 CENT INNKEEPERS TAX TO FUND THE ACQUISITION AND RENOVATION OF THE GREEN CONVENTION CENTER. FINALLY, I WILL ASK THE VANDERBURGH COUNTY COUNCIL TO APPROVE THE FUNDING FOR BOTH THE VANDERBURGH COUNTY AUDITORIUM AND GREEN CONVENTION CENTERS. THIS CAN BE DONE WITHOUT ANY IMPACT TO LOCAL PROPERTY TAXPAYERS. IT WILL SOLIDIFY OUR PLACE AS THE REGIONAL HUB OF THE 21ST CENTURY.

WITH THE ARRIVAL OF THE RIVER BOAT GAMING THIS YEAR, WE MUST FOCUS ON DEVELOPING OUR CONVENTION FACILITIES INTO A VIABLE ATTRACTION FOR GROUPS WHO VISIT HERE. JUST LOOK AT WHAT ST. LOUIS COUNTY, MISSOURI DID WITH SOME AMBITIOUS EFFORTS. AFTER THE COMMUNITY LOST ITS NFL FRANCHISE TEAM. THE IMPACT OF AN NFL

FRANCHISE WAS THAT IMPORTANT TO THEIR FUTURE TOURIST BUSINESS. SO, THEY BUILT THE STADIUM, AND NOW THEY HAVE THEIR NFL FRANCHISE.

OUR PROJECT WILL BE FOR LESS THAN \$270 MILLION, BUT NO LESS IMPORTANT TO THE FUTURE OF EVANSVILLE'S TOURISM BUSINESS. I WILL ASK FOR A JOINT MEETING WITH THE BUREAU, COUNCIL AND COMMISSION FOR A FULL DISCUSSION OF THIS ISSUE. I BELIEVE WE CAN TRULY MAKE THESE FACILITIES SOMETHING WE CAN ALL BE PROUD OF AND THE TIME TO DO IT IS RIGHT NOW. THANK YOU



**BOARD of
COMMISSIONERS**
of the County of Vanderburgh

RICHARD J. BORRIES
RICHARD E. MOURDOCK
PATRICK TULEY

AGENDA REQUEST

NAME OF REQUESTOR: Ken Kirkwood

REQUESTOR TITLE: _____

DEPARTMENT: _____

REQUEST(S) BEING MADE:

421 E. Gum

He wants to know who
is responsible for mowing County
owned lot. And is still
having a problem w/ a tree
that was to have been cut
down & hauled away.

DATE TO BE PLACED ON AGENDA: 5/1/95

ACTION ✓ CONSENT _____ OTHER _____



**BOARD of
COMMISSIONERS**
of the County of Vanderburgh

RICHARD J. BORRIES

RICHARD E. MOURDO

PATRICK TULEY

AGENDA REQUEST

NAME OF REQUESTOR:

Rose Zigenfus

REQUESTOR TITLE:

DEPARTMENT:

EUTS

REQUEST(S) BEING MADE:

She is to give the Comm. a
progress report the first Monday
of the month.

Put this in next month folder
after she is placed under Dept.

Heads

DATE TO BE PLACED ON AGENDA:

1st Monday

ACTION

CONSENT

OTHER



BOARD of
COMMISSIONERS
of the County of Vanderburgh

AGENDA REQUEST

NAME OF REQUESTOR: Jayne Berry-Bland

REQUESTOR TITLE: County Treasurer

DEPARTMENT: Treasurer

REQUEST(S) BEING MADE:
Acceptance of March 1995 Treasurer's Report

Approved

DATE TO BE PLACED ON AGENDA: May 1, 1995

ACTION _____ CONSENT X OTHER _____

24-Apr-95

VANDERBURGH COUNTY TREASURER

MONTH ENDING--MARCH 1995

CHARGES:

1. TOTAL TAXES COLLECTED	\$1,593,154.29
2. STATE ASSESSED WEED	
3. INNKEEPERS TAX	\$16,770.27
4. CASH CHANGE FUND	\$500.00
5. CERTIFIED TO CLERK	\$93,006.06
6. DEMAND FEES	\$309.00
7. DELINQUENT WEED	\$1,912.48
8. DRAINAGE ASSESSMENTS	\$395.71
9. BOAT EXCISE TAX	
10. GROSS INCOME TAX	
11. LICENSE EXCISE TAX	
12. AIRCRAFT EXCISE TAX	
13. AUTO RENTAL EXCISE TAX	
14. SEWAGE COLLECTIONS	\$4,754.89
15. TAX SALE - ADVERTISING	\$300.00
16. TAX SALE - ATTORNEY	
17. TAX SALE - TITLE SEARCH	
18. TOTAL BALANCE OF LEDGER ACCOUNTS - CASH	\$14,631,878.73
19. TOTAL BALANCE OF LEDGER ACCOUNTS - INVESTMENTS	\$5,748,000.00
20. TOTAL CHARGES	<hr/> \$22,090,981.43

CREDITS:

21.DEPOSITORY BALANCES AS SHOWN BY DAILY BALANCE
OF CASH AND DEPOSITORIES RECORD

\$207,590.99

22.INVESTMENTS AS SHOWN BY DAILY BALANCE OF CASH
AND DEPOSITORIES RECORD (COLUMN 12, LINE 38)

\$21,248,000.00

23.TOTAL CASH ON HAND AT CLOSE OF MONTH

CURRENCY \$1,168.00
COINS \$10.70
CHECKS,MO,ETC. \$287,100.61
UNCOLLECTED CKS \$20.00
TOTAL

\$288,299.31

24.

25.

26.TOTAL

27.CASH SHORT (ADD) VOLPE (346939.30) BLAND(151.83)
28.CASH LONG (DEDUCT)

\$347,091.13

29.PROOF

\$22,090,981.43

\$22,090,981.43

RECONCILEMENT WITH DEPOSITORIES

30.BALANCE IN ALL DEPOSITORIES PER DAILY
BALANCE RECORD (#21 ABOVE)

\$207,590.99

31.OUTSTANDING WARRANTS
(DETAILED LIST BY DEPOSITORIES)

\$838,359.23

32.BALANCE IN ALL DEPOSITORIES PER
BANK STATEMENTS (DETAILED LIST)

\$1,060,758.72

33.DEPOSITS IN TRANSIT 04/01/95

34.ADJUSTMENTS

35.PROOF

\$287,779.31
(\$14,808.50)

\$1,045,950.22

\$1,045,950.22

ANALYSIS OF CASH ON HAND AT CLOSE OF MONTH:

(A) CASH CHANGE FUND	\$500.00
(B) RECEIPTS DEPOSITED IN DEPOSITORIES	\$287,779.31
(C) UNCOLLECTED ITEMS ON HAND	\$20.00
(D) TOTAL (MUST AGREE WITH # 23)	\$288,299.31

DEPOSITORY BALANCES AT CLOSE OF MONTH

	BALANCE PER BANK STMT	ADJUSTMENTS	OUTSTANDING CHECKS	BALANCE PER DAILY BALANCE OF CASH AND DEPOSITORIES
OLD NATIONAL BANK	\$911,762.54	(\$9,905.99)	\$754,875.50	\$146,981.05
CITIZENS NATIONAL BANK	\$141,764.76	(\$4,902.51)	\$83,483.73	\$53,378.52
NATIONAL CITY BANK	\$7,226.42		\$7,226.42	
NBD	\$5.00			\$5.00
TOTAL	\$1,060,758.72	(\$14,808.50)	\$838,359.23	\$207,590.99

SCHEDULE OF UNCOLLECTED ITEMS ON HAND

DATE ORIGINALLY RECEIVED	RECEIVED FROM	FOR	DATE RETURNED	RETURNED BY	REASON FOR RETURN	AMOUNT
10/05/94 March	Ronny D Adams Blair	Health Dept Sheriff's Dept	11/08/94	Charter Bank	NSF NSF	\$15.00 \$5.00

TOTAL

\$20.00

State of Indiana, Vanderburgh County: ss: I, the undersigned Treasurer of the aforesaid County and State hereby certify that the foregoing report is true and correct to the best of my knowledge and belief.

Dated this 24th day of April, 1995

Jaime Berry-Blair
County Treasurer

1994 Accomplishments and Working list for 95

- ▶ Green River Road project was completed to 5 lanes and Phase I opened in March, 1994
- ▶ An emergency road and levee collapse along a portion of Waterworks Road was repaired in 114 days.
- ▶ Two national awards at the NACO conference were given to Vanderburgh County for a student internship program and community corrections.
- ▶ A serious public safety nuisance was cleaned up in Union Township.
- ▶ A Community volunteer program started at the Vanderburgh Auditorium.
- ▶ Rehabilitation work on the Columbia-Delaware Bridge was completed.
- ▶ Rehabilitation work on the Franklin St. Bridge began in 1994.
- ▶ The Vanderburgh County Community Corrections Facility was re-organized through a committee system which would review procedures recommended by a study of the facility by Waggoner, Irwin, Schiele & Associates.
- ▶ A new comprehensive Drainage Code was developed and approved for Vanderburgh County.
- ▶ A new re-assessment software package was approved for Vanderburgh County.
- ▶ A new overpass, financed completely by Vanderburgh County, was completed at the entrance of USI.
- ▶ A major new industry, Azteca, was located in Vanderburgh County with funding and technical assistance from Vanderburgh County.
- ▶ Three complete bridges and 4 box culvert projects were completed in 1994.
- ▶ In 1994, 17.2 miles of County roads were re-surfaced.
- ▶ Burdette Park saw \$577,994.80 in park revenues and 76,945 in attendance in 94.
- ▶ Vanderburgh Auditorium saw \$238,294 in revenues and 104,037 in attendance in '94.
- ▶ The Vanderburgh County Highway Department purchased 1 new snow plow, 1 grader , a tilt deck trailer and 1 new pick up in 94.

VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department _____ County Assessor 2490-1090 *sl*

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
249-1090-1990	Judith C. Kennedy	1760 Henning Evansville, IN 47714	Re-Assessment Part-Time	7	00	4-24-95

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
249-1090-1990	Judith C. Kennedy	1760 Henning Evansville, IN 47714	Re-Assessment Part-Time	7	00	4-28-95

RECORDER
COMMISSIONER'S RECORD

SIGNED BY *Cheryl Ashby*

DATE

4-28-95

VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department _____ County Assessor 2490-1090 *sl*

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
1090-1120	Judith C. Kennedy	1760 Henning Evansville, IN 47714	Chief Deputy	30,360	00	5/1/95

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
1090-1120	Steve Parker		Chief Deputy	30,360	00	4/28/95

RECORDER
COMMISSIONER'S RECORD

SIGNED BY *Cheryl Ashby*

DATE

4-28-95

VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department CIRCUIT COURT

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
136-1190	AMY L. FRAZIER		PUBLIC DEFENDER SECRETARY	4326 10,163 AN	4-24-95 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
136-1190	KRISTI L. DAVIS	EMP#5721	PUBLIC DEFENDER SECRETARY	10,163 AN	4-23-95
136.1-1340	ROBERT E. BLACKBURN	EMP#5229	WORK RELEASE OFFICER	19,716 AN	5-6-95

RECORDER
COMMISSIONER'S RECORD

SIGNED BY

JUDGE, CIRCUIT COURT

DATE

4-25-95

VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Prosecutor

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
108 G 1990	LONNA DAY	322 E. Washington Ave Chandler, IN	Part time APS Assistant	\$6.00 / hour	4.20.95

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
267 1990	KELLEY FLOYD	911 W. Wortman Road Evansville, IN 47711	Clerical	\$6.00 / hour	4.21.95
108 G 1120	MISTY SILKEY	Rt 3 Box 5931 Evansville, IN 47711	Clerical		4.19.95 V

RECORDER
COMMISSIONER'S RECORD

SIGNED BY

Dougals R. Brown, Chief Deputy Prosecutor

DATE

4.25.95

VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department BURDETTE PARK

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
118	JAMES R. JONES	5820 SMITH DIAMOND	GRND CREW	5 00	4-12-95 ✓
118	DARREL E. COUDRET	6021 SHORT SELZER RD.	GRND CREW <i>Construction</i>	6 00	4-12-95 ✓
118	JAMES A. TOWNSEND	1509 RUSSELL AVE.	GRND CREW	5 00	4-12-95 ✓
<u>118</u>	DANIEL S. TOWNSEND	1509 RUSSELL AVE.	GRND CREW <i>Asst Pool Mgr.</i>	5. 50	4-12-95 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER
COMMISSIONER'S RECORD

SIGNED BY *M. J. [Signature]*

DATE *April 28, 95*

VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department PIGEON TOWNSHIP ASSESSOR

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
2490 1150-1990	HOLLYECHO MONTGOMERY	RR 1 Box 459	PART-TIME	HOURLY 7 00	5-1-95
		RICHLAND CITY; IN			

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER
COMMISSIONER'S RECORD

SIGNED BY *Paul E. Hatfield*

DATE *5-1-95*

VANDEBURGH COUNTY HIGHWAY DEPARTMENT

PROGRESS REPORT

FRIDAY, APRIL 21, 1995 THRU THURSDAY, APRIL 27, 1995

FRIDAY, APRIL 21, 1995

Gradall, front loader and two trucks worked on remediation.
Two tree crews worked on Kuebler and Felstead.
Trash crew ran routes.
Three patch crews worked on Harmony Way.
One crew hauled tires.
Broom swept Harmony Road.
One crew picked up barricades.
One crew ran conduit and wiring at the garage.

MONDAY, APRIL 24, 1995

Gradall, front loader and two trucks worked on remediation.
Three patch crews worked on Lenn, Pollack and S. Weinbach.
Grader, belt loader, broom and four trucks pulled shoulders on
Eastview and Rucker.
Trash crew worked on work orders.

TUESDAY, APRIL 25, 1995

Gradall, front loader and two trucks worked on remediation.
Mowers worked on Hirsch and Green River Road.
Two patch crews worked on Pollack.
Trash crew ran routes.
Two tree crews worked on county owned properties in the city.
Three trucks rocked Acre, Little Schmuck, Motz, Williams,
Wendell, Sensmeier.

WEDNESDAY, APRIL 26, 1995

Gradall and three trucks worked on remediation.
Three patch crews worked on Weinbach and Waterworks Road.
One crew picked up barricades.
Grader, belt loader and four trucks pulled shoulders on
Shorr Petersburg.
Two tree crews worked on county owned properties in the city.

THURSDAY, APRIL 27, 1995

Gradall, front loader and three trucks worked on remediation.
Two patch crews worked on work orders.
Trash crew ran routes.
Grader and two trucks graded and rocked roads in bottoms.
Four tree crews worked on county owned properties in the city.

VANDERBURGH COUNTY BRIDGE CREW

PROGRESS REPORT

FRIDAY, APRIL 21, 1995 THRU THURSDAY, APRIL 27, 1995

FRIDAY, APRIL 21, 1995

- Crew #1 - check and clean storm drains and finish trimming guard rail on Green River.
Crew #2 - check and fix pipe on 7200 New Harmony Road across from County Lake Drive and check drains.

MONDAY, APRIL 24, 1995

- Crew #1 - clean pipe on Duesner.
Crew #2 - check bridge guardrail on Buente Road.

TUESDAY, APRIL 25, 1995

- Crew #1 - pick up guardrail on Bixler Bridge, trim around guard rail on Boonville New Harmony.
Crew #2 - build barricades for Lynn Road Bridge.

WEDNESDAY, APRIL 26, 1995

- Crew #1 - trim guardrail on Baseline, Owensville and Frontage.
Crew #2 - work on pipe on St. Joe Road and put cable on gate at Waterworks Road.

THURSDAY, APRIL 27, 1995

- Crew #1 - Heppler, Mann, Adler, Nesbit, Pruitt, Martin Station, Wallenmeyer and Newmann.
Crew #2 - work on pipe on Happe off Mill, clean up limbs-tires at Dieffenbach Bridge.
Backhoe - worked on Evans St.

May 1995

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1 121 / 244 3:30pm Dept. Head 4:00pm Exec. Session 5:30pm Commissioners	2 122 / 243 PRIMARY ELECTION	3 123 / 242 3:30pm County Council	4 124 / 241	5 125 / 240	6 126 / 239
7 127 / 238	8 128 / 237 4:30pm Solid Waste 5:30pm Commissioners	9 129 / 236	10 130 / 235	11 131 / 234	12 132 / 233	13 133 / 232
14 134 / 231 Mother's Day	15 135 / 230 4:00pm Exec. Session 5:30pm Commissioners 7:00pm Rezoning	16 136 / 229 9:00am Insurance Comm.	17 137 / 228	18 138 / 227 9:00am Steering Comm.	19 139 / 226	20 140 / 225 Armed Forces Day
21 141 / 224	22 142 / 223 12:00pm PC-Technical 4:00pm Exec. Session 4:30pm Pigeon Creek 5:30pm Commissioners 6:30pm Drainage Bd.	23 143 / 222	24 144 / 221	25 145 / 220	26 146 / 219	27 147 / 218
28 148 / 217	29 149 / 216 MEMORIAL DAY	30 150 / 215 4:00pm Exec. Session 5:30pm Commissioners	31 151 / 214 3:30pm Personnel & Finance			

June

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

April

S	M	T	W	T	F	S
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

TRAVEL REQUEST FORM
FOR
COUNTY OFFICIAL, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: April 6, 1995

DEPARTMENT: County Assessor

EMPLOYEE(S): GEORGE E. KOCH

DATE(S) OF TRAVEL: MARCH 28 & 29, 1995

DESTINATION: VINCENNES UNIVERSITY, VINCENNES INDIANA

PURPOSE: TWO DAY WORKSHOP

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: NO

MEANS OF TRAVEL COUNTY VEHICLE NUMBER:
OTHER: PERSONAL VEHICLE

REIMBURSEMENT CLAIMED

X Mileage

Parking

Per Diem

Registration

Air Fair

X Other
\$200 PAYMENT

APPROVED: _____
Department Head

APPROVED: Cheryl Anderson
Office Holder

APPROVED BY:
VANDERBURGH COUNTY COMMISSIONERS this

day of

Richard J. Borries
Richard J. Borries, President

Patrick Tuley
Patrick Tuley, Vice-President

Richard Murdock
Richard Murdock, Member

RECEIVED

APR 16 1995

Cheryl Anderson
Vanderburgh County Assessor

STATE BOARD OF TAX COMMISSIONERS
100 N. Senate
N-1058
INDIANAPOLIS, INDIANA 46204

I hereby certify that:

Name: KOCH, GEORGE E
County: VANDERBURGH
Official Title: BOARD OF REVIEW

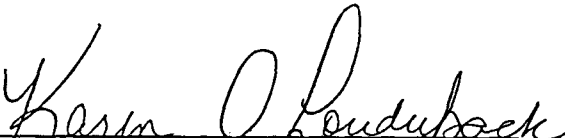
attended the following Training Sessions:

Date	Location	Session Length
03/28/95	VINCENNES	8 HRS
03/29/95	VINCENNES	8 HRS

Pursuant to IC 6-1.1-35.2-2, in any year an assessing official or board of review member takes office for the first time, the State Board of Tax Commissioners is required to conduct two (2), eight (8) hour training sessions for these new assessing officials. Any new official who attends BOTH sessions is entitled to receive \$200 and a mileage allowance from the official's post of duty to the nearest training site.

STATE BOARD OF TAX COMMISSIONERS

By:


Karen A. Louderback, Director
Training and Communications

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

April 26, 1975

Henry H. Hunsman

Signature of Office Holder

Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently ~~correct~~ / incorrect.

Auditor

Auditor

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

INVOICE NO. PURCHASE ORDER NO.

INVOICE DATE

ACCOUNT NO.

AMOUNT PAID *million*

1300-3130

200,00

~~\$260.00~~

11

60.00

VANDERBURGH COUNTY

1952-53

TOTAL \$260.00

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDEBURGH COUNTY, INDIANA

VENDOR NAME Given & Spindler Management Co., Inc. # 1867

On Account of Appropriation for 1440-3790

Invoice No.	Itemized Claim	Amount	
	Reimbursement for expenses per contract		
	dated April 6, 1992 between Given &		
	Spindler Management Co., Inc. and the		
	County Commissioners.	\$282	34
		\$282	34

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Sandra Toton
Name
Gen. Mgr.
Title

Date April 19, 19 95

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

4-19. 95
 Andrea Eaton

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Account No. 1440-3790

Auditor

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
-------------	--------------------	--------------	-------------	-------------

REIMB-Apr.	4-19-95	1440-3790	\$282.34
------------	---------	-----------	----------

[illegible]

TOTAL \$282.34

BERNARDIN · LOCHMUELLER & ASSOCIATES, INC.

PLANNERS · ENGINEERS · SURVEYORS

20-24 N. W. FOURTH ST., SUITE 606

EVANSVILLE, IN 47708

TEL. (812) 426-1737

FAX (812) 426-7369

April 12, 1995

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

I N V O I C E

Project: Lynch Road Extension
INDOT Project No.: STP-M-E185(1), STP-E185(4)
& STP-E185(5)
Contract No.: R-20843
Invoice No.: 92-032-2 (20)
Period: March 1 - 31, 1995
Work Description: Construction Engineering

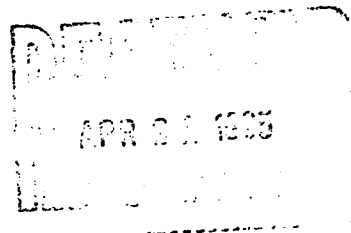
TOTAL SALARY COSTS (See attached Schedule for Breakdown) \$ 6,409.13
Overhead Rate 160.00% 10,254.61

TOTAL SALARY + OVERHEAD COSTS 16,663.74

Fixed Fee $\$ 6,409.13 \times \$74,581.00 =$ 2,567.50
 $\$186,173.00$

Overtime Premium Costs 49.90
Direct Non-Salary Costs 1,562.85
(See attached Schedule for Breakdown)

TOTAL AMOUNT DUE THIS INVOICE: \$20,843.99



SALARY COST BREAKDOWN

	HOURS			HOURLY RATE	STRAIGHT TIME PORTION	1/2 TIME OVERTIME PREMIUM
	STRAIGHT TIME	OVER- TIME	TOTAL			
Matthew Wannemuehler	0.50		0.50	\$24.81	12.41	0.00
Charles R. Mills	7.50		7.50	\$18.48	138.60	0.00
Richard Z. Bennitt	0.00		0.00	\$20.24	0.00	0.00
Daniel Farvardin	152.00		152.00	\$16.35	2,485.20	0.00
Brian S. Randolph	33.50		33.50	\$15.80	529.30	0.00
Alvin Paul	4.00		4.00	\$14.44	57.76	0.00
Gregory Thomas	1.00		1.00	\$13.69	13.69	0.00
George Frauli	103.50	1.50	105.00	\$10.90	1,144.50	8.18
Robert Girdley	179.50	8.00	187.50	\$10.43	1,955.63	41.72
Randall Hahn	4.00		4.00	\$9.79	39.16	0.00
George Berry	4.00		4.00	\$8.22	32.88	0.00
					\$6,409.13	\$49.90

DIRECT NON-SALARY COSTS BREAKDOWN

Mileage - Personal Vehicles:	\$1,542.75
Mileage - Company Vehicles	0.00
Miscellaneous (Supplies, Printing, etc.)	20.10
	<u>\$1,562.85</u>

Allocation of Costs:

Project No.: P-M-E185(1) - Road Grading	
\$20,843.99 x 56.52%	\$11,781.02
Project No.: STP-E185(4) - Pigeon Creek Bridge	
\$20,843.99 x 33.06%	6,891.02
Project No.: STP-E185(5) - Crawford-Brandeis Ditch	
\$20,843.99 x 10.42%	2,171.95
TOTAL	<u>\$20,843.99</u>

CONTRACT BALANCE:

Maximum Contract Amount:	\$605,734.00
Total Invoiced to Date:	<u>-427,731.63</u>
Billable Amount Remaining:	\$178,002.37

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Bernardin, Lochmueller & Assoc., Inc. # 985

On Account of Appropriation for VARIOUS

Invoice No.	Itemized Claim	Amount	
92-032-1(20)	Fee due for Construction Engineering for	20,843.	99
	Lynch Road Extension. INDOT Project No.:		
	STP-M185(1); STP-E185(4) AND STP-E185(5)		
203-4395	BRIDGES: \$ 9062.97		
216-4827	ROAD GRADING: 11,781.02		
	TOTAL \$ 20,843.99		

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.


Name

Thomas G. Bernardin, Secretary
Title

Date April 12, 1995

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

April 28, 1995

I have examined the within claim and hereby certify as follows:

ON ACCOUNT OF APPROPRIATION

authority; that it is apparently correct / incorrect.

	Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
92-032-2(20)	-	4/12/95	203-4395	9062.97
97-032-2(21)		4/12/95	203-4395	

Board of Commissioners

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>92-032-2(20)</u>	<u>-</u>	<u>4/12/95</u>	<u>203-4395</u>	<u>9062.97</u>
<u>92-032-2(20)</u>	<u>-</u>	<u>4/12/95</u>	<u>216-4827</u>	<u>11,781.02</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
			TOTAL	<u>20,843.99</u>

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
				TOTAL

SUMMARIZATION OF COLLECTIONS
RECEIVED March 3, 1995 TO April 7, 1995

AMBULANCE

<u>DATE</u>	<u>NAME</u>	<u>PAYMENT</u>	<u>AMOUNT TO BRYANT</u>
3/6/95	Carol Grannon	\$ 47.54	\$ 23.77
3/9/95	David Key	10.00	5.00
3/17/95	David Key	10.00	5.00
3/3/95	Alan Coulter	10.00	0.00
3/10/95	Alan Coulter	10.00	5.00
3/3/95	Pearl Brewer	5.00	2.50
3/13/95	Ardell Futrel	488.62	229.31
3/21/95	Freida White	30.00	0.00
4/7/95	Otis Futrel	200.00	62.50
4/6/95	Hazel Morris	538.43	231.71
4/2/95	Michelle Scott	100.00	12.50
4/5/95	Irene Soellner	192.97	58.98
3/24/95	Rebecca Miller	7.06	3.53
3/22/95	Freida White	375.20	170.01
3/23/95	David Key	10.00	5.00
4/3/95	David Key	20.00	10.00
4/3/95	Pearl Brewer	5.00	2.50
TOTAL PAYMENTS RECEIVED (AMBULANCE)		\$2,059.82	\$ 827.31

VANDEBURGH TREASURER

TOTAL PAYMENTS RECEIVED	\$ 0.00
-------------------------	---------

RECAPITULATION

COLLECTIONS RECEIVED (AMBULANCE & TREASURER)		
CASES ACCEPTED (AMBULANCE)	8 cases @ 75.00	\$ 600.00
	1 case @ 37.50	\$ 37.50
TOTAL DUE BRYANT		\$1,464.81

Invoice Number: 95001C

Invoice Date: 24 APR 1995

Page: 1

From:

CCC of Evansville, Inc.
3100 Broadway Avenue
P.O. Box 7055
Evansville, IN 47719

For Job: 95001

#VC 95-01-01/BRIDGE #7 ON BIXLER ROAD
#VC 95-01-01 BRIDGE #7
ON BIXLER ROAD

To:

COUNTY OF VANDERBURGH
STATE OF INDIANA
CIVIC CENTER COMPLEX
EVANSVILLE, IN 47708

VANDERBURGH COUNTY COMMISSIONERS
CIVIC CENTER COMPLEX RM 305
EVANSVILLE, IN 47708

PHASE	DESCRIPTION	CONTRACT AMOUNT	QUANTITY	RATE	UNIT	GROSS AMOUNT	RETENTION AMOUNT PCT	TAX 1 AMOUNT	TAX 2 AMOUNT
O.K. 005	COMMON EXCAVATION	265.64 ✓	74.00	3.26 ✓		265.64 ✓	22.5 0.00	0.00	0.00
O.K. 006	CLEARING CHANNEL	3,362.24 ✓	304.00	5.53 ✓		1,681.12 ✓	28.56 163.11 10.00	0.00	0.00
	1214 L.F.T. = TOTAL								
O.K. 007	DRIVE TIMBER PILING	17,127.00 ✓	559.00 553.00	9.90 ✓		559.00 ✓ 547.47	55.90 10.00 54.74	0.00	0.00
O.K. 008	DUMPED RIPRAP 18"	6,607.51 ✓	126.70	17.81 ✓		2,256.53 ✓	225.65 10.00	0.00	0.00
O.K. 009	GEOTEXTILES	1,479.47 ✓	351.00	1.97 ✓		691.47 ✓	69.15 10.00	0.00	0.00
O.K. 010	BORROW	12.20 ✓	1.00	12.20 ✓		12.20 ✓	1.22 10.00	0.00	0.00
O.K. 011	TIMBER BRIDGE PKG	17,575.10 ✓	0.50	17,575.10 ✓		8,787.55 ✓	878.76 10.00	0.00	0.00
O.K. 012	B BORROW/STR BACKFIL	709.83 ✓	17.00	21.51 ✓		365.57 ✓	36.57 10.00	0.00	0.00
O.K. 013	AGGREGATE BASE	2,882.88 ✓	80.10	14.56 ✓		1,166.26 ✓	116.63 10.00	0.00	0.00
O.K. 019	36" END SECTION	2,125.80 ✓	2.00	531.70 ✓		1,063.40 ✓	106.34 10.00	0.00	0.00

Invoice Summary
95001C
THRU 4/24/95

BEFORE THIS INVOICE
DUE TO CONTRACTOR
(INCLUDES RETAINAGE)
\$43,497.94
+ 2319.03
+ 1276.23
\$47,153.20

Invoice Totals
Gross
Retention
Tax 1
Tax 2
Current Amount Due

21,845.94
~~5,155.34~~
0.00
0.00
~~15,690.60~~
21,784.
~~21,784.40~~
2178.4
0.00
19,606.00

Case

305-2

\$ 19608.09

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name BIXLER R. C. 7

Account No. 203-4349

Allowed _____ 19_____

~~In the sum of \$~~

Richard J. Barnes
Robert J. Barnes
Robert J. Barnes

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

April 27, 1995

Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
95001C	4/24/95	203-4349	19,606.09
TOTAL			19,606.09

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME UNITED CONSULTING ENGINEERS, INC # 1262
On Account of Appropriation for 1625 N POST ROAD INDPLS., IN 46219-1995 203-4340

Invoice No.	Itemized Claim	Amount	
07	FOR CONSTRUCTION ENGINEERING SERVICES ON		
	PROJECT BHF-E290(3), REHABILITATION OF		
	THE FRANKLIN ST. BRIDGE IN ACCORDANCE		
	WITH APPENDIX "D" ON OUR AGREEMENT DATED		
	DECEMBER 13, 1993 AND YOUR NOTICE TO PROCEED		
	LETTER DATED SEPTEMBER 7, 1994		
	FOR THE PERIOD 3/18/95 THRU 4/15/95		
	TOTAL AMOUNT DUE THIS INVOICE # 07 ---	19,042	58

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

UNITED CONSULTING ENGINEERS, INC

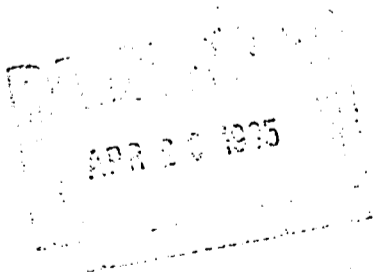
Name

William E. Hall

Title

WILLIAM E. HALL, VICE PRESIDENT

Date 4/24, 1995



Board of Commissioners

TOTAL 19,042.58



United Consulting Engineers & Architects



OFFICERS
Jacob E. Hall, P.E., L.S.
Kent D. Downey, P.E., L.S.
Ronald B. Miller
Billie W. Jones, P.E., L.S.
William E. Hall, P.E.
Steven W. Jones
William D. Richter, P.E., L.S.

ARCHITECTS
John D. Staley, R.A., A.I.A.
John K. Hardin, R.A., A.I.A.
Alan L. Blunk, R.A., A.I.A.

ENGINEERS
Jerry D. Ritchie, P.E.
Ronald C. Miller, P.E.
Anthony W. Jones, P.E.
Greg L. Rominger, P.E.
Michael W. Cox, P.E.
Brad S. Faris, P.E., L.S.
Dale A. Schmidt, P.E.
Karen S. Kellerman, P.E.

INVOICE April 24, 1995

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

RE: Project Number: BHF-E290(3)
Rehabilitation of the Franklin St. Bridge

For Construction Engineering Services of the above referenced project in accordance with Appendix "D" of our Agreement dated December 13, 1993 and your Notice to Proceed letter dated September 7, 1994.

For the period 03/18/95 thru 04/14/95

TOTAL AMOUNT DUE THIS INVOICE #7 ----- \$ 19,042.58

UNITED CONSULTING ENGINEERS, INC.
Invoice #7

94-314*
0495-61
Summary:

William E. Hall

Invoice #01	10/24/94	\$ 2,058.84	Paid
Invoice #02	11/30/94	\$ 9,553.14	Paid
Invoice #03	12/31/94	\$ 17,019.92	Paid
Invoice #04	01/30/95	\$ 13,560.14	Paid
Invoice #05	02/27/95	\$ 17,506.67	Paid
Invoice #06	03/27/95	\$ 16,393.49	Paid
Invoice #07	04/24/95	<u>\$ 19,042.58</u>	This Invoice
		\$ 95,134.78	TOTAL INVOICED TO DATE
		\$242,777.72	TOTAL AGREEMENT NOT TO EXCEED

Project BHF-E290(3)
Rehabilitation of the Franklin St. Bridge

Pay Period 03/18/95
thru 04/24/95

	Hours	x	Rate =	Total	Miles	x	Rate =	Total
Principal	8.0		36.06	288.48				
Office/Accounting	1.0		15.38	15.38				
Resident Project Mngr.	186.0		15.25	2,836.50	2473	.25		618.25
Inspector	152.0		12.82	1,948.64	2208	.25		552.00
Inspector	84.0		13.50	<u>1,134.00</u>	344	.25		<u>86.00</u>
				6,223.00				1,256.25

SUMMARY:

Pay Period 03/18/95 thru 04/14/95	6,223.00
Overhead Rate - 140.00%	8,712.20
TOTAL - Labor	14,935.20
TOTAL - Mileage	1,256.25
TOTAL - Per Diem	00.00
TOTAL - Equipment Rental	335.68
TOTAL - Overtime 26 hrs x 15.25 x .50	198.25
12 hrs x 12.82 x .50	76.92

TOTAL FIXED FEE TO DATE

76,216.77		
-----	X 28,283.66	11,432.52
188,557.71		
Less Fixed Fee previously invoiced		(9,192.24)
TOTAL AMOUNT DUE THIS INVOICE #7	-----	\$19,042.58

NOTICE OF PUBLIC HEARING
RE: PURCHASE OF GREEN CONVENTION
CENTER
MONDAY, MAY 15, 1995
NOTICE IS HEREBY GIVEN
that the Board of Commissioners
of Vanderburgh County, Indiana
will conduct a Public Hearing at
5:30 pm on Monday, May 15, 1995
in the Vanderburgh Auditorium,
715 Locust St., Evansville, Ind-
iana.
PURPOSE OF SAID HEARING
is to give County residents an
opportunity to voice their con-
cerns regarding the purchase of
the Green Convention Center.
BOARD OF COMMISSIONERS OF VAND-
ERBURGH COUNTY, INDIANA
Richard J. Borries, President
Pat Tuley, Vice-President
Richard Mourdock, Member
Susanne M. Crouch, County Auditor
Alan M. Kissinger, County Attorney
(Courier & Press May 5 & May 12,
1995)

NOTICE OF CHANGE OF MEETING PLACE
RE: COMMISSIONERS MEETING
MONDAY, MAY 15, 1995
NOTICE IS HEREBY GIVEN
that the Board of Commissioners
of Vanderburgh County, Indiana
will conduct their regularly
scheduled weekly meeting on
Monday, May 15, 1995 at the Vand-
erburgh Auditorium.
BOARD OF COMMISSIONERS OF VAND-
ERBURGH COUNTY, INDIANA
Richard J. Borries, President
Pat Tuley, Vice-President
Richard Mourdock, Member
Susanne M. Crouch, County Auditor
Alan M. Kissinger, County Attorney
(Courier & Press May 5 & May 12,
1995)

May 3, 1995

Attn: Pam-EVS Cour

From: Teri Lukeman
County Auditor's
office

Any questions, please
call me @ 435-5460.

Thanks!
Teri

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VANDEBURGH COUNTY COMMISSIONERS MEETING
MAY 1, 1995

Please sign in below:

NAME	ADDRESS	AFFILIATION?
1. <i>Joyce Moers</i>	<i>Burdette Park</i>	
2. <i>Jaymie Ellis</i>	<i>Purchasing</i>	
3. <i>Donald Day</i>	<i>2601 Skyline Dr</i>	
4.		<i>Press</i>
5. <i>Jim Beck</i>		<i>carrier</i>
6. <i>Tommy Bury</i>	<i>WIKX</i>	
7. <i>Charlie Sigara</i>	<i>Sakaria</i>	
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**FLEX ONE® ACCOUNT
REQUEST FOR DOCUMENTS
(PLEASE PRINT OR TYPE)**

**ARE YOU PRESENTLY
UNDER A CAFETERIA PLAN?**

☐ YES ☒ NO

NEED BY (DATE): 5-15-95

NUMBER OF EMPLOYEES: 725

NEW/EXISTING ACCT: EXISTING

IF EXISTING, GIVE ACCT. #: 02021

The employer detailed below hereby requests the establishment of a Flexible Benefits Plan in accordance with Section 125 of the Internal Revenue Code. Failure to complete all information will cause a delay in processing requested documents.

1. NAME AND ADDRESS OF EMPLOYER: VANDERBURGH COUNTY
RM 305 CIVIC CENTER RM 305
EVANSVILLE IN Zip Code: 47711
2. TELEPHONE NUMBER: (812) Ext.: _____
3. PRINCIPAL CONTACT & TITLE: DENNIS FELDHAUS INSURANCE CONSULTANT
4. EMPLOYER FEDERAL TAX IDENTIFICATION NUMBER: 35 6000205
5. EMPLOYER FISCAL YEAR: 1-1 TO 12-31
6. NATURE OF BUSINESS: MUNICIPALITY
7. EFFECTIVE DATE (First Plan Year): Beginning Month/Day: 7-1 Ending Month/Day: 12-31
8. DATE OF FIRST SALARY REDIRECTION (after effective date): Month/Day: 7-6-95
9. NAME, ADDRESS AND TELEPHONE# OF PLAN ADMINISTRATOR
(if different than Employer) (AFLAC is not an Administrator but rather an administrative agent.): SAME
10. NAME OF FSA CLAIMS PROCESSOR: _____
11. NAME AND ADDRESS OF PLAN TRUSTEE: _____
12. NAME, TITLE AND ADDRESS OF EMPLOYER REPRESENTATIVE FOR SERVICE OF LEGAL PROCESS: ALLAN KISSINGER
W FRANKLIN
EVANSVILLE IN 47712
13. EMPLOYER BUSINESS TYPE: Corporation () Sub S Corporation () Partnership ()
Sole Proprietorship () Other (☒) MUNICIPALITY
14. ADOPTION RESOLUTION FROM: Board of Directors () Trustees () Other (☒) COMMISSIONERS & COUNCIL
To Be Signed By: (title) RICK BORRIES PRESIDENT
15. ELIGIBILITY: (☒) On the first day of the month following 30 days of employment.
() Other (explain) _____
All employees shall be eligible under the Plan except the following:
(describe) PART-TIME LESS THAN 30 HRS WORKED

BENEFITS TO BE INCLUDED (QUALIFIED UNDER SECTION 106 of the I. R. C.):

- | | |
|--|---|
| (<input checked="" type="checkbox"/>) Medical Coverage | () Disability Income-Long Term |
| (<input checked="" type="checkbox"/>) Vision Care Coverage | (<input checked="" type="checkbox"/>) Intensive Care Insurance |
| (<input checked="" type="checkbox"/>) Disability Income-Short Term | (<input checked="" type="checkbox"/>) Accidental Death & Dismemberment with Disability Income |
| (<input checked="" type="checkbox"/>) Cancer Insurance | (<input checked="" type="checkbox"/>) Hospital Indemnity Insurance |
| (<input checked="" type="checkbox"/>) Accidental Death & Dismemberment | () 401-K |
| (<input checked="" type="checkbox"/>) Dental Coverage | () Other (Specify) _____ |
| (<input checked="" type="checkbox"/>) Group Term Life Insurance | |

REMARKS: _____

AFLAC ASSOCIATE: DAVID MARION
ASSOCIATE NUMBER: 58118
STATE (Indicate which, if split state): IN
MAILING ADDRESS: AFLAC
[Fed X to Street Address Only] 957 S KAMORE
EVANSVILLE IN 47714
TELEPHONE NUMBER: (812) 476 0147

FULL PLAN DATA

(129) () Dependent child care
Annual maximum cannot exceed \$5,000 by law
.....
(105) () Unreimbursed Medical Expense
Annual Maximum (Employer Choice)
() \$600 () \$1,200 () \$2,000
(Other) _____

Signature of Associate

Date

Signature of Employer

Title

Date

**MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS**

MAY 8, 1995

TABLE OF CONTENTS

Introductions & Pledge of Allegiance	1
Approval of Minutes	1
Action Items	1
James Word - Tree & house on County Property	1
Christine Terry - Environmental Protection Agency	4
Rose Zigenfus - EUTS	7
Alan Kissinger - County Attorney	7
Cindy Mayo - Superintendent of County Buildings	8
Bill Morphey - County Highway/Garage	11
John Stoll - County Engineer	12
Consent Items	13
Scheduled Meetings	13
New Business	14
Bid Opening	
VC95-05-01 EARC Roof Repairs	
VC95-04-02 Azteca Railroad Spur	15
Old Business	16
Adjournment	16

The Vanderburgh County Board of Commissioners met in session at 5:46 p.m. on Monday, May 8, 1995, in the Commissioners Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Good evening, everyone. I'd like to call the meeting of the Vanderburgh County Commission to order on this, May 8, 1995. Introductions this evening; we welcome you. There should be an agenda printed to your immediate left, at the door on the stand. For introductions:

County Superintendent of Buildings, Mrs. Cindy Mayo
County Attorney, Alan Kissinger
County Commissioner, Rick Borries
County Commissioner, Richard Mourdock
County Auditor, Suzanne Crouch
Official Recording Secretary, Teri Lukeman

Would you join us, please, in the Pledge of Allegiance?

RE: ACTION ITEMS

President Borries: We have approval of the minutes at this point.

Commissioner Mourdock: I guess I'll just ask the question. Without Pat being here, I have no problem with the minutes and, I'll certainly move for their approval but, if you like, we can put that off until taken under consideration.

Commissioner Borries: No, I think, I only have one change here that I know I just need to do, because this one could really be misinterpreted. Teri, on page 5 the word should be, under statement from Bill Morphey, he'll appreciate it too, the word should be cake, trust me. It should be cake, I'm telling you.

Commissioner Mourdock: What are you doing at the Highway Garage these days, Bill?

President Borries: I want to clear that one up for the record. So, I want to make sure...as I was reading that today it kind of alarmed me a little bit, it was a party, but the word is cake -- c - a - k - e.

Suzanne Crouch: Is this signed?

President Borries: No that one's not signed, but for the record, if I could make that correction, if I could do so.

Commissioner Mourdock: With that correction on page 5 of Bill Morphey's comments, "Twenty-eight years. There is a picture of a grade-all there on the keg." That should have been on the cake. So, I'll move approval.

President Borries: At least, I think. But that word caught me twice, when I read it I thought, oh man, what was going on out there?

Commissioner Mourdock: With that correction, I'll move acceptance of the minutes of May 1, 1995.

President Borries: I will second. So ordered.

At this time, we want to hear from those folks who are in the audience who do not find his or her item on the agenda. We would want to hear from you at this time, so are there any groups or individuals who wish to speak at this time? If you would, again we have our agenda printed, and I think there's one gentleman here who wanted to speak. Perhaps there might be some others. If you would give your name, sir, and your address for our record.

James Word: My name is James Word and I live at 410 S. Evans

Avenue. I would like to bring to your attention the condition of the house next door to my house. The County owns this property and it has a big tree sitting right over the sidewalk and this tree has destroyed the sidewalk and it's destroying my house. I had a new roof put on my house about three years ago and I've had it repaired two or three times, so I have some pictures of this house and the tree. The house has been next to me for about a year and a half without anybody living in it. The persons that lived in it didn't have any facilities: no water, no lights and no toilet. The house was in bad condition, unlivable condition, you couldn't even go inside the house for the odor. There have been some people from the County, I suppose, out there looking at the house. They brought their trucks and I thought, maybe they were going to do something about this tree. It's been giving me problems for years now. I understand now that the County has owned this house since 1993 and I'd like to get something done about this house without having to go to court. If we don't get something done, I'm going to have to go to court, because it is destroying my property. I pay taxes on three lots there and the unlivable conditions are my concern, it's getting terrible for me to have to tolerate it in that condition that the house and the tree is in. There's two trees on this lot. I have some pictures of it. The house, the chimney is falling down on the back of the house, the weeds are grown tall and the odor coming from the house, and I live next door, right next to the house and it really disturbs me. They said they were going to do something, tear it down, take the tree up, but nobody has made any attempt to do anything. Some people were out there about two weeks ago from the County that said they were going to cut the tree down, both of those trees down and they were going to tear the house down, but I haven't heard anything and I'd like to know whether they are going to do anything about this, or not.

President Borries: Okay. Thank you. Yes sir, we are. We are waiting on a judgement from the court, if I'm correct on this, Mr. Kissinger, regarding the final sale of the properties. We're awaiting a judge order. We've had to go through several steps, Mr. Word, in relation to the selling of the property in the 1993 sale, when this came up. We're awaiting it, and as soon as we get that, that property will be sold and there will be some changes there. Now on the tree, Bill Morpew is going to have to help me a little bit on that one. I know we've discussed this tree, Mr. Word, so I want to give you a progress report.

Bill Morpew: Could I see your pictures, sir?

James Word: This is the tree and this is the sidewalk, it has destroyed the sidewalk. This is the tree that is hanging over my house and I even got a (inaudible) out of there to kind of keep (inaudible) and this is the back side of the house, the condition it is in. This is the side of the house and this is also the back yard. So this situation, it's a terrible situation and I have to pay taxes on three lots and I...

Bill Morpew: I don't know where this property falls on our list. We've done, probably, forty lots last week and we did another six or eight today. I would say we've taken down, probably, one hundred trees in the last two weeks.

Commissioner Mourdock: Is that one on your list, though? I mean, I understand you don't know where it is.

Bill Morpew: I'm sure it is, we can only do so much per day. On a tree of this size, especially with the utility lines there, we contract that out.

President Borries: That's what I thought.

Cindy Mayo: If I could, just for a minute...I did speak with

Milton about this last week after the meeting and he said that it is one that they're going to have to contract out and they also are going to have to take the sidewalk up and put new sidewalk down.

Bill Morpew: This picture right here does show a large transmission line running right across there.

James Word: Okay, the house is full of termites, the tree is full of termites. The termites are eating the tree up so bad that the County removed part of that tree, about that much, that big, fell out of the tree, it's a wonder somebody ain't got killed. It is really a dangerous situation.

Commissioner Mourdock: Given the situation that you described, Rick, regarding the title to the property and our delay there, that is not in any way going to impede dealing with the tree?

President Borries: No, it will not.

Commissioner Mourdock: I guess I say that as a question, but I want everyone to understand that.

Bill Morpew: Yes, we will go ahead and cut the weeds and the grass and get the (inaudible) down. I've had backhoes, endloaders and all the chainsaws that we've got downtown for the last two weeks and I would say that we've probably got another forty lots to go.

Commissioner Mourdock: Again, it's your understanding that this tree is on one of those forty lots.

Bill Morpew: Yes.

Commissioner Mourdock: Okay.

Bill Morpew: I'm sure I've seen it, because I've looked at it. As a matter of fact, I know I've seen it, I've got a picture of that house.

President Borries: Mr. Word, here's where we are then, and maybe Mr. Kissinger might want to address it if he would have the opportunity to do so, the status of the 1993 property tax sale. We'll talk first about the house and, as Commissioner Mourdock has pointed out to you, the tree is a separate issue. We understand it's too big, frankly, for a lot of our County folks to do, so we're going to do a separate contract. We'll have a professional tree removal service that is going to come in and do this. So, I'm sorry for the delay. We'll do our best here to get this done.

James Word: Can I really expect this house to be taken care of?

President Borries: Well the house, let me ask our attorney here to give you an update about the 1993 properties.

Alan Kissinger: The Assistant County Attorney, Keith Rounder, and I discussed this on this past Friday. The recent case of the Indiana Courts is being followed now by the Vanderburgh County Courts. The opinion in that case is that each individual who has an interest in any of the surplus real estate must be notified prior to the time that the order transferring the properties over to Vanderburgh County can be made final. The judges here in Vanderburgh County have indicated that they will not finalize that order until we have updated all the abstracts on all of the 1993 properties and that all of the potential interest holders, or anyone with potential interest in the property, have been identified and notified of the final order. We are in a situation now, we don't have any money budgeted for that purpose, so I assume that the first step would be the process of appropriating money that we anticipate will cover the expense and then sending out

invitations for bids to the various title companies to bid on that abstract updating process. And just as a point of general information, the last time we did that, we got back bids, the bid that actually was awarded was Evansville Titles. I believe that was two hundred dollars per property, so we can anticipate that kind of expense, I believe, on at least seventy-nine properties.

President Borries: We'll move as quickly as we can, sir, on the house. On the tree, we can move more quickly. Okay? Thank you, Mr. Word. Are there other persons who wish to speak at this time? I've asked Ms. Christine Terry from the Environmental Protection Service here in Evansville. She is here with us this evening and wants to make some comments at this time. Ms. Terry?

Christine Terry: I've come to talk to you today about a problem that Vanderburgh County has during the summer. It's an invisible problem. It's quiet and subtle, but your lungs know it's here, it's ozone.

There are health as well as economic impacts to high ozone levels and they both carry a high price tag. The American Lung Association says, "When you can't breathe, nothing else matters." We have to breathe, and we take in about thirty-five pounds of air a day or about two gallons every two minutes. But when the air we breathe delivers other chemicals instead of the oxygen we need, we begin to get sick, although we aren't always aware of it. We call this threat to our lungs and our health, air pollution, but do we really know what that means, or what air pollution is doing to us day after day?

Oxygen, O₂, is what's in the air we breathe, the fuel that we need to keep our bodies going. When fossil fuels are burned or used by industries and by motor vehicles, chemicals called hydrocarbons and nitrogen oxides are discharged into the earth's atmosphere. When sunlight reacts with them, the result is O₃, ozone. Because this process is fueled by the sun's energy, it's called a photochemical pollutant.

Sometimes ozone helps and sometimes it hurts, and that's why I want to clarify the two different locations of ozone, because it's a very confusing issue sometimes. It all depends upon where the ozone is located. High in the atmosphere, ozone protects life by acting as a sunscreen. It is barring ultraviolet rays that cause cataracts and skin cancer. But down here, where we live and breathe, ozone hurts us. It's intensely irritating. It damages our lungs and it harms our overall health.

Ozone, which is colorless to slightly blue, is the main constituent of smog. We can see smog because it also contains solid matter and nitrogen dioxide. Los Angeles may be famous for its' smog, but ozone is our nations most wide-spread air pollution problem. High levels of ozone in our air can have both short-term and long-term effects. In the short run, our throats feel irritated, we tire easily, we may feel a bit sick, have tightness in our chest, coughing or trouble breathing deeply. The long-term effects include lowered resistance to infection, damage to lung tissue, and accelerated loss of lung function. Studies show that increased hospital admissions and emergency room visits for respiratory problems, including asthma, are linked to ozone exposure.

Physical exercise increases the risk because we breathe more deeply, breathe in more ozone, and breathe more through our mouth, bypassing the protection of our nose. Children are at special risk because they breathe in more air per pound of body weight. They spend more time outdoors and they are less likely to be aware of the warning signs. People with asthma or respiratory allergies suffer especially because ozone makes the airways more reactive to triggers that cause constriction. Over eleven million Americans have asthma and it knows no age limit.

So how much ozone is harmful? That's a good question. The current federal standard for ozone says that the level shouldn't exceed one hundred twenty parts per billion as a maximum averaged over one hour, but a large number of scientific studies have found acute symptoms, effects on lung function and biochemical changes linked to inflammation in the lungs of healthy adults and children, at levels as low as eighty parts per billion, only two thirds of the official federal danger level.

What's more, experts now believe that in addition to children and exercisers, and people who already have breathing problems, as much as twenty percent of the general population, that's one in five, are what are called responders: people who react to ozone with more than average loss of lung function. Currently, it's not known why certain people are more responsive to ozone, and they can't predict who they are, and you could be one of them.

So that's ozone. Our nations most wide-spread air pollutant, invisible, inflammatory, affecting us all. The lack of general concern over what appear to be subtle health effects, as well as a wide-spread disbelief in the necessity of achieving stringent air pollution standards, undoubtedly have played important roles in the failure of our country to meet ozone standards.

So what are American's attitudes about this air pollution issue? A definite majority believe we should all share in cleaning up the air. They want better pollution controls like annual vehicle inspections and better pollution control equipment on new vehicles. An effective air pollution control program to reduce ozone must, of necessity, focus on a large number of relatively small individual sources including automobiles and industrial resources.

Life is a series of trades. We must find the best combination of quality of life and economic development that we can for every member of this community, which is why Vanderburgh County is requesting redesignation to attainment for ozone. This redesignation, however, does not mean that everything is fine or that we do not need to try and find ways to reduce emissions which cause ozone. Quite the contrary, if we do not continue to reduce our emissions, and do have exceedences in the future, there will be mandated changes, including control systems to industry, which will cost millions of dollars or, if they choose, the companies may move elsewhere. An inspection and maintenance program on all vehicles would be required, as well as vapor recovery on the gas pumps. It would economically impact every member of this community.

What everyone must realize is, we are all affected by ozone. We all contribute to its' formation and we all must participate in its' control, which is why the Ozone Alert Day Committee asked me to come and speak to you. You are the decision makers who can help guide this community and make the air we breathe cleaner. We need to find out what this community wants. What is this community willing to do to achieve what they want? How can we get the most reduction in emissions for the least amount of money? There are many questions that need to be answered. We must start somewhere which is why I have come to you today.

So, I would like to explain that ozone is not only a health impact, but also an economic impact, both in medical and in business to every member of this community, and I wanted to share this with you. I have been asked to go and speak to the City Council and the County Council, also, to explain the Ozone Alert Day program and to answer any questions that you may have and I also brought a brochure that we've made out and had printed several years ago.

Does anyone have any questions about the program or what our nonattainment issue means to Vanderburgh County, because it is a Vanderburgh County problem? I will go out here to answer any questions.

President Borries: Thank you, Christine.

Commissioner Mourdock: I would just ask, for the record since you mentioned it by name, who is the Ozone Alert Committee, what group...?

Christine Terry: It is a group of volunteers within the community that have been working, I have been working on this program for the last four years and we have committee members that come and go. We have devoted time, and it's all volunteer time. Some of them are members of the Chamber of Commerce and the Lung Association. We work very closely with them. They have a fund set up that donations can go to, it's an education program for the community. We have done billboards, we have done signs on the side of the busses explaining about the ozone alert. We'll be having a kick-off which we have every May explaining about the program. The media helps us out tremendously by carrying the pollution each evening on the news of what the pollutant ratings were for the day, and if we have an ozone alert. On the back of the little brochure it explains about the program and last year, as you know, we did have an alert that lasted several days. When we call an alert, we work through a network through the Chamber, that all of the businesses are notified, so that they, in turn, can take steps to reduce emissions so that, hopefully, we will keep the emissions lower and avoid having an exceedence. We work very closely with the National Weather Service, which is why we are so concerned about the possibility of them leaving us, because I do not feel that Paducah, Kentucky would be able to give us the types of coverage and range of forecast the we get currently from the Evansville station. So, I just wanted to make you aware that our groups exists. We've been working on this for the past four years, that we have a lot of support within the community, but we also have a lot of concerns within the community about the economic future of Vanderburgh County. Because if we do not become an attainment area, we have the possibility of not keeping some of the businesses that we currently have, and of course, it will be a definite deterrent to any company wishing to come in here that has any type of painting operation, because they would have to put on more stringent controls, which is going to cost quite a bit.

President Borries: Well, some pretty heavy items there. I think you explained them very well. I like this little brochure.

Christine Terry: Thank you.

President Borries: It's very well done and certainly gives us some things that we really all need to consider to do in terms of burning leaves and trash and things we shouldn't do. This is good. Can you get more of these, do you think?

Christine Terry: Yes, we have them.

President Borries: Good.

Christine Terry: Actually, they went out two years ago in everyone's Sigeco bill, but I think they may have--

President Borries: Maybe they should do it again, it's great.

Christine Terry: Well, we're doing posters that you'll be seeing in grocery stores and, along with the bus shelters, we're having those done this year. It's just an awareness campaign. It's very slow, as you know, to change people's habits from the way that they do things. We're going to the schools and doing presentations to the students on how to operate their cars more efficiently to reduce emissions because vehicles are one of the number one emitters of the precursors, or the components, which cause ozone, because ozone is not directly emitted into the air.

Suzanne Crouch: I was going to say, Rick, if there are enough of these, we could put them in the employee's paychecks.

President Borries: Yes, good idea. The County Auditor says we could put these, maybe, in the paychecks and that would be very helpful.

Christine Terry: Okay, there was an article put in the City's newsletter last year, and I know that they were put into all the City's payroll. I'm not sure if they went into the County's, but I definitely have enough, I'd be more than glad to do that. That would be very helpful to our program. Thank you.

Commissioner Mourdock: Christine, do you have any concerns for the near or long-term future, as far as developments in Evansville that will affect the attainment or nonattainment for us?

Christine Terry: Our biggest problem is that we're located in a valley and --

Commissioner Mourdock: That's not going to change, I mean is there anything out there that you see--

Christine Terry: Large fans at the end of town would help. I do have some concerns about the increase in traffic from two things. Number one, all the road construction which is currently slowing traffic down and causing a lot of idle time and number two, the increase of traffic that will be coming to town with the riverboat. We really need to look at addressing ways of perhaps having parking areas outside of town. I mean, this would be the ideal scenario, and then bringing the people in, you know, by transport. I mean, the ideal condition would be using some type of either natural gas vehicle, alternative fueled vehicle, as opposed to some other modes, or at least finding a good way to reduce the amount of pollution that's coming in. Thank you very much for your time. I sincerely appreciate it.

President Borries: Thank you for coming tonight, Christine. We appreciate it.

Christine Terry: And just let me know how many that you would like to have.

President Borries: Well, we have, I'd say, approximately seven hundred, so if we could get eight hundred they could be put in all of the employee's checks and maybe, again, if you could talk with Sigeco to consider maybe some kind of a reissuing of this, it might be helpful. We can all use the information.

Christine Terry: We are ready to do that, having the Lung Association on the back.

President Borries: Good. This is good.

Christine Terry: Thank you very much.

President Borries: Thank you.

RE: ROSE ZIGENFUS - EUTS

President Borries: I don't see Rose Zigenfus here with her...Okay.

RE: ALAN KISSINGER - COUNTY ATTORNEY

President Borries: Our County Attorney, Alan Kissinger, a report from him?

Alan Kissinger: Basically, I reported what I had to report earlier in reference to the surplus properties. I would note, however,

that there are two sets of bids here that need to be opened, so if someone would authorize me to open them?

Commissioner Mourdock: Sure, I'll move that we open the bids as submitted to the County Attorney.

President Borries: I will second and so ordered.

Alan Kissinger: One set of bids, John am I correct, this is the Azteca Railroad and the other is the EARC Parking Garage Deck Repairs? So, I'll go ahead and proceed to open those and then if you can come back to me, I'll make my report.

President Borries: Sure.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: Last week, John Stoll submitted a letter to me along with some documentation for the coliseum roof that was installed in 1993. When it was installed, there was a leak which did some damage to some of the materials that had been used. The coliseum, I guess the Veterans Administration at that time, tried to get some satisfaction with this. Industrial Contractors said that the problem was with the materials that had been used and that was Carlisle Company. Carlisle said that the problem was not their's and that, had it been installed properly, that there would be no damage. This has been going on since then. I believe Industrial Contractors did do some repair to it, but there still is damage to, I guess, some of the beams and there still is some seepage when it rains, and so Mark Acker contacted me a couple of weeks ago. John Stoll gave me the information that he has on it and I just need some guidance as to what you would like to have done with this. I did give you the letter that John Stoll submitted to the Commissioners in February of 1994, and apparently, still neither company will say that they're responsible for this.

President Borries: Any questions?

Commissioner Mourdock: No, I don't have any questions. As far as recommendations, it sounds like it's time in the process when the mean-spirited attorney sends his letter.

Alan Kissinger: Just sue then both.

President Borries: That's about what I was about to suggest. I guess the only other thing that I could suggest would be John, since this falls generally under the bailiwick of the County Engineer, since --. I remember this. Andy Easley was the Engineer at the time.

Cindy Mayo: John was fairly involved with this, I think for a while, too, and tried to contact both parties and--

President Borries: Andy Easley was the County Engineer when we first started on this, either that or he had this, I remember this was supposed to be a leak-proof roof. This was some kind of a membrane where we were really going to get a good thing here, and so, we did it. Now, I don't know. Have you had them both together, all of them to meet?

John Stoll: Last year, we went up on the roof with the manufacturer's representative and he patched a couple of small areas, but Mark Acker had said that didn't correct the problems in the insulation board that's underneath the roof membrane. It has been saturated and it's soft. You can tell that by just pushing on the roof itself, so I think we've just basically been running in circles. One contractor would say it's the roof system and the roof system would say it's the contractor. Really, nothing has been resolved. I've not seen any evidence of any leaks as of late,

but it's just been in the past couple of weeks, like Cindy said, where Mark Acker had said that there were still some problems out there. I guess with all the improvements they've done to the inside of that building, they're concerned that it could be damaged or, even worse, injure somebody if it really got bad enough that a part of the ceiling would collapse.

President Borries: I would suggest that you get both parties together for a meeting. If you cannot resolve it one more time, as Commissioner Mourdock said, I guess we're going to see somebody in court. I don't know who yet, but I mean, we've got to work on this before, for one thing, before the warranty expires. That's a problem, because this thing was, what a five year warranty on that roof?

John Stoll: I believe it's twenty years.

President Borries: Oh, is it twenty? Man!

Commissioner Mourdock: Well warranty, additional time out there besides, if we get into a fight over just getting the work done, you can imagine what the fight will be for damages in the building that's already been accrued. We don't want to face that, and I think, Alan correct me if I'm wrong, with either of these contractors, and I don't recall their names specifically but that's okay, we have a bit of a death sentence to hang over them, do we not, if we care to take them off of the bidding list for future projects? I mean, that's something we can make sure that they're aware of.

President Borries: That's an excellent idea, because we just can't--. We have to have this fixed. Yes, that makes sense. It would have to be longer than five years for a roof, although there are some that don't last much longer than that, but this was a seamless roof that he said was going to, you know, prevent any kind of leakage whatsoever. And that is a very good point, because if we can't resolve this with either mutual cooperation or one or the other taking responsibility, then I'm not sure we'd be able to use that firm as a reliable firm on future business. That's a very good point. Would it be possible for you to arrange a meeting with both of these groups? What else do we do?

John Stoll: I don't really know right off the top of my head. Last year when we went up there, by the time you move all the rock off the membrane itself, it's hard to find any holes in it, so if we have a meeting and do the same thing, we may be back at the same situation we are right now with not getting anything resolved. I don't know, I mean, we can give it a try.

President Borries: Well, then we either need to send a letter, I mean, how do we document the roof is leaking?

John Stoll: That, I don't know. Personally, I've never seen it, but I've not been in that building when it's raining either.

President Borries: Are you saying that some way or another there's, through these...

Commissioner Mourdock: If Mr. Acker's reporting is right, then Mr. Acker must know that it's leaking.

John Stoll: Yes, I'm sure he's in there quite a bit.

Commissioner Mourdock: They have an electrostatic process where they check fuel membrane liners, which is, I'm sure, what this is. I would think they could do something like that even under the gravel. That's a quasi-layman's evaluation, but when they put liners down underneath landfills now, acres at a time, they come in and check and even if there's a pinhole leak, it shows up. So,

it's something you might pursue.

President Borries: Well let's send them both letters and ask Mr. Acker to verify the leak and then indicate here that this is going to have some kind of determination on a future bidding if we don't get some cooperation. We've got to move this thing along here. Would you be able to write them both?

John Stoll: Sure.

President Borries: Okay. Thank you, John. Cindy, I think you had other items?

Cindy Mayo: Yes. For the 1994 surplus properties, I asked permission a couple of weeks ago to advertise these for sale. I have the Notice for Public Hearing done now. If the dates are fine with you, I would like to give this to the Auditor for them to advertise. I have on here that they need to have their nonprofit status along with a written request of the properties and what they intend to do with it in the Commissioner's Office by the 26th of May, with the sale being June 5.

President Borries: Okay. Can I have a motion?

Commissioner Mourdock: I will move issuance of the Notice of Public Hearing to dispose of the excess properties as directed by the Superintendent of County Buildings.

President Borries: I will second and so ordered.

Cindy Mayo: I have two other items. I wrote a memo to you explaining the request that I have for 2130 Kathleen with the Evansville Housing Authority. I did let them know that we could not do anything with the 1993 properties and they asked me if I would bring it on the floor again, so I am bringing it on the floor again.

Alan Kissinger: I will anticipate your question. We can not do anything with the 1993 properties until we have completed the court action in the matter.

President Borries: I would think, Mrs. Mayo, that you need to send a copy to Mr. Colbert of the minutes of this meeting in which Mr. Kissinger made that statement and, on the advice of the attorney, we're not going to do anything.

Cindy Mayo: I did tell him that this was entered into the record, I believe, last week or the week before last.

President Borries: Okay, we could send him another copy.

Cindy Mayo: I sure will. Thank you. The last thing that I have is a request to go on council call for Garage Remediation in the amount of twenty thousand dollars. This was brought up, I believe, about a month ago as to the amount of money. There still is money in the Garage Remediation account. I've kind of been holding back on this because Council is not going to want to give the money if there is still money in there. There is still work being done by Environmental Consultants. There will be bills coming in and I would like to go ahead and go on council call with this for now, and if we're turned down I can go back later. And also, I'm going to have to research and see how much money. I don't have the amount that we'll need for the title searches, but I will get in touch with Habitat and find out what properties. Because there have been titles run on some of the properties, so we won't need to do all of them, but I'll get as close as I can and put that in this time, also. That's all I have. Oh, I do have some pink slips that came in late today that I would like to pass down. I've got some copies of them for the media or whoever might want to see them, but

with Sandy Deig being on vacation, we just didn't get them until late. So, there's nothing unusual about them.

President Borries: Okay. Can I have approval to allow the Superintendent of County Buildings to go on council call?

Commissioner Mourdock: Yes, I'll move that.

President Borries: I will second and so ordered. Thank you, Cindy.

RE: BILL MORPHEW - COUNTY HIGHWAY

President Borries: Bill, welcome. Do you want to give your report at this time? Oh, for the record, Mr. Morpew did submit a Progress Work Report for the week of April 28 through Thursday, May 4, and it does show work done in all parts of the County. It is accompanied with a Bridge Crew Work Progress Report of the same nature. Any particular items for you this evening?

Bill Morpew: Well, as you can tell on Friday, Monday, Wednesday and Thursday, we covered quite a few lots in town. We had a number of crews going in various directions. I wish we didn't have quite so many lots. We've completed all the digging at the garage, the remediation. All samples have come back clean, so far. Things are going well.

President Borries: So really, the actual remediation itself then, the plan is in place at this time?

Bill Morpew: Yes, sir.

Commissioner Mourdock: A question about what you just said. All of the samples have come back clean, so far. Does that mean that all of the samples are done and they've all come back clean, or all of the samples that you've gotten back thus far.

Bill Morpew: No. We've had eight pits dug out there and we've had to take additional samples from the bottom of these pits before we put the clean dirt back in. All those have come back good, so far.

Commissioner Mourdock: But you're still waiting for some?

Bill Morpew: I've got three more left that we're waiting on now.

Commissioner Mourdock: Okay, so you've got three pits that haven't been backfilled?

Bill Morpew: No, they're filled.

Commissioner Mourdock: Oh.

Bill Morpew: We may have to open them back up, but I don't think so. He did a sample, he tested the soil before he ever sent it in and he said it looked good to him. I don't really anticipate having any problems with those.

Commissioner Mourdock: Okay.

President Borries: Were you, just as one item, appropriating any money from the Council as far as any kind of summer crews for mowing?

Bill Morpew: Yes, I need to go and ask for, get on council call to see if I can get some summer kids out.

President Borries: That was my point, I mean, with as many of these properties problems that we have. I don't think you're

paving yet, but I can foresee a problem here where we're going to have some difficulty in terms of meeting the needs when we start doing all of this mowing as well as, once we get into the paving process. We're going to be stretched pretty thin, so that's why I was wondering if you had asked for any part-time help for the summer.

Bill Morpew: Not yet. I need to go before Council to ask for money to get some summer help. I have asked the Safe House for community service people. There just aren't any. We've had two fellows at the garage. One Friday and one today. I can't get any more people, so my only other option is to go before Council and ask for money for summer help.

President Borries: Okay. Commissioner Mourdock, would you authorize him to be able to do that?

Commissioner Mourdock: To do the council call?

President Borries: Yes.

Commissioner Mourdock: Sure, I'll make that as a motion to allow Mr. Morpew to make the council call for summer mowing help.

President Borries: I will second and so ordered.

Bill Morpew: Thank you, sir. That's all I have.

President Borries: Okay. Well, if we can help that gentleman with that tree, I would appreciate anything we could do. At least if we could contract it out, or whatever we can do.

Bill Morpew: Will do.

President Borries: Thank you, sir.

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: First, I've got the road plans for Browning Road Estates West, section two. This is off Boonville-New Harmony Road. The street grades are acceptable. It's in a hilly area, but the grades are acceptable. It will be an asphalt street with curb and gutter and I recommend the street plans be approved.

President Borries: Questions, or if not, motion?

Commissioner Mourdock: I'll move acceptance of the streets in the Browning Road Estates West as recommended by the County Engineer.

President Borries: I will second and so ordered.

Commissioner Mourdock: How come some nights we sign mylar and some nights we sign paper?

John Stoll: I prefer mylar but I have a hard time getting them to give me (inaudible). Next, I'd like to recommend that we award the concrete repair contract to Law Construction in the amount of forty-eight thousand, fifteen dollars and forty cents for the concrete repair, concrete street repair contract.

Commissioner Mourdock: Just the general contract?

John Stoll: Yes, the streets that we're doing are out in Melody Hills as usual, right?

President Borries: Man, we've done a few out there.

Commissioner Mourdock: I'll move the award of the contract to low bidder, Law, I presume the lower bidder, Law Contracting?

President Borries: Construction, I believe.

Commissioner Mourdock: Law Construction.

President Borries: Yes, Law Construction, Inc. I will second and so ordered.

John Stoll: And the only other item I have is, I would like to submit a letter from Mrs. Gary Sisney. She's one of the residents out in the Stephanie, Kelli and Kristopher Court area, thanking us for accepting their streets.

President Borries: Well, that's nice. We don't get a lot of thank you notes and we certainly will enter that for the record and appreciate them taking the time to write that. That's great.

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

Commissioner Mourdock: Anything new on Swinging Way Court?

John Stoll: We haven't heard back from anybody who would undertake, I guess, initiate the start of a repair process.

Commissioner Mourdock: Okay.

President Borries: Thank you, John.

RE: CONSENT ITEMS

President Borries: We have Consent Items to consider and they, again, are in the form of Travel and also some Employment Change Requests.

Commissioner Mourdock: And with the additional pink slips provided by the Superintendent of the County Buildings, I'll move the acceptance of the Consent Items.

President Borries: I will second and so ordered.

RE: SCHEDULED MEETINGS

President Borries: We do have scheduled meetings. One I particularly highlight for those here this evening, a special meeting that has been called by this Board with invitations that were sent today to the Vanderburgh County Visitor & Convention Bureau and the Vanderburgh County Council to attend a special Commission Meeting at 5:30 p.m. next Monday, May 15, in the Vanderburgh Auditorium. The purpose of most of the meeting will consist of some discussion about a proposed acquisition of property immediately across the street from the Vanderburgh Auditorium and Convention Center and so that's what the purpose of the meeting will be for. I would want to, again, urge that the public attend that meeting as well. I believe that we don't have anyone from the auditorium here this evening, but we may have to hold it on the auditorium stage because the Gold Room has an event that evening, so it will be on the auditorium side.

Commissioner Mourdock: Next Monday?

President Borries: Next Monday. Along with that, just a very brief comment, Commissioner Stan Smith from the Indiana Department of Transportation was in Evansville last Thursday and Friday. Councilwoman Bettye Lou Jerrel and I had requested that he visit the community and I think that he had a very good experience. We did talk about a variety of subjects, many of which were reported in the local media, particularly I think that they do have some commitment to look at what's called the Bridge over Pigeon Creek on the Lloyd Expressway to look at some double shifts in order to speed that particular project up. There has been, I think, a

greater attempt at coordination of several of the other projects and particularly, I think, work on South U.S. 41 near the Twin Bridges. I think the District Engineer, Greg Curtis, estimated that could be finished by early June, which would also be a welcome relief for summer motorists in that area. So it was a very good visit and, again, he did promise, also, that he would return. So, hopefully, if it was a positive experience for him, why maybe, Evansville will receive some positive consideration.

RE: NEW BUSINESS

President Borries: Under New Business, I would like to ask for authorization for appraisals this evening so that they could be done, hopefully, this week with the intent to, perhaps, consider the purchase of property. Again, that property being known as the Green Convention Center. This in no way obligates the County, but in order to do that, we would have to have an appraisal and a review appraisal. Alan, do we have to indicate who those persons may be? We usually have contracted with one, well actually two individuals who are certified in this field, and are two of the few that are, really.

Alan Kissinger: We are required to make a public appointment and this meeting, I think, is the most appropriate forum to do that. It's not necessary that we actually have a resolution. Once the appointments have been made, I can then prepare letters to the appraisers with specific instructions as to their appraisals, when they should be returned to the County Commissioners, etc.

President Borries: These are requests for services and the two that are most often used are Mr. William Bartlett and Mr. David Matthews, the appraisers that we use when we review appraisal property.

Commissioner Mourdock: Let me just ask the question, are both of those local people, I presume?

Alan Kissinger: They are both local. They are both designated MAI, which in the appraisal business is a big to-do. And both deliver a quality product.

Commissioner Mourdock: Okay. I presume, and this goes without asking, I guess, they are both well-versed in, through MAI, in the commercial, the type of real estate that we have, that we're looking at here albeit, I would think, there wouldn't be many convention centers that come up on the market for appraisal?

Alan Kissinger: Basically, I don't think that it is the appraisal of a convention center as such that is going to, I don't think any such expertise as that will be required. I think what will be required is expertise that they do possess based on the appraisal of the real estate and it's location and the physical structure located on the real estate. I don't think the nature of the business activity that has been engaged in inside that building would be of any particular concern to them.

Commissioner Mourdock: With the understanding that this appraisal is part of the process that we need to learn more about the whole situation, obviously, I would move, even though we may not need a resolution, I will just go ahead and move that we go ahead and appoint those appraisers.

President Borries: Thank you. I will second and so ordered.

Alan Kissinger: I will prepare the letters tomorrow, and if the Commissioners have no objection, I can send the letters out over my signature.

Commissioner Mourdock: I think that's fine, yes.

President Borries: One final item, as part of the money appropriated or approved by the County Council, and these appraisals as well as the next proposal that I would like for consideration for approval, would fit under the fifteen thousand dollar fee that the Vanderburgh County Council approved last week, and that would be a study of operating costs by a certified public accounting firm, specifically Mr. Randy Rohlfer of Gaither Rutherford & Company. What this would do, would be a study of the operating costs of this convention center so that, I think that's going to be one of the major questions we're going to have to resolve at this point. If I could have approval for that service to be performed as well?

Commissioner Mourdock: Certainly I think that's going to be a key part of this whole evaluation process. It is, and just going in, that's going to be an expensive item here, but the question as to what the long-term costs would be is certainly going to be critical in my decision making, so I would move that we do get that appraisal done through Mr. Rohlfer.

President Borries: Thank you, I will second and so ordered. One final item the County Auditor has to be signed this evening, the claims check journal to be signed at the Commission seat, so if you can so move, we will do so under New Business.

Commissioner Mourdock: So moved.

President Borries: I will second and so ordered.

Alan Kissinger: Mr. President, before you adjourn...

President Borries: I'm sorry, that's right. In my haste here to move forward...

RE: ALAN KISSINGER - COUNTY ATTORNEY - BID OPENING

Alan Kissinger: Bid recaps on the project VC95-05-01 which is the EARC Roof Repairs. Three bidders: the first bidder is Tri-State Painting, total bid of \$115,000; Western Waterproofing Company, Inc., total bid of \$101,900; final bid by Midwest-Continental Restoration Co., \$143,968.

President Borries: May I have a motion to take those under advisement and refer them to the County Engineer at this time?

Commissioner Mourdock: So moved.

President Borries: Second and so ordered.

Alan Kissinger: Next is project VC95-04-02 which is the Azteca Railroad Spur. Once again, three bidders: the first is Annex Railroad Builders, Inc., total bid of \$114,980; next is Queen City, Inc., total bid of \$103,713; last bid is Central Constructors, Inc., total bid of \$111,878. I should note also that each of these bids contain four alternate bids that were invited in the proposal. That's all that I have to report.

President Borries: Thank you. May I have a motion, again, to take these under advisement?

Commissioner Mourdock: So moved.

President Borries: Second and so ordered. Further business, Mr. Kissinger?

Alan Kissinger: No, thank you.

President Borries: Okay. Commissioner?

RE: OLD BUSINESS

Commissioner Mourdock: Just as a New Business item, maybe it's an Old Business item, this week the American Cold Storage situation was back in the news and I think it further exemplifies the need that we have some better communication between the business development economic development folks in the City, Vision 2000, the County Council and this Board. While I voted against it, and certainly don't regret voting against it in the overall sense of the way that project was brought to us, we just need to define how we're going to handle economic development issues. Obviously, one voice does not, can not and will never speak for the City and County. We're two separate voices, and short of consolidation, which I don't see on anyone's horizon right now, there has to be some more communication. I know we are always facing the situation of joint public meetings and some folks want to do that and there are a lot of good reasons why sometimes it's difficult to do that, but we've got to keep this situation moving along to something positive. I would hate, in the sense of a little bit of embarrassment that Vision 2000 has suffered as a result of this, I would hate to think that would curtail their efforts down the line when, in fact, the job they're doing can be promoted by some good conversation and communication now. So, I will add that to the record and, Mr. President, ask that we do together whatever we can do. This is not a partisan issue, obviously, economic development is what we're all about.

President Borries: I certainly agree and I think your remarks are well said. I hope that we can modify, to some extent, what this County has offered. Perhaps, maybe even, considering the installation of a frontage road, if nothing else, as we move forward, but I certainly agree with your remarks that economic development is critical for the community. Like it or not, we are in competition with many other communities. Incentives have become a necessary tool in this whole process and so, whatever it takes, if it's a public meeting or if it's a series of meetings, I would agree, we need to get those started so that we can certainly clear the air and some of the confusion about it. Each of these appears to be somewhat of a different animal and I know that there comes a time, too, when some of these negotiations between a private firm and what their financial interests are, and so forth, becomes quite sensitive. But again, none the less, it is important. We do want to be about the business of promoting business to get into this area, so I would agree. I would be happy to endorse your request and see if we can't set up some kind of a meeting very soon here between the Council, perhaps Vision 2000, Department of Metropolitan Development to resolve the issues and you are exactly right, communication is the key.

Commissioner Mourdock: And, everyone is a different animal, but I don't care if it's an ox, a mule or a horse, as long as it can pull the plow, that's what we need in here, because we need the economic development. I sure don't want to see us embarrassed any further.

President Borries: Well, I agree. It's a point well taken and we will address this. I don't know if I can do it before May 15, here, I've got some other fish to fry, but we'll do it very quickly after that.

Commissioner Mourdock: I understand.

President Borries: Thank you for those remarks. Is there further business this evening? This meeting is adjourned.

Meeting adjourned at 6:50 p.m.

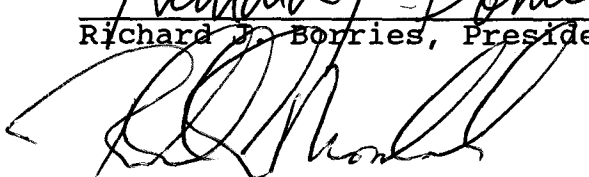
THOSE IN ATTENDANCE

Richard J. Borries
Suzanne M. Crouch
Alan Kissinger
Bill Morpew
James Word

Richard E. Mourdock
Cindy Mayo
Teri Lukeman
John Stoll
Christine Terry

**VANDERBURGH COUNTY BOARD OF
COMMISSIONERS**


Richard J. Borries, President


Richard E. Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

MAY 15, 1995

TABLE OF CONTENTS

Introductions & Pledge of Allegiance	1
Special Meeting to Consider	
Purchase of Green Convention Center	2
Presentation by Mike Shoulders -	
Veazey, Parrott & Shoulders	2
Market Research Presentation - Dan Spindler	5
Public Comment:	
Launita Seals	7
Robert Holmes	7
Bruce Lomax	8
Bob Woodward	8
Janet Watkins	9
David Huff	9
Charlie Sakaria	10
Tom Shetler, Sr.	11
Dan Norman	12
Chick Shively	12
David Woll	13
Paul Hatfield	13
Robert R.C. Miller	15
Due Diligence - Dan Spindler	16
Operating Expense - Steve Farrell	16
Remarks/Questions:	
Vanderburgh Convention & Visitor's Bureau	
Joe Vezzoso	20
Vanderburgh County Council	
Curt Wortman	22
Royce Sutton	23
Ed Bassemier	23
Phil Hoy	23
Bettye Lou Jerrel	24

Vanderburgh County Commissioners

Richard Mourdock	25
Patrick Tuley	26
Richard Borries	26
Action Items	27
Approval of Minutes	28
Alan Kissinger - County Attorney	
Bid Recap (Browning Rd. Bridge) VC-95-05-02	28
Cindy Mayo - Superintendent of County Buildings	28
Bill Morpew - County Highway/Garage	28
John Stoll - County Engineer	
Award of Azteca Railroad Spur VC95-04-02	
Award of EARC Park Garage Deck Repair VC95-05-01	
Award of Browning Road Bridge	28
Consent Items	33
Scheduled Meetings	33
Old Business	33
New Business	33
Adjournment	34

The Vanderburgh County Board of Commissioners met in session at 5:45 p.m. on Monday, May 15, 1995, in the Vanderburgh County Auditorium.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Good evening, everyone. I'm Rick Borries, and I'd like to welcome you to a special meeting this evening which will be held as part of our official weekly meeting of the Vanderburgh County Commission. We have an agenda published for your information this evening and, actually, the third item in your packet should be an agenda for a special meeting that will be part of our Vanderburgh County Commission Meeting this evening. So, at this time, if you would join us, I would like to call to order then, this meeting of the Vanderburgh County Commission on May 15, 1995, held at the Vanderburgh Auditorium and Convention Center.

I will give introductions at this time. I hope I don't miss anyone, but I think I know all of them. We have asked three boards who are involved very closely with the proposed purchase of what is currently known as the Green Convention Center and those boards would be this Board, the Vanderburgh County Commission, the Vanderburgh County Council and the Vanderburgh County Visitor & Convention Bureau Board. I would like to introduce first the Evansville or Vanderburgh County Convention Visitor Bureau group at this time. Facing me:

Joe Vezzoso, President
Pete Helfrich, Director of the Visitor & Convention Bureau
Mike Schopmeyer, Attorney
Stan Atchison, Board Member
Mike Belwood, Board Member
Gloria Altman, Board Member
David Dunn, Board Member

Members of the Vanderburgh County Council in attendance this evening are:

Ed Bassemier, Councilman
Bettye Lou Jerrel, Councilmember
Curt Wortman, Councilman
Phil Hoy, Councilman & President
Royce Sutton, Councilman

I'd like to introduce our table and our staff this evening for you. To my far right:

Cindy Mayo, Superintendent of County Buildings & Office Manager
Alan Kissinger, County Attorney
Pat Tuley, County Commissioner
Rick Borries, President County Commissioners
Richard Mourdock, County Commissioner
Suzanne Crouch, County Auditor
Teri Lukeman, Official Recording Secretary

I have one brief message from Ms. Lukeman to read to you at this time.

"In order to ensure an accurate transcript on tonight's meeting, I would like to enlist your help (meaning me, to give you this announcement) making sure that all discussion from the Commissioners and anyone wishing to comment on the possible purchase of the Green Convention Center to make these comments from the microphone and that these individuals identify themselves before speaking."

She asked for my assistance and so I have done that. So please, give your name and address before you speak this evening. At this time, would you join us in the Pledge of Allegiance?

**RE: SPECIAL MEETING TO CONSIDER PURCHASE OF GREEN CONVENTION
CENTER**

President Borries: I would like to move at this time, into our special meeting agenda and would like to, at this time, give you some guidelines for this evening. Please, as we will want to hear from those people this evening who have been motivated to attend this evening, please come forward to the microphone, again, give your name and address for the record. In the interest of time, since this is part of our regular meeting, and no, we don't get paid by the hour and it is part of our job, but we do like to eat at some point this evening and have been meeting for quite some time already. Some of us may not need the food as badly as others, obviously, but we would ask you to confine your comments, please, to approximately three minutes. By listening to others who want to speak on this particular issue this evening, if you could give us some new information, it would be very helpful, as you listen to what others are saying in order to move forward. We do advertise a Rezoning Agenda and they are to be heard at 7:00 p.m. Hopefully, we will make that, but again, we do want to listen to your opinions at this time. We've also asked people to give their indication as to whether or not they would be speaking pro or con. I have some speakers' lists available. If you would like to, we have staff over here available, if you would like to let them know of your intention to speak at this time so we would also have your written name on a record, we would appreciate that. So that, if you have not signed up to speak and wish to do so, that would be helpful. I think, with those comments in mind, again, what we intended to do at this time, then, is to open this by asking our County Attorney, I have one very fateful thing that I have to do here, is to ask our County Attorney to open some bids that we're going to consider later in this meeting. May I have a motion, please, to ask the County Attorney to, or order the County Attorney to, open bids?

Commission Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: These bids have to do with the repair of a roof at a facility, the EARC facility that is owned by the County. I will so order that at this time.

Commissioner Tuley: Browning Road Bridge.

President Borries: Browning Road Bridge, okay, thank you. Okay, back to our special meeting agenda. I believe that it is also very important that you get a good overview about what we are considering here this evening, where we are, why we are in this facility and what the discussion items are, and so I've asked a gentleman who has actually participated in several studies on this facility, Mr. Mike Shoulders, of the firm Veazey, Parrott & Shoulders to give a presentation at this time regarding, I think, the overall plans and also to give, perhaps, a brief background as to the nature of, not only this project but then, what we're here to consider this evening. Mr. Mike Shoulders if you could come forward, please, and we welcome you and we'll hear from you at this time.

Mike Shoulders: Thank you, Commissioner Borries. My name is Mike Shoulders, I am president of Veazey, Parrott & Shoulders. I began to work on the Vanderburgh Auditorium and Convention Center Gold Room Complex in early 1987. I published a report which is dated July 15, 1987, which called for approximately 4.27 million dollars in work, that includes fees and administrative costs for the expansion of the Gold Room and some cosmetic renovations to the Vanderburgh Auditorium. In 1993, I completed an update of that 1987 study, this was published on June 15, 1993 and, at that time, was asked to look at this complex that we're in today as a performing arts complex with high-tech theatrical equipment and

totally outfitted. The estimate of costs on that facility at the time were \$15,000,000. More recently, in late summer of 1994, a task force headed by Rolland Eckels, whom I assisted in cost estimating came forth with a program of 5.5 million. The plan that you will see today for the Vanderburgh Auditorium and Gold Room project falls in the middle of this range, from 5.5 to \$15,000,000 and it's estimated at this time, to be about 10.5 million dollars. It includes, and I will show you some of the diagrams on this momentarily, it includes a major expansion of the Gold Room and it also includes significant renovations to the Vanderburgh Auditorium to bring it into the 21st century. It does not include items in the original performing arts plan which raised the roof. It does, however, make significant changes to the interior in terms of that upgrade. I would like to show the plans that have been in the works and have been evolving since 1987 on this complex and then begin to look at some sketches as to how, what is now called Green Convention Center, could fit into an overall complex. One of the important programs for the 10.5 million dollar effort at the Vanderburgh Auditorium and the Gold Room is an expansion of the Gold Room which is shown here in yellow. The Gold Room presently, on the floor that you see in the Gold Room, has about 12,000 square feet, the expansion program would almost double that from about 10,000 to 11,000 square feet and would consist of conferencing spaces that can be closed with movable partitions or can be opened up to provide a very wide open Gold Room that will have almost twice the seating capacity. The other component, the other important component of the present program for the Vanderburgh Auditorium is to one, add seating. The auditorium now has approximately, not approximately, it does have 2001 seats. The goal would be to expand that to upwards of 2,500 seats, 2,400 - 2,500 seats, which would allow for a wide variety of road shows and other productions to come to town that now, marginally, do not feel they can make a profit in coming here. The 2,500 seats would open things up widely for other types of events. The concept for the auditorium is not strictly or solely, the purpose is not to be a performing arts complex, we will have performing arts, we will have road shows, but the concept for the Vanderburgh Auditorium is to create a facility that is a popular facility that has flexibility to accept all sorts of activities from lectures, from receptions to road shows and other events in the auditorium itself. Other additions that will be created, a balcony is projected at the rear of the auditorium that will add over 200 seats. This does not require raising the roof at all. There will be stair towers at the corners that allow for better exiting as well as access to that balcony. There will be an expansion of the present Walnut Street lobby too, and there will be restrooms, public restrooms, built on the Walnut Street side to allow for better utilization at intermission. This program, as I mention, is about a 10.5 million dollar program. We will talk about, more specifically, some line item improvements in a moment. The other component that the Commissioners asked me to look at is, how the, what is called the Green Convention Center, could contribute to an area wide or a convention center complex that includes Vanderburgh Auditorium, the Gold Room and the Convention Center. What we've done is some sketches, some very early renditions of how the building could be upgraded and modernized. The present condition of the building is that it is in need of some updating and modernization and repair. One of the comments that we consistently get from the public is that it's an ugly building, and so, one of the proposals is to improve the looks of the building, make it presentable and then tie it to, actually, the Gold Room with an overhead connector similar to what is presently connecting the Executive Inn to the parking structure. This rendering shows by some metal framework, lattice-type exterior treatment that allows for plant materials, dramatic lighting and even the flying of flags on that building that we could improve dramatically the visual appeal and the esthetics of the exterior of the building. We would also, in a budget for the Convention Center, which we're projecting now for purchase and renovation to be a total not to exceed five million. It could be

less than that. We would be doing significant improvements up to one half million dollars on the mechanical and electrical systems, we would be doing pretty extensive cosmetic renovation on the interior, upgrading the kitchen facilities so that we could bring the present Green Convention Center also into the 21st century. The diagrams here show the existing Executive Inn, the existing parking structure, the present existing connectors that connect the Executive and parking structure with the Green Center. We are looking very closely at a connection between the Gold Room and the Convention Center. If the County acquires the Green Center, it would not own the connection between the parking structure. It would, however, own and maintain a connection to the Gold Room. One of the other, sort of, dreamscape type thoughts has been a connector between, ultimately between, the Executive Inn and that would be done, not be done, presumably, by the County, but by the future operator of the Executive Inn. What I'd like to do, again, is to tell you a little more about some of the improvements inside this complex. To review, some of the improvements that we would have in the auditorium would be new seats, an auditorium chamber control room, HVAC set of improvements, some box seating, premium seating, balcony seating, two stair towers, a new elevator that would access the balcony as well as mezzanine from another location, enhanced sound system, lighting equipment, curtains, hydraulic pit sections and new concessions, tickets and ticketing and dock facilities and the improvements to the Green Room, expansion of the Walnut Street lobby and restroom expansions on the Walnut Street side. In the Gold Room, improvements are an expansion to the kitchen, the dock and catering facilities, new conferencing spaces, total Gold Room renovations including lighting and sprinkler system, a new lobby. I failed to mention this, but one of the big problems between the auditorium and the Gold Room is the shared lobby. The new Gold Room concept would have its' own lobby. A new bandstand and storage system within that, in the Gold Room, and new sound and theatrical lighting systems. With fees and administrative costs, this total is 10.5 million dollars. As to the Green Convention Center, as I mentioned, the building condition is, the building is in need of some renovation and modernization. Roger Lehman, the County Building Commissioner, has examined the Green Convention Center and has come up with a brief list of needed improvements to improve conditions. They include such items as installing grab bars on accessible toilet facilities, improving several emergency light packs that were not functioning when tested and installing some of the roof insulation which is missing. Actually, this list was not terribly extensive and, to my surprise, it will be easy to rectify or to deal with in the projected renovation. We have a structural engineer from Hodge Design Associates doing a structural analysis. It was not ready today, but we anticipate the completion of a structural analysis to the Green Center to be complete in a couple of days to tell us if there are any major structural deficiencies in the building that would prohibit its' future use. When completed, we anticipate that if the Commissions and if the County and the Council acquire the Green Convention Center, and if the scheduled renovations are completed, that is 10.5 million in this complex and an additional \$5,000,000 including acquisition and renovation of the Green Center for 15.5 million, we would anticipate that the value of this entire complex, or the price to create it new, would exceed \$32,000,000. I will be happy, at a later time, to answer any questions that you might have concerning the material. Thank you.

President Borries: Thank you, Mike. I appreciate your report, leading off to give those in attendance some ideas here about what could be and what we have in the very, at this point, preliminary way, envisioned improvements will be to this facility. I appreciate your report. Also to provide you with some information that many of you might want to have as we hear from you in a short time, we've asked Mr. Dan Spindler of Given & Spindler, who are the, at this time, the private management firm who manage this facility, to do some research regarding facilities of this size, cities of this

size, looking at the convention business, overall, so that, again, all of us could get some information concerning the significance of what this means to the community. So, at this time, I would like to ask Mr. Dan Spindler to give his findings regarding the research that Given & Spindler has done concerning this facility and, also, the potential for acquiring the Green facility. Dan?

Dan Spindler: Thank you, Commissioner Borries. In looking at the market research, most of the information that I am presenting this evening is a compilation from information that we have received from the International Association of Auditory Managers. That is really the only association that is involved with people such as ourselves, who manage entertainment types of facilities, and they represent management companies and facilities all across the United States and Canada, so most of the information that I am presenting this evening is a compilation, as I said, from them. The first area that we took a look at is from a survey that was conducted by that association of facility ownership. And out of 505 various facilities, entertainment, convention facilities, fairgrounds, those types of facilities throughout the United States and Canada, we took a look at, who owns those particular facilities? Because the question does come up on private ownership and operating a convention facility versus public ownership. As you can see, 206 of those facilities out of the 505 throughout the United States and Canada are owned by the city, 52 by the county, 41 by either state provinces, 76 by universities, 27 by public authorities and the list goes on. Basically, to show that out of 505 total facilities in the United States and Canada, only 33 -- 31 are private corporations, and 2 are private promotor or promotion companies -- only 33 facilities are, today, privately owned. As we look at that, we also decided we also needed to look at, how are those facilities out there funded? And again, from the International Association, looking at convention centers in comparable markets, and I think we need to explain here. Comparable markets, we extracted from their information, cities with a population base that was as close as we could find to Evansville, Indiana, and facilities of 100,000 square feet or less in size. And out of those, we have ten, not including the Vanderburgh Auditorium and Convention Center here, which would, of course, be the eleventh, but those cities are cities like Center City in South Bend, Indiana, the Horizon Convention Center in Muncie, Indiana, Grand Wayne Center in Ft. Wayne, Indiana, Modesto Center Plaza in Modesto, California, State House Convention in Little Rock, Arkansas, Chattanooga Convention Center in Chattanooga, Tennessee, Des Moines Convention Center in Des Moines, Iowa, the Benton Convention Center in Winston Salem, North Carolina, Iron Works Convention in Columbus, Georgia, Montgomery Civic Center in Montgomery, Alabama, and of course, our own here. Again, the criteria was cities that had a population base equal to or about the same size as Evansville, Indiana with a convention facility of 100,000 square feet or less. Out of those cities, we found that every single one of those were funded with some type of a bonding. In South Bend, Indiana, as an example, that facility was financed 59% with bond and 41% other. As we go down through here, the list goes on showing private bonds, loans, redevelopment bonds, 100% revenue bonds, two which were financed 100% with general obligation bonds, another one with a 100% revenue bond and, of course, the last with another general obligation bond. So, I think it's pretty clear to see that comparable market areas such as Evansville, with comparable size facilities that we are looking at here, are for the most part, all publically owned and funded with some type of bonding. I won't get into the debate, certainly not at all, if anyone looks at the operation of the Green Convention Center. Anyone can debate whether it was operated properly or improperly, but I think that we have to look at, what this so far clearly points out, is that the Green's owning and operating a convention center under private ownership certainly put them in a position of being the last of a dying breed, that it just doesn't work under private ownership. I think our next table explains why. The 1994

operations information from the International Association of Auditory Managers is not yet available, so the most recent publication that we have to work with is 1993. Looking at those same ten various cities, the same South Bend, Muncie, Ft. Wayne and so forth, and again, those cities showing anywhere of a population base of 104,000 up to a high of 200,000, so they are all comparable in market area to what we have here. We have the operating expenses, the income information as well as a surplus or deficit in each of those areas for 1993. With the exception of Ft. Wayne, Indiana which showed a profit, every single one of those convention centers operated at some type of a deficit. So there's no question as to why private ownership of convention facilities today doesn't work. If there's going to be convention business, it must be subsidized in order to be able to operate. When we plugged Vanderburgh County Auditorium and Convention Center, this existing facility in, and looking at our 1993 operating information in terms of income and expenses, it was interesting to note that, out of now eleven cities including Evansville, this particular facility ranked the fourth best out of eleven, meaning that Ft. Wayne's at \$130,000 profit for that year was certainly number one, but we ranked the fourth best in terms of an operating deficit of any of the other facilities. The next chart, and looking at the research, is information that we received from the Evansville Convention & Visitor's Bureau. The first part of this shows, from 1987 through 1994, the number of conventions. That's exactly what the graph at the bottom is showing. In 1987, as an example, there were 73 conventions in this area; 1988 it dropped to 67; 1989 it went to 75; 1990 it went to 74; 1991 it reached its' peak at 105; 1992, 90; in 1993 there were 85; 1994, 81, and of course, the question mark for 1995 is that, as you all know, the Green Convention Center has been closed now, this year, for quite some time. So the future of convention business in this city is at stake here. Looking at the economic impact, we were looking at 3.7 million dollars in 1987 of economic impact in our community based upon 73 conventions; 4.9 the next year; 3.9 the following year; 1991 it was 8.25 million in economic impact simply from the convention business. This doesn't include, if you want to look at whether a dollar turns in the community or not, these are hard economic dollars in terms of impact right here in our community. When you look at all the events, conventions and all events, we hit a high in 1991 of 22.4 million dollars of economic impact into this community. Now granted, that year included 9.2 million from A League of Their Own, but if you look at the type of economic impact being a low of 8.3 million to a high of over 22.4 million dollars and the graph clearly shows that we are now, and have since 1991, continued to be in a decline. The future for the convention business in this city is one thing to consider, but the future for the economic impact, I think, is the real question that has to be considered here tonight, based upon the research that we have. I think that the market research clearly shows that a convention center, if we're going to have a convention center in this community, based upon cities and areas of comparable sized markets throughout the United States, are going to have to, number one, be publicly owned, and number two, will operate at some type of a deficit. Thank you, Commissioner Borries.

President Borries: Thank you, Dan. I appreciate your research on this. Hopefully, all of us will find this very helpful. Mr. Spindler will also be available for your questions and comments after we adjourn this particular portion. I think we're ready to begin to hear from everyone and I'm going to try to balance this out so that, in the interest of fairness, we can move along to hear both sides this evening. Again, if you wish to speak, please give your name and address for the record and, again, we'd like for you to confine your comments to about three minutes and, particularly in terms of any new information that you have as you are listening to other people, would be very helpful, particularly as we will be hearing from several people this evening. First, Launita Seals. Ms. Seals, would you want to give us your opinions and feelings at

this time?

Launita Seals: My name is Launita Seals and I live at 3300 Oak Hill Road. I would like to start out saying that no one in this room would like to see Evansville go and grow any more than I would, being a mother and a grandmother. Being a business owner, I also realize that without reinvestment into your business, it will soon die. The other side of that coin is that a business or a community mired in debt cannot go and grow. I would like to put my faith in community leaders that they have a plan that will assure all the taxpaying citizens in this community that purchasing the Green Convention Center is well thought out. But if you look at the two main arteries that move traffic north and south, east and west, that is riddled with stoplights and does not let the traffic flow, you begin to see a pattern of no thought to the future or past mistakes, just go ahead with no regard to the end results. We are being led to believe that we must hurry to buy this building to keep it from being turned into a warehouse, thereby missing out on all of the convention business that the riverboat will bring. The theory here seems to be if you buy it and remodel it, they will surely come, but my concerns are, I have talked to several people about convention centers that are municipally owned in other cities, but none are self-supporting as this gentleman just said. We currently have the airport, Vanderburgh Auditorium and Roberts Municipal Stadium that have not generated enough revenue to maintain themselves. The proposed figure to renovate the Green Convention Center is \$5,000,000. Will the contracting firm be held to this, or will we have to pay more because they say they cannot complete the project for the bid price as was done with Roberts Stadium? Does the County have any assurance that the purchaser of the hotel will indeed use it as a hotel and not turn it into a facility that will not be conducive to conventions? What assurances do the Commissioners have that Aztar would not build their own convention center putting the tax funded convention center in competition with Aztar? Does anybody know the dollar amount generated by the 5% Hotel/Motel Tax? If so, I think the public would really like to know. And I'm really trying to figure out how the advantage of collecting a tax to pay the back taxes purchase price of the renovation of this building and convince the people that their property taxes will never be increased because of this purchase. I, and the rest of the community, can only hope that the County Commissioners and County Council, if they vote yes on this purchase, are being led by wisdom and not by greed from the people that stand to profit from this purchase, renovation and upkeep. Thank you.

President Borries: Thank you, Ms. Seals. Mr. Robert Holmes, if Mr. Holmes is in the audience?

Robert Holmes: Good evening. My name is Robert Holmes and I live at 1125 Ravenswood Drive. I think the Vanderburgh County Auditorium needs renovated. This city, if it's going to grow, it's going to have to have something like this to grow. We need something to bring people to Evansville. The auditorium renovation would help immensely as far as Mr. Spindler said, I believe it was, to bring shows, high-class shows, to the City of Evansville. With Aztar coming in now and building their hotel on the river front, Evansville needs a good convention center. With Aztar, it's sort of like a, let's say a match to light a fuse, that will help, I feel, to bring conventions to Evansville. Evansville is a great town and it's a great town for entertainment and this would help. This would help bring high-class entertainment into the city and would, therefore, the whole city would get the use of it. I've noticed, as you know, I've got my uniform on, I'm a volunteer for the auditorium. Well, I've noticed since I've been with the auditorium, the kids that come in that you all don't see. We put them in here and they just think this is a wonderful place. We have them come through the door and they say, "Wow", you know, they can't believe how big this place is. But I can just imagine what

they would say if we go ahead and renovate the auditorium. I thank you.

President Borries: Mr. Holmes, thank you very much and I want to highlight what he's saying. He is a volunteer as in, he does not get paid to do anything here at the auditorium. You are part of a crew that the management firm has asked and, by the way, we want to extend this invitation to all citizens to help us, insofar as being ambassadors and meeting people who use this facility and, tell a little bit about this program: how you work, or maybe what you did, and how you got involved.

Robert Holmes: Well, I got involved with it by accidentally seeing it in the paper and since I just recently retired from Bristol-Myers, Squibb, why I thought, well what better way to serve the community? Plus the fact that I like kids and I like to meet people, so I came down and filled out an application and I didn't get to work the first program, I don't believe it was, but I've worked several since then and it's really not hard. You call down here or you can stop by the office and see Laura or Sandy and they'll give you a form that you can fill out and then they will have a workshop for you, a meeting or a workshop, and they'll explain to you what the auditorium does, what it brings in and also take you on, which I was really surprised at, a tour. I didn't realize how well this building was built until I went on that tour. They show you everything, every nook, every nook and canny or nanny, whatever that word is. Like I say, there isn't a facility like this within a sixty mile radius or so than can handle what we handle with, as far as shows with the kids through the daytime to come in. We bus them from, they've been bussed from Kentucky, all over Kentucky in here, and all over Indiana in here, too, to see children's shows through the daytime. We've had handicapped people in here and the volunteers work the shows. We have what's called a floor manager, we have ushers, we have ticket takers, we have greeters and we just help people find their seats or help them in any way we can. We open the doors for them, it's something that you don't get to see at some of these places and they enjoy that. I thank you, Commissioner Borries.

President Borries: Thank you. I appreciate your service to our community. Mr. Bruce Lomax, we'll hear from him at this time. Is Bruce here?

Bruce Lomax: Bruce Lomax, 3109 Washington Avenue. I've got one little problem that kind of worries me. A few years ago I was at the Hyatt Regency Hotel in Kansas City, and we had crosswalks. We were crossing those crosswalks and they were moving on us. Two months later, I'm at the Bobby Knight Show, right up here in the building across the street, and the place was full and that floor is moving. That is really scary. I hope that whoever is in charge of the engineering of this building really looks into that because we've got a lot of people that could be hurt over that thing. Thank you.

President Borries: Thank you, Bruce. Mr. Bob Woodward.

Bob Woodward: Mr. Borries, Commissioners, Council people, Visitor's Bureau, my name is Bob Woodward; I'm at 2916 E. Morgan. I have Woodward Commercial Realty & Auction. In our business, we list and sell commercial property. We develop commercial property and we broker businesses. One thing that we find in common with all of the things that we do, it's a saying we have in our company is, business is like a bicycle. It either moves forward or it falls over. If your business is falling over, if your sales are dragging, it's not a very marketable business. But if you're growing, you have good profits, you have good management, there are a lot of people that want to buy the business. I think Evansville is like a business. We're growing, we're prospering. It's not just because of the riverboats, it's because of many good things,

a lot of good management on the part of our city. I think a convention center, a large convention center is a rare opportunity for us. If we were thinking of buying the Green Convention Center, at what it would cost to build today, or at maybe the market value, and I'm sure the appraisers will tell us what that is later, I'm not sure I would be here endorsing it. But we have a second saying and it's, everything is a good buy at the right price. I know for a fact that we're looking at between five and eight million dollars on building a facility like that. I understand the price is a little more than a million. I don't know whether we should combine it with this facility, build walkways, renovate it, I'm not sure, I leave that to you, ladies and gentlemen, the experts. I do think that we should pick it up, however, before it gets away from us and then take a reasonable amount of time to do a study and decide exactly what we want to do with it. If, after the study, we decide it's not a good idea, I don't think remarketing it at that price will be difficult at all. I think we'll find it is a good idea and I'm not sure I agree with the philosophy that it can't be operated at a profit. I've heard comments from someone on taxes. I'm very concerned about taxes. There are a lot of people in this room that have large real estate holdings. My real estate taxes last year exceeded \$200,000, so if you tell me taxes are going to go up, I'm going to be up there screaming at someone pretty violently. I do not believe that our taxes have to go up if we buy the facility cheap enough, if we operate it toward a profit, which I think is the new direction government should take, I think it can be a positive for us. If we want our city to grow, we're going to have to make investments, and we're going to have to take risks, just like you would do in business and I think that's a sound risk at the price we have. So, I recommend that you move forward and investigate very thoroughly the purchase of it. Thank you.

President Borries: Thank you. Janet Watkins?

Janet Watkins: Good evening, Commissioners. My name is Janet Watkins and I live at 7907 Peach Blossom Lane, Evansville, Indiana. That is in the County, and as such, I have been a person in attendance at Commissioner's Meetings, at County Council Meetings and I'm very, very concerned about fiscal responsibility. I have in the past, in different capacities, once with a sorority and once with Women in Construction, had the opportunity to bring a convention to Evansville. There were two separate conventions that I was busy with, directly involved with, both of them were held at the Executive Inn, but they were held there when Mr. Bob Green was still alive and still running the business. I bring this to your attention because, a business will only run if you have someone in charge that knows how to do it. When he was in charge, they ran it very well. It's changed with the siblings and I don't know all their private business, nor do I want to, my concerns are: the County is broke! I've gone through two years of budget hearings with the County Council and they are broke! You're also going to take \$85,000 of property tax off the tax rolls if you go ahead and buy this as a public business. The public has not had an opportunity yet, it's going to bid I understand at the end of June, to buy the hotel and the convention center and the parking garage, the whole complex. So, I know you're worried about maybe a warehouse coming in here and taking this over, but I also know that there are many hoteliers in this city that know we have to have a convention center here. And they haven't had the opportunity or haven't tried yet. I would like and request of the Commissions and the County Council and the Visitor's Bureau to think twice before trying to buy a building that private industry should operate and can operate profitably. Thank you very much.

President Borries: Thank you. Mr. David Huff, is Mr. Huff in the audience?

David Huff: Good evening, Commissioners. I'm here this evening on behalf of Center City Corporation. When I get done, I would like

to pass out a position statement by Center City to members of the Commission. I also have one for the Council and, I believe, Pete you already have one. On behalf of Center City, I am vice president. Skip Simms could not be here this evening, so I am here on his behalf. What I would like to state is, it's vital to any community's tourism and industry to have the ability to accommodate conventions. Being this state's third largest city, Evansville must have, because it owes it to itself, the ability to have a first-class convention facility. However, Center City cannot support at this time, the proposal that the community buy the Green Convention Center. Our reason is very simple. We believe that not enough is known to be able to make an intelligent, informed, wise decision. Although we appreciate there exists a short time frame in which to make this decision, we believe there is still time to get more facts before investing taxpayer's dollars in what could become a white elephant. If it is believed that we need to make this purchase, we hope any offer would be full of contingencies. Our concerns are these: what is the actual total cost, and I think everyone has expressed this, of the facility; are we sure there is another buyer, which raises the question of whether we are paying more than necessary; what assurances do we have that the hotel will remain a hotel; and, if it does, how many rooms will it have; and, is that number enough to attract the larger conventions; will the parking garage be sold to a third party; and what would the ramifications of that occurrence be? Would the facility operate at a loss as Mr. Spindler says, and how much of that, on an annual basis, how much is that going to be and what's the impact on the taxpayer? There is no question that we need a first-class complex similar in scope to the current Executive Inn properties. We do not feel, however, we are necessarily locked into a position of having to save this particular facility for any reason. There are alternatives. Yes, alternatives may be more expensive initially, but that makes our most important point of concern. We should not rush to make such an important decision without looking long term at what the community will need in ten to twenty years from now. By all means, I know this is a difficult decision for you to make. I hope you use all due wisdom, I wish you the best in making this decision and I will pass this out. Thank you for your attention.

President Borries: Thank you, Mr. Huff. Mr. Charles Sakaria, is Mr. Sakaria here?

Charlie Sakaria: My name is Suresh C. Sakaria, I go by the name Charlie Sakaria. I've been in the hotel and motel brokering business for the last sixteen years. I want you to take a good look at the similar size cities in the midwest, including, look at Atlanta, look at Indianapolis, Louisville, Lexington, all these cities have something going on in downtown. You know what we have left in downtown, besides this hall? Nothing. Aztar is going to bring a new hotel. Somebody was questioning, are they going to be in our competition? I will tell you, they are not going to be in competition. I have already seen their plan. They plan to increase, maybe fifteen to twenty thousand square feet, of meeting space, a small convention. Look at the size of our city. Do you know there is not a single convention can come to this town if the Green Convention Center is turned into a warehouse facility? The size of our city does need a convention center. And if anybody is going to own it, the facts will show that out of five hundred facilities, only thirty-three are owned by either single individuals or some corporations. I think it is our responsibility as not just like republicans or democrats, both together, should decide what is going to benefit from that. I know there is some concern about \$85,000 lost on our taxes. Don't forget the fact that we're going to be increasing 4.1 million dollars in revenue, and he just said it, 4.1 million dollars revenue just from the conventions. When you spend 4.1 million dollars just coming, again, from outside people, remember that, that is not coming from the cities' citizens of Evansville, it is coming from outside. When you get from outside one dollar, it increases to three times

that amount, because people who are going to spend getting their food, or anything else, it has a triplicate effect on the revenue. You're looking at a \$12,000,000 gain from having a convention center at this location. Compared to this \$85,000 loss, look at the \$12,000,000 gain coming in, and if you count a 5% (portion of dialogue lost when tape flipped) a room tax going to be adding \$5,000,000. You're looking at the numbers the wrong way. Don't look at the \$85,000, look at it this way, when you've got \$12,000,000 coming in because of the revenue, you're looking at pretty close to a \$600,000 gain just in taxes. Part will come to Evansville, part will go to the state. Now, I would like to know, somebody was questioning about your 5% Hotel/Motel Tax, I'd like to see where that money goes, too. We do not need to increase property tax to own a convention center. If somebody sits down at the Auditor's book and figures where this money, the 5%, is going and if we can have some kind of stipulation, this 5% can be spent on the auditorium like some gentleman is expecting that this needs to be renovated. Sure we can do it, if the money is spent right. But just having these numbers where everybody is losing the money, that does not mean that we should, we are not here as county people or city people to increase the making a profit from the business. Ft. Wayne did it, well that's good for it. Did you know that we do not have to spend on a sales staff here, we already have a convention bureau here, we have the sales staff who can bring the conventions. When the convention center was owned by Green, there was a conflict for even convention people. Should we bring in bigger conventions, because bigger conventions are going to stay at the Executive Inn, because it was directly related to it. It was unfair for the people like Holiday Inn or Days Inn or the Marriott now, which was the Radisson. So, I used to go to their meetings for the hotel/motel and every time there was a question. When you get a big convention, where are people going to stay? We have to cooperate with the Executive Inn. Second thought, if this facility is gone as a warehouse, remember this, the Executive Inn is going to fall because that hotel has to have a big convention center next to it. And we have both facilities and I think, I can just imagine myself having another walkway, make a square, just a tube walkway from both sides and make it, anybody can go from the hotel to the parking garage to this place and to the cross. It will be a beautiful place just like you can see in the Atlanta area. Peach Tree Street is a good example of how much money they have spent in downtown. I think our Councilmembers and County Commissioners need to think how much money this is going to bring in town rather than just thinking about \$85,000 loss in our taxes. I think we need to look at the long run and I hope you people think and buy it. I have one last thought, somebody had given in the paper, how much money we have, how much money is it going to cost us? If you decide to build this kind of convention center, this size of convention center, even if we pay the full price as Mr. Green is asking right now, we are looking at about \$18.25 for a square foot. If you decide to build that convention center with 110,000 square feet, you're looking at \$58.00 a square foot. That's what the going price is on the convention center and you're looking at pretty close to 6.7 to 6.8 million dollars just to, not counting the cost of the ground. So I think, I hope you people think it seriously and I hope you people will purchase it for our future of our city. Thank you very much.

President Borries: Thank you, Mr. Sakaria. Mr. Tom Shetler, Sr.

Tom Shetler: I'm Tom Shetler, 7109 E. Walnut. I'm affiliated with Shetler Moving & Storage and with Atlas Van Lines. Atlas Van Lines, in its' thirty-three odd years here in Evansville has had three conventions in Evansville, one in 1962, we had about one hundred fifty people and held it at the old McCurdy Hotel. The last two were here at Green Convention Center and, of course, at the Executive Inn. We look all over the country for places to hold conventions. There are a lot of cities where we can't go because we have about eight hundred fifty people at our conventions. We

have to go from a general session out of one room into a sit-down dinner at another room, and very, very, very few hotels have that type of a facility. For many years we've tried to go to Phoenix. Camelback Hotel is a huge hotel there, but did not have the facility to handle that type of a convention. They had the rooms, but did not have the convention facility itself to handle the sit-down dinner and the general session. So we have a difficult time finding places. We do like to go to the sun belt now, for one thing, but even so, this is our headquarters and every so often we like to have a convention in Evansville. Without a facility like the Green Convention Center, there is no way that Atlas Van Lines could hold a convention here in Evansville, it just could not happen. I think we have an excellent facility. I really shudder to think it would cost us \$5,000,000 to upgrade it. The last time I was in it, it wasn't very long ago, it seemed like a pretty nice place and it seemed like everything was in pretty good shape to me. I think the Building Commissioner's Report sounded like what they needed to do was very, very, very minimal. So, if we can get the lowest appraisal, I think that it would be a good buy for the County. Also, it could be put in revenue bonds and it would not have to go on the property tax rolls. I think there are a number of ways to finance that type of facility. I would just hate to see it be lost to a warehouse. Thank you.

President Borries: Thank you, Mr. Shetler. Dan Norman?

Dan Norman: My name is Dan Norman, 1431 Mesker Park Drive. I will be brief and be under three minutes, I guarantee you, only because the other con speakers have stated their position very well. When I entered the room, I apologize for being a little late, but I had to fly from work, almost, I noticed on the presentation I thought I was in the wrong meeting, because, suddenly I was on the con side of children coming to the facility, performing arts and the like. I want to make myself very clear. I am very much for performing arts and the children having a facility like this performing, and the adults having a place to come and hear the symphony and so on. Also, the volunteers, I very much congratulate them on their efforts here. I certainly don't want to end that. This facility has been here for a number of years. We've seen all the figures on what it's going to cost to renovate this building. Then I see arteries pointing to the Green Convention Center. I see another artery that's already there going to the parking garage and a proposed artery going to a privately owned hotel. And I'm thinking, what's going on here? Now we've got government and it wants to take over a private enterprise and they're connecting themselves to other private enterprises. I think the free enterprise system is something we should cherish and at this stage, I just don't feel we should be attaching ourselves to private enterprises, to corridors and arteries that we purchase, that we build and we have to support. Furthermore, I think the citizens of the city and the taxpayers should not support poor construction, poor maintenance and poor management. Thank you.

President Borries: Thank you, Mr. Norman. Mr. Chick Shively.

Chick Shively: Thank you. I'm Chick Shively, I'm a local real estate broker and I'm here on behalf on the Evansville Area Board of Realtors. It's long been said that convention is an industry without a smokestack. And what does this mean to realtors? There are about fourteen thousand realtors in the state of Indiana and we have a convention every year around September and there's only five cities in the state of Indiana that can handle this, because we have about five hundred in attendance. Those cities are: Indianapolis, Ft. Wayne, South Bend, Marysville and Evansville. All of those facilities are owned by either the city or the county. At one time, there was an effort on the part of the realtors to have all of the conventions in Indianapolis. We realtors in Evansville put a stop to that. That's why we have it here about every three or four years. In 1993, they had the convention in

Indianapolis and there was one hundred seventy-eight in attendance. We had it here in 1994 and we fed nine hundred at our Friday luncheon. We feel that this brings about \$1,500,000 to \$2,000,000 in revenue to this community. We have heard that the statistics show that the dollar turns over five times. So, we really urge that this facility be bought so we can continue to have realtor conventions here because, if you don't buy it, we cannot have it here anymore. Thank you.

President Borries: Thank you, Mr. Shively. Your comments have been very thoughtful and I'm trying, again, to balance out the pros and cons. I have Councilman Wortman on one list, but Councilman, if you could wait just for a few minutes because we are going to ask for all of you to make remarks, if you wouldn't mind. Is there someone else who has some concerns at this time, because I want to finish our speakers' list here. Mr. David Woll has been on that list as well as, I have a couple of other people, but I again, in fairness I wanted to balance this.

David Woll: Mr. Borries, members of the Commission, members of the Council, Convention staff and Board as well, assembled guests, my name is David Woll. I'm a resident of the city of Evansville, address 7600 Newburgh Road. I'm here to speak in favor of the proposal of the purchase. My background is that of real estate development, investment banking and served with the state of Indiana as the assistant director of Urban Planning. Besides that, I'm active in the community in a number of civic organization and philanthropic agencies as well. I will make my remarks this evening very, very brief. A lot has been said and a lot more will probably be said after my comments as well. I would like to point out two things, and two things primarily. The first is that Evansville has a wonderful window of opportunity. We have a unique experience, both with the Aztar proposal and it's fruition over the next year or so, as well as, the opportunity to purchase the facility here as well. What I would say to you this evening is, don't let this opportunity go away. It's a wonderful opportunity. There are always people who will say nay, who will give reasons for not doing it, who may, in fact, look at the short-term consequences without respect to looking at the long-term benefits. You are elected officials, we have every confidence in you and we know you will make the right decision. All I would indicate to you this evening is number one, that this presents a very unique opportunity. It presents a window of opportunity for all of us in terms of downtown revitalization, growth and development. Number two, and my final point is that besides this unique opportunity, and window of opportunity, we have what other communities throughout the state as well as the county, Indianapolis in particular comes to mind, a possibility of having a unique public, private initiative. One of the things that I have realized in serving in government, an appointed official as well as a private businessman, is that many of our societal problems today, many of the problems in terms of revitalization of downtown in terms of tourism, economic development and so forth, requires the resources, not only of the public sector, but also certainly and more importantly, of the private sector as well. When we can meld, when we can join those two forces together, both the public as well as the private sector, we have a win situation. Again, thank you very much for the opportunity to speak with you this evening. I appreciate it and I'm sure that you'll make a very positive decision this evening. Thank you, again.

President Borries: Thank you, Mr. Wall. Pigeon Township Assessor Paul Hatfield is with us and Paul, would you want to say anything at this time?

Paul Hatfield: Thank you very much. My name is Paul Hatfield. I'm the Pigeon Township Assessor in Vanderburgh County. I address you with some trepidation due to the fact that I'm always concerned with how much tax money is taken out of our coffers in this

township through tax abatement and tax incentive financing. I fight those with a passion. There is more money taken out of this township in those regards than any other township. So, I've come here to speak to you tonight, and I want to give you some facts on the horns of your dilemma. Namely, you have two considerations which you are well aware of: to purchase or not to purchase. So, I'm going to give you both sides of this coin. The reason not to purchase is very simple from my standpoint and from other people's standpoint who live in Pigeon Township. You're taking real estate taxes out of my township. You're taking it off the tax rolls. Now, another reason not to purchase is the fact that, how much, really, will it cost to renovate the Green Convention Center? If it is from the \$3,000,000 to \$5,000,000, if this is true with the purchase price of \$2,100,000, that's \$45 to \$62 a square foot, purchase and renovation. Another point, are we in the convention business? How much will it cost to maintain that building? I don't have an answer to that, but it's one that you are going to have to explore. That's going to be with you year after year. The last question is this in reason not to purchase, and it has been reiterated several times by previous speakers: who is interested in purchasing the hotel and, more importantly, and this is very important, what are the prospective purchasers willing to spend on the renovation of that hotel to return it to a first-class hotel? Are they aggressively going to go after convention business? Now, on that point, and these are the things that you have got to explore and get etched in your mind, if the prospective purchaser of that hotel is not a first-class operator, it will fail and the Green Convention Center will fail. Now, having said that, I'm going to give you reasons to purchase. The main reason to purchase the Green Convention Center, even though it takes money out of the Pigeon Township coffers, I agree with a previous speaker that, in the long run, and this is how you have to look at this, no matter what position you're in government, what office you occupy, what is the long-term benefit, if any? But your main reason to purchase that building is to control the integrity and to stabilize the tri-building complex, that's the hotel, the convention center and the parking garage. The hotel will not be a first-class hotel without the convention center, just mark it down. Yes, we are in the convention business. There's no doubt about it, and we should be. There's one thing that passed through my mind and it was this: with the riverboat coming to Evansville, the convention center and the hotel with the right operators, remember that, with the right operators, could be a natural draw if not a magnet to large conventions that we have not seen here before. The total building has a total square area of approximately 111,929 square feet. At \$2,100,000, that's a square foot cost of \$18.76, hell of a buy. To reproduce that building, and I've been a developer, it would cost you between \$10,500,000 to \$11,750,000 with a mean square foot cost of \$95. Now, I'm coming back to the same point. With the necessary renovations that the hotel purchaser will have to make, a large portion of the taxes which will be lost, and they are annually approximately \$85,000 without the cold storage building, it's quite possible that we will, in time, through other modes of taxation regain that lost revenue. It's also quite possible, if after you consider this carefully, and you make the decision not to purchase it, it could very well lead to a lessening of the tax base. I do not have the time to go into that now, but I'd be glad to talk to you at any time. The main point is to control the integrity of the three building complex, you have got to do that or find somebody who will. I might give you this tidbit, I've been contacted by a major hotel chain who is very interested in what you're going to decide and, for what it's worth, talk is cheap, they will make the necessary renovations to put it back into first-class shape. But, I would not let that deter you from making a good judgement and one that's based on sound facts. You're too early into this game to do that, and I'm sure you know it. First of all, you've got to wait for that appraisal, but I will reiterate again, you've got to have real prospective buyers who are major hotel operators. You've got to find out more as to who is

interested in that hotel, what their background is, what their track record is, because I know of several within a fifty mile radius. A Holiday Inn, for instance, that was tremendous looking and the service was tremendous, their occupancy was great, they sold it because it was too close to another one, they sold it to a fly-by-night operator, and it went right down the tubes. That's what you've got to be aware of, and beware. These are things you've got to find out before you even sit down to talk about this. I'm going to give you a bottom line in a minute. In fact, I'll give it to you now. Your main concern, after you add up all the numbers, what it's going to cost, what your number is to renovate, what it's going to cost to renovate this building, etc., you have got to look at the return on your investment. Now if you can't get a satisfactory return on your investment, any businessman will tell you to turn away and walk away. Those figures are not hard to come by. You have to make awesome assumptions, but make them on a very, very conservative basis. After you've answered all these questions, and if you think that you are still on safe ground, in order to protect this tripod of taxation, then I would say, go for it. But, if you cannot answer some of the questions which I have posed to you, don't touch it with a ten foot pole. You're going to lose your rear end. And when you lose your rear end, everybody here loses their rear end, and that is not something that you would want to swallow. What you do have is interested, good hotel groups that are interested in this thing and they're just waiting for you to make a move and I'm not too sure that they won't make a move if you don't make a move. I thank you very much.

President Borries: Thank you, Mr. Hatfield. To finish our speakers' list, and if I could...Is Mrs. Cunningham here? If I could quickly dispense with a bit of this? If we could delay our rezonings here for approximately, I'd say, about twenty minutes, I think we can finish. Could I have a move from the Commissioners here so we could finish our speakers' list and hear from the other people.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered. That was the easiest motion I've had to work through all night here, thank you. He's been waiting patiently and he will finish our speakers' list for this evening and I want to have remarks from the Convention Bureau and the County Council and Commissioners if they see fit to do so. Mr. R. C. Miller, Bob Miller.

Robert R. C. Miller: Thank you, Board of Commissioners, County Council and my name is Robert R. C. Miller. I'm here, not representing any organization, although I spent twenty-four years in this community. My address is 416 Marlene Drive, I'm out in the county, but I've got a lot of interest in the city. I will tell you this, I had sixteen years as president of and vice chairman of the board of Atlas Van Lines, I've taken many of those conventions that Tom Shetler has talked about here and around the country. There was only one place that we could ever have it here in Evansville and that was the Green Convention Center, but just in the interest of being ecumenical, I was also chairman of the board of the Evansville Metropolitan Chamber of Commerce, part of my contribution to the city. We were able to get the Vice President of the United States, the sitting Vice President who is a republican, Commissioner Borries and Commissioner Tuley, to come here and the only place in this city that we could put him and get him his key to the city, Vice President Quayle, was at the Green Convention Center. If we lose, as David Woll has said, this opportunity to keep the convention center in this community, I think that it will be something that our kids are going to be paying for into the 21st century. I've talked to Bob Lister, who is the head of the Great Wayne Convention Center. He said we have

a unique opportunity down here because, to bring conventions to this community with the riverboat casino, if you have a suitable convention facility. I know that all of the other things have been said earlier, but I would urge you to think positively about this acquisition and act on it within the next thirty days because, without it, this community will lose its' convention possibilities now and for the future. Thank you.

President Borries: Thank you, Bob. At this time, I would like to proceed through our meeting agenda. There will be an opportunity for you to mingle, to ask people, I will adjourn this meeting so that you will have the opportunity to ask questions individually, but I, many of you have pointed to research and in real estate terms, as I understand, one of those terms is called due diligence, and that is to check out operating expenses, appraisals, conditions of a building, cost of replacement, those kinds of things and Mr. Hatfield had referred to and I would like for Mr. Spindler to briefly come back to give us some highlights along with one other person here, of some of the research that he has done in this technical area, called due diligence. Dan?

Dan Spindler: Thank you, Commissioner Borries. I think that the questions that were raised by a number of the speakers today, and especially with the Center City Corporation, were very, very good questions and I think that once they hear the reports of the due diligence, most of those questions I believe we have the information on. And, of course, as you've already stated, any time anyone is looking to acquire any type of property, especially a business property, you want to go through a due diligence period. You don't want to buy a pig in a poke, so to speak. So, we looked at the, really about twelve different items. The first is, if you will, allow me to look at the question of, what is it going to cost to operate the Green Convention Center if the County buys it? Gaither Rutherford & Co., a CPA firm here in town, has conducted an independent review of the operating expenses and here this evening to present their facts and findings and report is Mr. Steve Farrell.

Steve Farrell: Thank you, Dan. Ladies and gentlemen, I think most of you have a copy of this report already in front of you. I want to point out that our task was to project the operating expenses of the Green Convention Center. That report contains no revenue projections, there are no projections of renovation costs, or acquisition costs, simply operating expenses. If we could, I would like to kind of start at the back of the report, if you could turn to page five please. This is a listing of our assumptions in this projection and I would like to start with the Personnel Services. Salaries are projected at current job study rates for each position that is considered. Union wages are projected using the current teamsters contract. Now these expenses may not start on day one, we may not need all these employees at the beginning, but they would be phased in as business dictates. It's anticipated that we'll need one marketing event coordinator, one secretary/bookkeeper, one maintenance person and, eventually, two custodians. Now that may start out, probably, as only one custodian. We have their 1995 salary rates set forth on page five and, to project this for the year of 1996, we've assumed a 3% increase in salaries. We also have a clothing allowance in for each union employee at \$750 per year. Health insurance is projected at 12% of base salary, PERF, or the Public Employees Retirement Fund is 6.25% of base salary, social security taxes are at 7.65% of base salary. Again, it's anticipated that these personnel needs will be sufficient for the first years' operations as the Green Convention Center increases in business booked, additional staffing may be needed. Any additional employees would be phased in. We feel that there will be some economies gained by maximizing the utilization of the personnel interchangeably between the auditorium and the Green Convention Center. Bond and insurance, this is only liability insurance coverage, it does not include the contents or structure.

We derived this information from the existing agent and using the same insurance carrier that is presently used at the auditorium. If you turn to page six, utilities are next considered. We looked at the historical water costs on the auditorium, the Vanderburgh Auditorium, and those run approximately \$.04 per square foot. Applying that to the square footage at the Green Convention Center would be approximately \$4,900. Gas and electric costs, we contacted SIGECO and received the information. The actual 1994 information that the Green Convention Center experienced and that amounted to approximately \$1.17 per square foot. We increased that by 10% to arrive at a total projected gas and electric cost of \$148,000. Some of the other general operating expenses, cleaning supplies are about \$.05 per square foot, elevator maintenance, we looked at the existing contract here for the auditorium which contains one elevator and that's \$1,800 per year. Green Convention Center has two elevators, so that's \$3,600 total. If you turn to page seven, some of the other building maintenance and control costs, HVAC equipment, plumbing repairs, electric repairs, fire and safety, those are the actual 1995 budget figures for the auditorium and those amount to just over \$35,000. It's anticipated that with the renovation of the existing facility and more efficient controls, that we could cut that cost in half and therefore, in the projection we've included \$17,633 for those expenses. Professional services are anticipated to be identical to the existing contract on the current, on the auditorium, with the current professional managers now in place, and that's \$4,500 per month plus 10% as specified revenues. Keeping those assumptions in mind, if you could turn over to page four, we have a summary of what those general operating expenses are, based upon the assumptions. The items that aren't specifically itemized back in the assumptions are based upon the existing 1995 budget for the auditorium. Those total general operating expenses are \$62,083. Now if you'd turn to page three, this is a summary of the personnel services costs that we discussed earlier and the assumptions. The salaries would amount to approximately \$117,600, clothing allowance \$2,250, and then the other benefits listed for a total projected personnel services cost of just over \$150,000. Then page two summarizes everything and the bottom line total projected operating expenses would be \$453,000. Again, I want to reiterate this does not include any revenue offset, this is simply just the expenses, the total expenses and some of these expenses are variable and will depend upon the usage of the facility, so they could be higher or lower based upon usage. I'll be happy to entertain any questions at the appropriate time. Thank you.

President Borries: Thank you, Steve.

Dan Spindler: Thank you, Steve. The first question, obviously, was what is it going to cost to operate, and the next question under due diligence is, what would the income stream look like? Our company has taken and done a review of the convention and meeting events that have been furnished to us, those events that have actually taken place in not only the Green Convention Center in the last several years, but even in the hotel and done a complete analysis of those types of facilities, and those types of uses of this particular facility. We can see that, based upon those types of past uses, as well as a combined marketing effort between that facility and the facility that we're standing in today, we would project at fully operational, an income of about \$400,000 a year, leaving an operating deficit initially of about \$53,000 per year. Now there would be some additional cost savings, however, under our existing budget dealing with the facility that we're all in this evening. As an example, with having the additional square footage and being able to operate that in conjunction with this facility, we look at some cost savings especially in the area of, probably, overtime. I know that's been of a major concern to many of the Councilmembers, but with having additional usage, and the additional types of square footage, with the overall demand, we would see that possibly we could even work

into possibly a first and second shift where it is feasible to be able to keep staff on various crews to operate these two facilities. And so there should be some inherent cost savings from that. Any time you look at due diligence, one of the things is, obviously, what is the facility worth? And, is it worth the \$2,100,000 that is the purchase price that's in question? Well, at this point in time, two appraisers have been hired. Both are MAI appraisers and the first one is David Matthews & Associates, an MAI here in Evansville, the second is Bill Bartlett of the appraisal company, both MAI's, both of these individuals have met with the mechanical engineer who has inspected the property as well as the architect, they have done an initial walk through and we would expect to see their appraisal report no later than the end of this month. Of course, it's already been attested to this evening, when you look at a purchase price of, in essence, \$18 a square foot including land, you can't build warehouse space. It's hard to even build a butler building including land for \$18 a square foot so we certainly would not anticipate any problems with the appraisal reports, but both of those should be in your hands no later than the end of this month. Next question is, what is the condition of the facility and what has been done to take a look at the condition of the facility itself? Well, the management team has done two walk throughs through that facility. I personally have been on the roof of that facility, on two different occasions in the recent weeks now, as well as any nook and cranny, I think in there. In addition to the management teams review and inspection of the property, Mike Shoulders, the architectural firm, has done two separate inspections and walk throughs on that property. In addition to his walk through, his own mechanical engineer has been through the property on two separate occasions, and again, been on the roof with us and so forth. We also have heard Mr. Shoulders, the architect, refer to the report from our building commissioner who has walked through the property, inspected it and has made comments on the items. In fact, I think Mr. Shoulders' response was certainly that he felt pretty good, the fact that those were at least the only items that from the initial inspection that we've seen from our building commissioner. We currently have a structural engineer as Mr. Shoulders said, working on a report and we should have that report, I would think, by the end of this week so that we know structurally and mechanically, from the appraisers, from the architects, as well as the management team, what the condition is of that overall facility. Next question, in looking at due diligence is, what would it cost, what will it cost to renovate? Obviously, in listening to Mr. Shoulders presentation this evening, a purchase price of some \$4,000,000 to \$5,000,000, I say purchase price, a total price let me correct myself if you will, a total price of \$4,000,000 to \$5,000,000 that would include purchasing the Green Convention Center and renovating that facility. Next question is, why not build a new facility? What would the combined facilities be, what would it cost to replace the two combined facilities? When you look at entertainment and especially convention space it's very expensive, in fact, thanks to the County Council, who just in the last several months made an emergency appropriation of, I think, \$65,000 to improve the rigging that's above our heads tonight, we can all feel safe in sitting here. Because prior to that time, part of the rigging, the fire curtain was, basically, in very, very bad shape. And what happens when you manage a facility or are involved in designing such as the architect is that, all too often you see that the patrons using these facilities don't have the opportunity to see all the additional and inherent costs that goes into these types of facilities, the things that the public sitting in the audience doesn't have the opportunity to see. Simply looking at the cat walks and the electrical components that are upstairs, how many of the people in this County, I wonder, even understand that this building has a basement in it, for dressing and chorus rooms and so forth? When you look at convention space, and being in the real estate business also myself, typically you would believe that if you have free-standing space out there, without a lot of interior

walls, that it's cheap space, it's not expensive to build. And that's true to a point, but when you get into convention centers that no longer have the ability to be able to have posts throughout that, you're looking at large expansion space and that is very, very expensive, both in the construction and the design, as well as the technical support to that. The third area that I would like to point out, as far as the cost for those things is, the amount of additional square footage it takes in a convention facility. If you want to advertise or market that we have 60,000 square feet of floor space for a convention to come into and use, that doesn't mean that you can have a 60,000 square foot building. It takes almost twice the amount of square footage to be able to service those conventions. Think of the hallways, the restrooms, the holding areas, the kitchens, the coat rooms, the reservation areas, the areas to be able to move people in the event of emergencies and fire exits and so forth, and the kitchens and the service areas to be able to provide that, you're looking at floor space of almost twice of what you need to be able to just rent out. That's very expensive space to build. Listening to the figures this evening, again to answer the question, why not build a new facility and what do we get if we renovate this facility and buy the Green Convention Center and renovate it? If we're looking at a total cost to renovate this facility, purchase and renovate the Green Convention Center of about \$15,500,000, listening to what the architect and the experts are telling us, it would take over \$32,000,000 to replace that. In my book, spending \$15,000,000 to get in excess of \$32,000,000 is a wise investment. Next area under due diligence is answering the question of what is included in a purchase price of 2.1 million dollars. There was a letter to the editor, ladies and gentlemen, in Sunday's paper talking about a bailout, and I think it's only fair this evening in this presentation to be able to explain fully what this 2.1 million dollars is, in essence, doing. As with any purchase of real estate, you would not acquire real estate, whether a governmental body or as a private citizen without requiring the owner, the seller of that property, to pay their real estate taxes and if they're delinquent, to pay those and the penalties. That's just normal business. The 2.1 million dollars simply goes as this: the Greens, if the County purchases this, the County would require the Greens to pay all back real estate taxes and delinquencies, not just on the Green Convention Center, but all of the back real estate taxes on all of the Green holdings here. The balance of the money would then go to the bank to release the mortgage on the Green Convention Center, so we're not talking about a bailout, we're not talking about any money, literally, ending up in the Green's hands, we're talking about, literally, having, forcing the back taxes to be paid in a reasonable purchase price and the balance of the money going to the bank, if any left, to be able to simply look at releasing the mortgage, so that free title could be held by Vanderburgh County. The next area under due diligence is, how can the purchase be financed? And a number of the areas that have already been discussed this evening, is first of all, if you refer to the International Association of Auditory Managers, and we look at ten comparable cities and carry that throughout the United States, we see that, basically, bond funding is the way that these facilities are financed. We're very fortunate here in that we have two possible revenue sources. One is an existing Innkeeper's Tax, the second is the new Food & Beverage Tax. I say new, the Food & Beverage Tax that can be reinstated to continue. So, we have two possible funding sources through bonding and which most facilities do, and both of those do not come from real estate taxes. In fact, if anything, if you look at who is paying Innkeeper's Tax and Food & Beverage Tax, what we actually see is, to a large extent, those tax dollars are coming from people outside of our community. The tenth area as far as due diligence is answering the question of, what happens if the County does not purchase this facility? Well simply stated is this, that Evansville would no longer be a convention city. We have reviewed the conventions over the last several years that have been held at the Green Convention Center and even with a renovated Vanderburgh

County Auditorium and Gold Room, even with the \$10,500,000 being spent on this facility, potentially 70% of the conventions that we see that have went into this facility will be lost. This facility that we're standing in here, even renovated would not be able to handle 70% of the convention business that has been historically in the center across the street. \$108 per person, per convention person, per day is the economic impact and, if you translate how many people, 70% of the convention business lost, at an average of \$108 per convention attendee per day, that's the financial impact in terms of a loss in this community. Eleventh question under due diligence is trying to answer the question, why not wait until after the public auction in June and see who buys the hotel? First of all, we do not have the time. Tom Green has said that he will sell the center to an alternate use and probably a warehouse space. Second, it's not often that any governmental body has both the opportunity as well as possible funding sources to do anything. How many times do we want to see a road repaired or a new road built when we have the opportunity but not necessarily the funding? We do have two possible funding mechanisms and the opportunity today, and I remind you, it's today. The clock is ticking on the auction. So, we have a short window of opportunity along with an opportunity of funding sources. Third, I call my chicken versus the egg theory. And which comes first, the chicken or the egg? In this case, does the County wait to see who buys the hotel and whether it's going to be used as a hotel, and possibly lose the opportunity to own the convention center? Do we do that first? Or, do we take the opportunity that's presented knowing that we can acquire and renovate that facility and use that as an incentive to help ensure that the private sector will come in, buy the hotel, turn it into a first-class convention hotel and want to operate it as such, as an increase? It's the chicken versus the egg. Which one do you do? The last area that I'd like to cover is what I consider to be a very simple answer to a very complex question. Ladies and gentlemen of the Commission, of the Council, of the Visitor's Bureau, you have three choices. The first is, to go out and build, scrap the idea, just forget the idea of doing this building or the one across the street. Go out, if we can find land somewhere and build an entire, new facility. Now our architects are saying that we're going to spend at least \$32,000,000 besides land just to get what we can already get if we buy and build. Okay? That's your first choice. The second choice is, to renovate the Vanderburgh County Auditorium and Gold Room at the \$10,500,000, buy the Green Convention Center at \$2,100,000 and for a total price of purchase and renovation about \$5,000,000, that's the second choice. The third choice is very, very simple, also. We can decide that we no longer want to be in the convention business. We no longer want that business in our community. All we have to do is simply go over and remove Evansville's name from the map as any possible convention city. And if we want to do that, then that choice is very clear. Don't buy the Green Convention Center, don't worry about renovating it, but be prepared that if we don't act, and I'm glad it's you having to make those decisions, not me. But if we don't act, and we don't do it in a reasonable amount of time, and the Green Convention Center is sold to an alternate use, (side 2 of tape ended)... this community that can accommodate major conventions, and at \$32,000,000 plus, I don't know that we can ever afford to build a new one. So, we have three choices and the choices are yours. Thank you.

President Borries: Thank you, Dan. Dan will be available for questions. I know that there's been a tremendous amount of information given this evening. At this time, would there be any remarks from any of the members of the Convention Bureau at this point? Again, probably questions, I know you're going to have to get some individual replies for, but we'd be happy to hear any thoughts or remarks that you had at this time.

Joe Vezzoso: Mr. President, County Commissioners, President Hoy and County Councilmembers and fellow Commissioners, my name is Joe

Vezzoso, and I'm president of the Evansville Convention and Visitor's Bureau, Board of Commissioners and it's my pleasure to be here this evening. To start off with, we've heard a lot of information from a lot of people this evening and a lot of public comment, we are truly an appointed body. We're appointed by three different elected bodies. The County Commissioners, the County Council, and the Mayor's Office. On our Commission, there are three hoteliers which is required by law. In answer to some of the questions from the public concerning the budgetary process of our group, we go before County Council like any other County organizations and our budgets are approved by the County Council and appropriations are made through the County Council. Our books are open like any other public concern. Anyone that wants to see where the money goes or how the money is spent or how much money is in our account, it's there for their information. Our meetings are all public meetings. They're held the third Thursday of each month in the Convention Bureau offices. The media is invited, unfortunately, it's 8:30 in the morning and most of the media are still in bed, once in a while a few of them do show up. We do have a number, Commissioners have come and some of the County Councilmembers have come, but we would like to invite all of you to come by if you'd like to find out what the Visitor's & Convention Bureau does. This is not doomsday, and if for some reason, the Green Convention Center does not stay a convention facility, Evansville still can attract conventions to our town. We have a number of hotel properties in town that have a sufficient square footage to attract smaller regional type conventions. It is very true that should we lose the facility of the size of the Green Center, we are going to lose major state-wide conventions, such as Indiana cities and towns, the Indiana Volunteers Association, the Indiana Coal Mining Institute, the Indiana Auditors, the Indiana Realtors Association, Atlas Van Lines, who has not been back in recent years, and I'm sure there are more and more, but I'm not familiar with them. Some of the numbers that have been given to you this evening, I would like to make one correction and I'll see that Pete distributes this information to the County Commissioners and also the County Councilmembers. We divide groups up into three different areas: conventions, motor coach travel and other events. The numbers that Mr. Spindler was using were the numbers of the total of all three of those groups and I think what our main concern here is, with conventions. Because we will still retain the motor coach business and also the event business. The major conventions are vital to this community. The dollar is spread out. Deloitte & Touche did a study in 1993 which indicated that conventioners spend in the city of Evansville \$384 and some odd cents per convention attendee. Now, that spreads out and I can give you the numbers for those of you that might be interested. The hotel receives about \$176, the hotel restaurants receive about \$90, other restaurants in the community such as the ones on Green River Road or, maybe, hopefully, the new coffee house down on Main Street and other restaurant facilities receive roughly \$45 and then it goes on down the line. Retail stores, shopping centers, and such as that receive about \$34 from each convention person that comes into Evansville. So it's not only the hotels that should have an interest in the convention, it is certainly any retail shop, any restaurant or any gas station, the airlines that fly into the Evansville area, the bus lines that come into here, anything that conventions might spend their money on. I would also tell you that downtown certainly is not dead. We have just recently had a gentleman that has invested over \$700,000 in a brand new restaurant, Mr. Lowe has an investment down here, DeJong's has a major store on Main Street, Strouse's is still there, so we're not dead downtown in Evansville, unfortunately, the community doesn't come back down into the downtown area after 5:00 at night. Hopefully, with the onset of riverboat gaming and Aztar Corporation, we will see a rejuvenation of the downtown community. Aztar and the riverboat serves one purpose for this community and it's the catalyst for the revitalization of downtown. Also, it's going to be a tremendous selling tool for the Convention Bureau to

attract conventions back to Evansville. We do need a major convention facility. Without the Executive Inn or without a hotel across the street, we would hope that the hotel would stay a hotel, it is necessary that the hotel have the four hundred and seventy-one rooms attached to that convention center. Without that, we have to start spreading them out and currently, we're dealing with the Indiana Fire Fighters Association and they are out on Highway 41, they've been spread between the Marriott, Days Inn and the new Holiday Airport. What the convention center has had to do is, we have had to rent a tent facility so that their equipment can be shown outside simply because the Green Center currently is not taking events. So, the facility is needed and would be an asset to the convention business, but again, this is not doomsday. We certainly are not going to lose all of our convention business, but we will lose a major part of the convention business, the large conventions that we will not be able to attract in the future. So I would pass this on to any other Commissioner that wishes to say anything or to our Executive Director. Do you want to hear from our legal counsel? By the way, we're not paying him, he's on retainer. Everybody else is on retainer here.

President Borries: Thank you, Joe. I appreciate your comments. Anyone from the County Council wish to make any remarks at this time?

Councilman Wortman: Thank you, Mr. Borries. I just wanted to ask some questions I think the Commissioners and the Council ought to consider. Has the City ever been approached about getting involved in the purchase of the Green Convention Center? Or a combination City/County? If the County takes it, we've got a problem on operating that facility and I think that we're strapped now for money and we generally get our money from property tax and miscellaneous revenue and the other thing we'd have to do is go outside the freeze and then we get a bond, and then we really create more taxes and we've got this Cumulative Capital Improvement Fund which is a 25% increase on taxes. We've got that in motion now. Then we look back on some of the ways we've operated things in government. Look at Roberts Stadium, the cost overrun was \$5,000,000. Would that happen over here, something like that? And then, I've got some projected revenue and expenses from the auditorium now, 1992 we had a deficit of \$215,000 and then in 1993 it went to \$239,000, and then in 1994 it's \$234,000. So, when we talk about figures like this, is government, is that the way to do it? And then we go, for instance, we can use Burdette Park: 1992 we had \$800,000, 1993 \$819,000 and in 1994 we did better, we got \$594,000. Now is government capable of operating, how much can the taxpayer keep carrying on his shoulders now? This is the thing that we bring up and we can't continue this, and then, not only that, what about Sixth and Main? If we get that, the Lowe's Theater and the Sonntag, going through the Park's Board, that's another burden on the taxpayer. I ask the question the taxpayers ask me, where's this thing end at? And I'm not saying that we don't need a convention center, but the private enterprise, I noticed the percentage over there of private enterprise is not as good as the government operating. Maybe the reason is, they've got to fool with the politicians. Maybe that's a deterrent. I don't know. I've got to ask that question. So, these are things, and then another thing is this auditorium, I thought we were already committed to the Food & Beverage Tax, I thought we were more or less going to discuss the Green Convention Center, I thought this was already committed, and I thought that was kind of settled, that's why it went through the legislative. So these are points that we've got to be awful careful and the taxpayers are concerned about it. We can only take so much on. So, I'm just speaking to represent the taxpayer and try to represent and protect him. Thank you and I appreciate you letting me speak.

President Borries: Thank you, Councilman. Any others that wish to speak at this time?

Councilman Sutton: Thank you, Commissioners, and Visitor's & Convention Bureau and interested members of the public. There were a few things that I did take some interest in, in looking at the proposal. There've been a number of different scenarios that have been presented and a number of different factors, questions that I had that have been answered in some part, but I do have some additional areas that I think that maybe we could attend our attention to, as we look at this particular area. There was mention earlier about the number of employees essentially would be the same with the new facility if we did decide to purchase that. Looking at the size of that facility, you're talking about 115,000 square feet, is that the number on there? I don't know if that's something that we're looking at in increase in the number of employees but looking at what we, on the County Council are dealing with now on the maintenance and upkeep of this particular facility, Vanderburgh Auditorium, if we're taking on an additional facility, I think we need to look at if additional employees are going to be needed to sufficiently maintain that facility in an operational standpoint as we look at convention business coming through and using it in that particular manner as well. Looking at some other areas, I guess there really wasn't much discussion about the actual parking facility as it's presently put together. That's an area of concern in that, if the County did purchase the Green Convention Center, what will be the arrangement with the parking facility? Are we talking about a shared arrangement here with the hotel if a separate person comes in and purchases the hotel? That's something that I don't know if we've got sufficient answers to that particular area. And then, also looking at the facility itself, have we totally come to the conclusion that no private enterprise is interested in purchasing the whole complex? I don't think we've, I've heard some interest, I guess, that was expressed in the hotel part, but are we saying that there is no interest at all across the board? I don't know if that's true, if there is or if there isn't, but if we can get some idea in that direction, and then as well, looking at our time table, I'd like to get a firmer idea timetable wise with this particular project and how expeditious we're looking at making some very key decisions on this particular project. The County is going to be heavily impacted and we do need to know how swiftly or how slowly this particular project is going to proceed on. Thank you.

Councilman Bassemier: We're not broke, we will pay our bills this year. Now I'm in favor of this as long as we do not have to take it out of the General Fund. I'm keeping an open mind about this. I really think that we need this. I think it will bring a lot of new business here, I hope we all can find the money to pay for this somehow. We need this real bad and right now I'm totally in favor of it as long as we don't have to take it out of the General Fund because we do have other bills to pay for. We're committed on other projects and I'd just like to go on record to say that I'm definitely in favor if it, if we could pay for it.

President Borries: Thank you Councilman.

County Council President Phil Hoy: I don't have any questions to ask. I guess, no I don't guess, I know one of the things that bothers me, seems that about 99 44/100% of our talk in this city and county about economic development is revolving around a boat that is not yet here and a boat even the most ardent supporters of are saying, might be here five years, might be here seven years. I know that there will be some money coming in from that boat to us, but I don't personally view that as long-term economic development and I want to go on record as saying that. The question that I have, and I guess it's been in print some place. How much in back taxes are owed and how long has that been?

Dan Spindler: I could get you to the penny, if you'd like, but I'm probably within \$13,000, including the taxes that are payable in May and November of this year, we're at \$1,200,000.

Phil Hoy: And how long have those been owed? Do you know?

Dan Spindler: I honestly, I'd...well, they haven't been on long enough to go, I guess, on tax sale yet, but I guess it's close.

Commissioner Tuley: I had lunch today with the Treasurer and the Deputy Treasurer and they have not been on tax sale. This is the first year of eligibility so that puts them at less than three installments.

Phil Hoy: Because I know property owners who certainly, you know, lose their property fairly quickly if they haven't paid their taxes. The other questions that I have, and I realize in business dealings, I grew up in business and in the sense still operate a business, are we sure that there's someone who wants this place as a warehouse? This was said over and over again. Is there a specific company that is talking seriously about making this into a warehouse, or are we using the phrase only to maybe accelerate, you know, a proposal that maybe shouldn't be accelerated? One could wish that we could be on the other side of the auction and see who is interested. You know? And I realize we can't do that, but I really am wondering well, who is interested in putting a warehouse there? I remember right before I was sworn in and some of the rest of us were sworn in as County Councilmembers, we were approached on the Green Center that long ago and the rumor was that there was a Baptist college that wanted to buy all three buildings for a downtown campus. I did not believe that, I'll be honest with you because I am a minister and most denominational schools are selling property off as quick as they can, so I am curious as to who the interested people are, you know, in piecing off this particular property. I share Mr. Sutton's question. I really can't see how you'd maintain this thing, keep it clean with that small a staff and that concerns me. I do want to go on record that I'm keeping my mind open, inside myself I've not said yes or no, but I do think that we have some pretty tough questions to answer before we get involved in this kind of financing.

Councilmember Bettye Lou Jerrel: My name is Bettye Lou Jerrel and I'm a County Councilman. I just, has the Convention Bureau had their meeting this month yet?

Joe Vezzoso: Our meeting is scheduled for Thursday, the 25th.

Bettye Lou Jerrel: Why don't you talk some more about this whole issue, you know, when you have your meeting and you've had a chance to digest all of this information and I want to look at the report that has been prepared and Mr. Farrell presented. It appears the operating costs would be about \$450,000 and just going on the auditorium's return for every dollar we invest, we get about \$.50 in terms of receipts. That's the way it works out and I don't have any idea if that would be a rule of thumb or not, but even if it was an accurate assumption, we might owe in the neighborhood of \$225,000 a year. Talk about this and talk about the Innkeeper's Tax and what role you feel that might play in the operating costs. And then, I'd be interested in your feedback.

Joe Vezzoso: I could answer one point. The Innkeeper's Tax is not available for operational costs. That increase in tax is only good for capital improvements, so that money could not be used for any type of operational costs.

Bettye Lou Jerrel: Well, that's also true of the Food & Beverage Tax. It's only for capital improvements so we need to, and again, talk about it among yourselves because I'd be interested in your input, as well as, the Commissioners' input on the operating costs, I mean, that's an issue we need to talk about.

President Borries: Thank you.

Phil Hoy: One other question and this may have been brought up, I think it has, but I want to emphasize it and that is, when I came into office, we certainly did not have a good handle at all on maintaining what we now own. We did pass that tax, the cumulative development tax, and it's not \$25,000,000 I think it's a whole lot less than that. Someone said today it's \$25,000,000 and it's not, but I think we have achieved something together, the Commissioners and the Council, why even taking a beating financially last year, with that tax we came out of the year, we had our bills paid. And now we're able to maintain. I'm real concerned about maintaining this real estate. I've been on this building, the roof is absolutely shot and right out here where people are sitting, there has already been some plaster fall. Scares me a bit and I'm not for tearing this building down, but I'm terribly concerned about our lack of responsibility in maintaining what we own.

President Borries: Thank you. I'm going to ask the Commissioners for comments at this time. Commissioner Mourdock?

Commissioner Mourdock: I'm not quite sure where to begin here. My fingers have been doing the walking as you've noticed and I could go through and start reading questions that I've typed in and I think I'd probably go ten minutes or so before I even got to one possible suggestion before we get through the questions. But I guess the first thing I'd like to do is compliment Commissioner Borries for his initiative on this. Obviously, it's not going to be an easy decision. Anyone in this room who thinks this is cut and dried and the decision has already been made, that's just not so. Mr. Hatfield commented that there were two choices on this. I wish there were two choices because then maybe I could flip a coin, but I see this more like a Rubik's Cube. There are a lot of possible questions, there are a lot of alternatives. Mr. Woodward was absolutely right when he said that business is like a bicycle. If it's not moving, it falls over. Unfortunately, in looking at this, government is not business. And as much as I, a business person, would like to say that it is, it is a different scenario, it is a different set of rules and that makes it at times easy, and a lot of times it makes it a lot more frustrating. Right now, we are at the trunk of a decision tree here and something Councilman Hoy said a moment ago about the haste that we need to make this decision, one similarity I think between business and government, decisions in haste will lead to waste. It just always happens that way. We need to get more facts and figures. Mr. Spindler's comments at the outset of this, I thought, were particularly forthright because, to be honest, I came in here tonight thinking that someone was going to come forward and say, oh this deal will pay for itself. Forget it, folks. This is pure subsidy. That's what it is. It is a high-risk venture. Now, does that mean that I am absolutely against it? No, I haven't made my decision, because, while it is on paper a losing venture, if you will, there are lots of sides to this that have to roll over and have to be counted. Someone made the comment about the dollar rolls over three times, I think Mr. Vezzoso said five times, I've heard seven times. I don't know what the number is, but I do believe that the convention business will certainly make up more than \$85,000 in the lost revenue. Mr. Hatfield, during his comment, also raised the questions about, there may be some other hotels that are interested. I hope we can learn that kind of information beforehand. He kind of left it with the feeling that, as I say, there were two choices: either do it or not do it. If we start down the do it branch of this decision tree, I think it is something much more complex than what Vanderburgh County on its' own should look at. Councilman Wortman stole my thunder a bit here. But, where is the City of Evansville right now? Mr. Vezzoso mentioned that one of the Evansville Convention Board members is appointed by the Mayor. The City, certainly while the County is not broke, as Mr. Bassemier said, the City certainly has greater revenues than the County does. Is the City going to benefit if this venture takes place? You bet it is. The City's revenues from things like the riverboat are

greater than the County's. I would like to see the City brought much more actively into this discussion because, going to Mr. Hatfield's metaphor again, it's not just our rear ends that are on the line. It's theirs, too. Because, either we're going to succeed together, or we're going to fail together. The big thing in business right now is partnering. It is joint ventures, and I see that this is one of those ventures that certainly needs to head in that direction. Call it splitting the risk, if you will, but that's good business practice and I think that's a practice that can apply to government as well. Another possibility would be a more imaginative solution than either of those. Perhaps with tax abatements, tax incentives, some of the present hoteliers would make a commitment to do something to help provide people into that facility. As I expressed at a previous meeting, my nightmare scenario that a hotel takes over the Exec, the riverboat business is as good as Aztar promised and therefore, the people running that hotel have no incentive to give the kind of discount room rates that it takes to make a convention center work. Let's face it. We have a one hotel, one convention center scenario. We need whoever is going to acquire the Exec in this program. And this is the tough part, again, because we're not going to know who that is for some time to come. Lastly, let me check my screen here, I think there was one other thing. That is, how is this project really going to be assessed? I heard several comments tonight that, I'll be very blunt, troubled me. Mr. Spindler talked about a structural engineer. I want to see a structural engineer look over that building, but who is going to pay that structural engineer? Who is going to chose him? I want to make sure that we have a decision based on outside, totally above board, and I'm not inferring anything about the management team that Mr. Spindler referred to, but I don't want any of us making a decision based on too much information that is simply locally derived. As his charts show, we're not the first folks to try this, we're not going to be the first ones to succeed, we're not going to be the first ones to fail if we do it. But I want to make sure that we have an absolute, unbiased appraisal of the information that we have so we know how to make the best decision. And again, Rick I commend you for having the political fortitude to take this on, because it's going to be a tough vote when the vote comes. Thanks.

President Borries: Thank you, Commissioner. Commissioner?

Commissioner Tuley: I'm not sure if I want to thank you or hit you! I'm going to be real brief in this and it's because of time. Two weeks ago when this first was brought to the public and to the Commissioners, I said there will be a lot of questions and with each answer to those questions there will be a lot more questions. A lot of the questions from two weeks ago have been answered tonight, but as you see, there are still a lot of questions out there. Unfortunately, I think, we don't have a lot of time so I think it's imperative for those of us, the Convention Bureau, the Commissioners, the Council, I think it's very imperative that we roll up our sleeves and we find that information and we get as much of that information. We take it upon ourselves to find out the answers to the questions that each of us have. We don't sit back and wait for someone to drop that in our lap. We have a short time. We've got a tough decision and we have to make an informed decision. Irregardless of what our decision is, I think the reality of what we do won't really be felt in the community for five or ten years down the road. But, nonetheless, we've got a couple weeks, four weeks, something like that, we have to make a decision. So, I urge all of my fellow office holders and anybody else who is going to have input in this, to roll up your sleeves, get some answers on the table, and let's make an informed decision in a couple of weeks.

President Borries: Thank you, Commissioner Pat. I want to thank everyone and I just want to say that everybody who has attended and spoken this evening, your comments have been thoughtful and sincere

and, I think, well stated. Those of you who have hung in there in the audience are to be commended for your stamina. And I appreciate the attendance and the remarks of the Convention & Visitor's Bureau, we're glad you're here this evening, the Vanderburgh County Council. I did not ask, nor did I expect, any decision from anyone this evening. But, you must reach one soon. We all do, as this Board has mentioned, and I would say that by June 7, which is the official date for the Vanderburgh County Council Meeting, that we need to be well on our way, one way or another with a decision. If that takes some special meetings, then I think you need to consider those. And if you need answers or have questions and there have been so many of those this evening, then I think you need to call Tom Green, Mike Shoulders, Citizens National Bank, Dan Spindler or me. I'll try to get the information for you. I will assure you that you can get the information that you need. But in order to move forward on this, I think there have to be issues resolved because the property will be auctioned off by June 27. Let me close with these thoughts and return to what some have asked, why are you for this project, and why now? I am for the project because I believe that this community needs a convention business. We are a regional center, we're the third largest city in Indiana, we want to grow in the future. I envision a convention business that could double to more than \$40,000,000, from it's highest previous point of \$22,000,000. I think that \$40,000,000 provides everything from new jobs to more business for everything from toilet paper to tips in restaurants. Furthermore, it puts us on a list of communities that are vibrant, confident and full of opportunity. I believe we have to consider this acquisition now because of, again, the announced plans for the sale of the properties. When the convention facility is sold, and if it is used for anything else, there will be little chance of attracting the large regional and state conventions that Joe Vezzoso referred to. What facilities we have will be too scattered, too inadequate for future needs. We need to make a decision now on this project and move forward. You hear a lot of negatives about government in all levels from the militia to whomever. Frankly, I believe that the essence of government is where people in communities like ours pool their resources, put their minds together and they meet community needs, be that schools, streets or convention centers. So, the question is, does this community need a convention center? I believe it does. Can this community pool it's resources together to meet this community need? I believe we can, but I believe in order to do so, we have to get past the partisan politics, the individual agendas and we have to focus as one on the future. So, remove my name, you know, if it's Rick Borries' agenda, take that out. And without using my name, let me just finish by reading a recent editorial which may have best said it all. The last thing Evansville and Vanderburgh County needs now is for the Green Convention Center to be used for anything other than conventions. And it goes on to talk about all of the aspects that we've heard this evening but says then, finally, in this atmosphere, the joining of the Vanderburgh Auditorium and the Green building into a county convention center makes perfect sense. I agree with that. I also agree, as you have heard tonight very eloquently, there are a lot of questions that have to be answered, and again, we have people here this evening who are available to begin to start answering those. I want to thank you for your thoughtful input this evening and I would like to adjourn the meeting at this time. Some of us may have some physical needs we have to meet and we do have another part of an agenda to go on. So at this time, I would like to temporarily adjourn the meeting. Thank you.

RE: ACTION ITEMS

President Borries: I would like to now continue the regular agenda for the Vanderburgh County Commission Meeting of May 15, 1995. We have the following Action Items, approval of minutes from our last meeting which was held on May 8, 1995.

Commissioner Mourdock: Mr. President, I will move that we approve the minutes from the May 8 meeting.

Commissioner Tuley: You'll have to second, I wasn't here.

President Borries: I will second and so ordered. Next, I don't believe there is anyone else that wishes to speak at this point. We've chased them all away, so let the records indicate that except for several loyal persons, we do not have any people who wish to speak at this time.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: The only thing that I have to report is the bid recap for the repair of the Browning Road Bridge which is project VC-95-05-02. The first bidder was Deig Brothers Lumber & Construction Company, Inc., the amount of the bid was \$127,902.78. The next bidder was J. H. Rudolph & Company, Inc., the amount of the bid \$143,295.20. Next bidder was Southwest Engineering, Inc., the amount of the bid was \$110,712.20. Next bidder was Phoenix Construction Company, the amount of the bid \$93,789.85. Last bidder, Ragle, Inc., the amount of the bid \$110,752.60.

President Borries: May I have a motion to refer these bids, take them under advisement for one week and refer these to the County Engineer?

Commissioner Tuley: So moved.

Alan Kissinger: If I may, the County Engineer has already reviewed the bids and I think he's ready to make a recommendation tonight.

Commissioner Tuley: I'll rescind my motion.

President Borries: We'll hear that report then very shortly.

Alan Kissinger: I have nothing further to report.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: I have nothing to report.

RE: BILL MORPHEW - COUNTY HIGHWAY

President Borries: Bill Morphey, let the record show, has submitted a report this evening from the Vanderburgh County Highway Department showing work done from May 5, 1995 through Thursday, May 11, 1995. The work has been also reported from the Vanderburgh County Bridge Crew. I shows work done in all parts of the County.

Alan Kissinger: I wanted to see Mr. Morphey in person.

President Borries: You did? Well you're not going to.

RE: COUNTY ENGINEER - JOHN STOLL

Commissioner Tuley: He must need a signature, he's waited through all this.

John Stoll: I need a bunch of signatures. First, I've got the Form 96 for the Azteca Railroad Spur, Contract #VC95-04-02. I'd like to recommend that we award this to Queen City, Inc. in the amount of \$140,971.

President Borries: Is there a motion to do so?

Commissioner Tuley: So moved.

Commissioner Mourdock: Perhaps I should call for a roll call vote

because, to be consistent with my previous votes, I have a problem with that one.

President Borries: Okay. Alright. Roll call vote requested. Commissioner Mourdock?

Commissioner Mourdock: I'll vote no.

President Borries: Commissioner Tuley?

Commissioner Tuley: I vote yes.

President Borries: And I vote yes. Motion is approved.

John Stoll: Next, I'd like to recommend that Contract #VC-95-05-01 EARC Parking Garage Deck Repairs be awarded to Western Waterproofing in the amount of \$101,900.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: In conjunction with that EARC project, since parking garage deck repairs are out of our typical area of expertise, we contacted Three I Engineering who had been working with the EARC Board to do some specs for the project last fall and, in talking with Mr. Tom Solecki of Three I, they said they could provide us with, assist us in doing the inspection on that project. After talking it over with David Franklin in my office, he felt that it might be beneficial, and so did I, if we did hire Three I to assist in this since they are familiar with the project. Based on an amount of two hours per day for the duration of the project, we figured that the amount not to exceed for their services would be \$3,000 and, with your approval, I would get in touch with them and try and work out an agreement as far as helping us do the inspection on that parking garage deck repair.

President Borries: And you believe there is money budgeted from this project that would be able to handle this? Is that correct?

John Stoll: Is that correct, Cindy?

Cindy Mayo: There was \$150,000 appropriated.

President Borries: And the bids came in lower than that, is that correct?

John Stoll: Right, \$101,900.

President Borries: Oh, we're fine then.

Commissioner Mourdock: I'll move that the County Engineer contract with Three I Engineering, with it not to exceed the figure of \$3,000 for help with the EARC roof and parking deck.

Commissioner Tuley: I will second.

President Borries: So ordered.

John Stoll: Next, I've got a copy of a letter from INDOT that states that the Fulton Avenue Bridge project is 95% complete. I know we've heard those figures before, but this is the first documentation that I've received from INDOT that supports that, so here's a copy.

President Borries: That's great, great. I'm glad to hear that.

John Stoll: Next, I have a letter from INDOT for the right-of-way acquisition for the Ohio Street Bridge. I contacted Commissioner Borries and Commissioner Mourdock last week concerning this letter. Typically, the right-of-way certification letter is sent by the Commissioners, it's signed by the Commissioners and sent to INDOT certifying that the right-of-way has been acquired for a project. We needed to get this sent off last week, so I went ahead and signed it and am just submitting a copy of it for the record at this time.

President Borries: Thank you, John. We'll enter this into the record tonight.

John Stoll: We are now on a July letting rather than a June letting because the right-of-way hasn't been finalized as yet, but we hope that we can get that straightened out and remain on July letting. The final item I have is the Browning Road Bridge. I'd like to recommend that we award that project to Phoenix Construction in the amount of \$93,789.85.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: And I also have some temporary right-of-way parcels that I recommend be accepted by the Commissioners so that we can proceed with the project as well.

President Borries: Is this on Ohio Street? I'm sorry, Browning Road. Okay. May I have approval to sign these?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: I don't think we ever had Browning Road officially declared as an emergency so, in order --

President Borries: We'd better do so now.

Commissioner Tuley: I thought we did.

President Borries: Yes, I thought we did, too.

Commissioner Mourdock: Yes, I thought we did.

John Stoll: I remember we talked about it, but since the bids for the removal of the old structure were well under the \$25,000 limit, I didn't think there was an official motion but--

Commissioner Mourdock: I'm almost certain that we did.

John Stoll: Okay, if there has been, that's--

Alan Kissinger: It won't hurt to do it if, just in case.

President Borries: Okay.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: That's all I have.

President Borries: One item, John, if this Board would see fit in order to still keep us maybe in consideration for the cold storage project, I understand from talking with Mariann Kolb, there might be, well there is \$30,000, I believe, of a state matching grant. It would be my suggestion to this Board to see if we could come up with the \$38,000 maybe in some unappropriated funds through road and street to finish the access road. This would be between what I guess we would call the Azteca project and, actually, PPG to finish that access road. It is my understanding that Southern Indiana Properties, SIPI as they are called, would, willingly at no cost, donate all right-of-way for this particular project so there would be no cost to the County other than to come up with the funds to match what the state grant is for.

Commissioner Mourdock: I have just a question for John on that and I should know, because I look out my window, Lord knows how many times a day to see this, the right-of-way and the pavement that's there now actually, it doesn't follow clear along PPG down to Inglefield Road, but it does swing to the east and actually has access onto 41, is that right?

John Stoll: Right.

Commissioner Mourdock: So that, if we were to do this, this would complete that right-of-way and ostensibly complete that entire frontage road from 41 swinging to the north paralleling 41 and go all the way to Baseline?

John Stoll: Right now, I'm not sure if it would, because I've discussed this with everybody from DMD and nobody, and Vision 2000, and that road that exists out there that's just north of PPG is not a County accepted road and it's not within a right-of-way. Based on what I knew about the cold storage plant, the frontage road that we would be extending from Azteca south, was not going to reach that private road, for lack of a better term. It wasn't going to go far enough south to tie into that. So, if I remember right, the \$68,000 was based on just the frontage along the cold storage and it wouldn't tie in. And if it did tie in, we would still have to get the right-of-way dedicated and things like that.

Commissioner Mourdock: But that right-of-way would be coming from SIPI as well?

President Borries: Well, who owns the frontage road, is that, or who considers it a private road? Would that be SIPI? I mean, it looks to me that the property goes into where cold storage was going to go. Now if we have to get the easement from PPG,--

John Stoll: I don't think PPG owned it, if I remember right, it wasn't SIGECO and it wasn't PPG, there was a third property owner involved.

President Borries: I can't imagine who that would be, is it Southern Indiana Properties?

John Stoll: It was an individual, it was a last name that I had heard thrown out. This was nothing official. Nobody ever really documented it, but we knew that it wasn't a County road and it wasn't within a right-of-way.

President Borries: We've got to get something. I guess one of the reasons I'm bringing this up, as we so often, timing is everything. I understand that American Cold Storage is going to be talking with another board of commissioners soon and it was my understand then, that if we could at least consider this, to move this forward again, we might still very much be in the running in terms of this project and, I believe in terms of this kind of infrastructure, that it would be helpful to do this. So...

Commissioner Mourdock: May I add something to that? Having been the nay vote here before, you know, if this clearly should be a County road, that frontage road, if we could somehow find out how that existing bit of pavement can be dedicated to the County, and I assume it would meet county and state specs as an entryway onto Route 41, you know, I certainly would like to see us get the SIPI easements and that easement as part of the same deal. I think it's very important that once Azteca opens, and somebody, whether it's Cold Storage or someone else, someone's going to develop that property and I think it's important that we defuse as much of that traffic so it's not all going off Baseline Road. I mean, it's just a safety issue if nothing else, which it's more important than that, that makes it sound too slight, but if we can do that, then certainly I would support that.

John Stoll: I never did see a plan as far as what the south boundary would be for the cold storage, but based on all the discussions that I've had, I didn't think they tied together. They may very well tie together, but I thought there was a third property owner involved with that, but I can check on that and see what I find out. That's no problem.

President Borries: What's the feeling of this Board, then?

Commissioner Tuley: Let me ask you this, if we approve this, does it not have to go before the Council, as an appropriation or does it come straight out of the funds under our control?

Commissioner Mourdock: And let me add a question on top of that. What would Cold Storage be looking for at this point if this is something that's going to be tipping the balance? Are they simply looking for the commitment more than the signed paperwork?

President Borries: Well, I'm not sure what they're looking for. I guess I'm just trying to foresee to keep this project alive and they just seem to me to make sense, and if the funds are not appropriated at this point, do we have some discretion on how we're able to use that or do we have to go back to the Council for that appropriation?

John Stoll: The ones that we've got already in the Contractual Services line item are the funds that I'm using for the rest of our commitments to Azteca so that \$140,000 for the rail spur is coming out of that Contractual Services. We've also got the Azteca frontage road which we were guessing would be \$150 a foot, so it's about \$100 a foot, which would be \$150,000. We currently have the Melody Hills Street repair which is another \$50,000 and we've got the Columbia and Burkhardt intersection which is about another \$40,000, so we've probably got \$375,000 of that money earmarked already and, if we're only needing to come up with \$30,000 more--

President Borries: \$38,000, I think. That matches what the state says, the \$30,000, that's still on the table as I understand.

John Stoll: Based on what's in there right now, I think we can come up with that much.

President Borries: You can?

John Stoll: I think so, not knowing--

President Borries: Without going back to the Council?

John Stoll: Right, there was an initial balance of \$500,000 in there.

President Borries: I would recommend in that case, then, that we consider this, but again, I'm one vote.

Commissioner Tuley: Well, I voted for the whole package and the only hangup I had was, you know, the only consideration or concern I had was for the rail spur, so I've been in favor of the road so, I'll commit to it.

Commissioner Mourdock: Well having voted against it, I did that for two reasons, one of which was the rail spur, as you just said, I didn't want to see the use of public funds for private, solely private, purposes here. And the other was just somewhat in the way the message was presented to us and how that situation was offered. Clearly, I think, the development of County roads is a County obligation, so if that was a motion, I will second it.

Commissioner Tuley: That was a motion.

President Borries: That's great, I think we took a big step here and, John, if you'll just help us, please, to try to see if we can fit this thing together somehow in there, okay?

John Stoll: Sure.

President Borries: I mean, it ought to be doable. I don't think there's that much of a problem. Whatever we need to do to get the other right-of-way, if they'll grant it to us, it looks like it's in good shape and we just ought to get that done, so at least that way we can forward our intention here, say we would be assisting in this project at that point, to that extent.

John Stoll: Since the Browning Road project came up, we haven't got the frontage road design as of yet, so we could continue and just go straight off the south end of what we were going to do with Azteca and just make it one larger project as long as the money is there and the right-of-way is there, so I would think we could make it work.

President Borries: Okay. Thanks, John. Any further business of John at all?

RE: CONSENT ITEMS

President Borries: Okay, Consent Items? If you've reviewed, is there a motion to accept them?

Commissioner Tuley: Yes.

Commissioner Mourdock: Second.

President Borries: So ordered. I'll tell you, I'm learning the secret of this Board now, the longer you keep them here, the easier they get.

RE: SCHEDULED MEETINGS

President Borries: Okay, we have our Scheduled Meetings.

RE: OLD BUSINESS

President Borries: Any Old Business at this time?

Commissioner Tuley: Not from me.

RE: NEW BUSINESS

President Borries: Any New Business at this time? Okay, if I hear nothing from either of my colleagues then, I'm going to say this meeting is adjourned.

Commissioner Mourdock: Was the Blackburn thing in the meeting tonight?

Suzanne Crouch: Can it be put in as a Consent Item?

Commissioner Tuley: That was in the Consent Items.

Suzanne Crouch: Inaudible.

Cindy Mayo: I don't know if Blackburn was, Cedric Reed was approved as an appointment, but I have the original pink slip on--

Commissioner Mourdock: Shall we reconvene?

Suzanne Crouch: Yes.

President Borries: I'd like to add one item, one Employment Change into the Consent Agenda if I may do so before adjourning.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

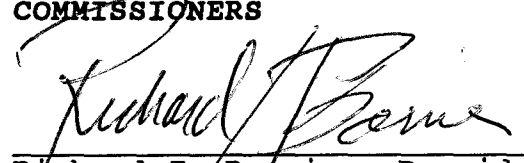
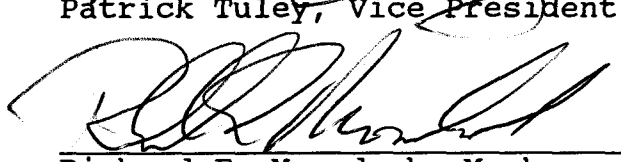
Meeting was adjourned at 8:57 p.m.

THOSE IN ATTENDANCE

Richard J. Borries
Richard E. Mourdock
Suzanne M. Crouch
Teri Lukeman
Joe Vezzoso
Mike Shopmeyer
Mike Belwood
David Dunn
Bettye Lou Jerrel
Phil Hoy
Mike Shoulders
Launita Seals
Bruce Lomax
Janet Watkins
Charlie Sakaria
Dan Norman
David Woll
Robert R. C. Miller
Members of the media

Patrick Tuley
Alan Kissinger
Cindy Mayo
John Stoll
Pete Helfrich
Stan Atchison
Gloria Altman
Ed Bassemier
Curt Wortman
Royce Sutton
Dan Spindler
Robert Holmes
Bob Woodward
David Huff
Tom Shetler, Sr.
Chick Shively
Paul Hatfield
Steve Farrell
Various interested citizens

**VANDERBURGH COUNTY BOARD OF
COMMISSIONERS**


Richard J. Borries, President
Patrick Tuley, Vice President
Richard E. Mourdock, Member

**VANDERBURGH COUNTY BOARD OF COMMISSIONERS
MEETING OF REZONINGS
MAY 15, 1995**

The Vanderburgh County Board of Commissioners met in session for the purpose of rezonings at 8:18 p.m. on Monday, May 15, 1995.

RE: VC-2-95 - PETITIONER JAMES BAKER - 1930 ALLENS LANE

President Borries: This petition was continued until June 7, 1995 so it will not be heard this evening.

RE: VC-3-95 - RICK & KELLY WILLIAMS - 3076 GROVE STREET

President Borries: The address is known as 3076 Grove Street. The petitioners are Rick and Kelly Williams and the request is a change from C-4 to M-1. Is there someone here at this point to give a presentation on VC-3-95?

Rick Williams: My home address is 410 Reis Avenue. There were a lot of polished speakers this evening, it is kind of hard to follow.

President Borries: You have the microphone to yourself and we cleared everybody else out, as you can see. You can speak as long as you want, so don't worry about that.

Rick Williams: I feel real important. I guess in the way of presentation, as a way of introduction, I was born and raised in Evansville and we purchased the property at 3076 N. Grove a couple of years ago and at the time, we filed for an occupancy permit and at that time we could do most anything there under C-4 except a body shop. So, in the past two years we have occupied that property and kept it up, and have operated a dry wall contracting business out of that building that is there. The building is located on the back half of the lot, and that brings me to the purpose of my petitioning. The information that I received from the Area Plan Commission was that we couldn't have a body shop under a C-4, we would need to go to an M-1, so based on that information, I have a person interested in erecting a body shop, operating a body shop business there. We have space in the front part of the lot, and there are no buildings there and the structures that we have a good size lot that we would have a place to erect a building. In presenting our petition, I'm not really sure what you base your criteria, one reason that I wanted to let you know that I was born and raised in Evansville and I am not a fly-by-night operator. We have been in the construction trades ever since 1978 and for the past five years we have operated this dry wall contracting business. We presently have four employees and myself and we are part of the community. One of the things that I want to bring up is that in consideration of rezoning the property, would be the property values. The property value is determined by the usage of the property and at this time, the uses that we have for the front lot, which is approximately 100 - 125 feet back, before you get to this building that we are using now, by 100 feet wide. We just mow it and we have no usage whatsoever out of it. It is fronted by Allens Lane and the side street is Grove. In trying to use as much of the property as possible, in consideration of residential construction, looking at the property values of the properties around it and knowing the appraisal of the property of when we purchased it. It would not be very feasible for us to build a residential home there and then resell. At this time, we have no usage out of it at all, as far as the property values. The benefits of rezoning this property to M -1 are 1) tax benefits that would come to the County from another business being located there, the same way we pay taxes now on our personal tangibles and all and sewer hook-up, we would hook up to the sewer system rather than put a septic tank on the property; 2) the other thing that I considered you might use as a basis for your decision would be the other properties' zonings in the area that we are in. I don't know if you have the location map in your packet, but, you

will see that there are many M-1 and M-2 zonings from the opposite side of the street. There are also many C-4 zonings locally right next to us, across Grove Street, to the east of us. The property there is zoned C-4 and on down Grove Street there are several other C-4 zonings down through Grove. So, there are other commercial zonings and there are many M-2 zonings across the street, which would be approximately the same distance from any of the other people that we would be, which would be 1 street difference from the M-1 now across the street to the closest people to us. We also own the abutting property, there is an 80 foot lot directly to the west of this lot, we also own that property. There are two rental units there, one is a 2,000 square foot house and the other one is a smaller building, a smaller residential unit where a single person lives. This property does abut where we are located right now. There is a 50 foot right-of-way on the back of our property and our lot is 230 feet deep and then there is a 50 foot right-of-way that at one time was proposed to be a street, that goes back behind those properties. So, at this point, there is a 50 foot vacated lot that nobody takes care of between us and the nearest neighbor on the back side. One of the things in considering the zoning was, if we erect a building there as a body shop there would be certain codes that would need to be enforced to control the vapors from the body work and there would probably people that would regulate the things that can be built into a building. Right now, there is no structure there for this purpose so it would have to be built. The building that is there would not be suitable for a body shop so this is one of the reasons that I filed speculative because there is really nothing in concrete yet. This seemed to be the first step, the rezoning. The building and whatever comes about in the future, would of course, have to go through all of the different people that do the approvals and permits and what have you. So, as far as the other rezonings around us, we pretty much have, and I realize in the letter that I was sent by the Area Plan Commission, there is a comprehensive plan that the property on the south side of Allens Lane was intended to be residential. The opposite side of the street is to be industrial. So, I realize that there is a comprehensive plan that might have at one time been good. But, at this point, for us, for this property usage, I can't see us doing any residential improvements whatsoever on that front lot. The other thing that I would consider would be the neighbors or the people around us. At our Area Plan Commission meeting we did not have any remonstrators or opponents. We have had no phone calls and we have notified all of the people. We have spoken with several of them verbally, I don't have any signed petitions from them, but I have spoken with them verbally and they are interested in it and have no problems with it. I have been honest with them in sharing with them that we are considering putting up a body shop there if we get the zoning. We don't want any problems and I am there and I don't want any problems with the neighbors with that issue. So, basically, that's all of the things that I could think of that you might use as criteria to make your decision. The only thing that I would ask is that you seriously consider it. I have been serious about it and I have gone through the process. In the beginning, if I had known that there would have been presentations to be made then I might have secured a lawyer to get the paperwork together and then maybe I would be a more polished speaker, but at this point, we are a grass roots operation and we wanted to get things rolling and just work through the process. All I ask is that you consider it seriously because it is not something that we went into lightly when we began to do it. It is not something that I have taken lightly. Do you have any questions?

President Borries: Thank you Mr. Williams, there may be. Again, you need not apologize because you did a fine job. Please stay and don't leave because Mr. Mourdock may have a question of you.

Commissioner Mourdock: Don't apologize. You did the important things. You told us what you were going to tell us, you told us and then you told us that you told us and that is all we need to know. I do have a couple of questions. First, in the written report from the Area Plan Commission, the word "speculative" is in there. Do I understand that you file a "speculative" contingent

only upon getting the necessary permits for the air quality people, or from them, to do the body shop?

Rick Williams: Well, at the point that I went down there and talked to them about the petition, as far as building a body shop there, there was no concrete commitment as far as yes we are going to commit to build a building there. The person that is interested in operating a body shop there has made a serious commitment based on rezoning. In speaking with that person..

Commissioner Mourdock: Excuse me, so it is not your body shop?

Rick Williams: No, it would not be operated by myself.

Commissioner Mourdock: Second question then. There is a comment here that additional access to either Allens Lane or Grove Street should not be permitted. Are you aware of that? I just want to make sure that you don't have any other plans for other driveways or any other things on those two streets.

Rick Williams: Well, off of Allens Lane or Grove Street?

Commissioner Mourdock: Additional access. Whatever you have is okay, but it is suggesting that additional access to either Allens Lane or Grove Street should not be permitted.

Rick Williams: I wasn't aware of that. Is that in the information that has been...?

Commissioner Mourdock: Is that a problem to you?

Rick Williams: Well, it would be. Originally, there were three entrances off of Grove Street and we would need an entrance off of Allens Lane, and speaking with the people at Area Plan, they mentioned a driveway that was close to Allens Lane on Grove Street would not be appropriate for a turn-in to that property. Originally, there were three. We have not used that driveway. Our driveways are in the very back of the lot as the site plan shows. Originally, there were three driveways that came into that property. One of them is approximately 10 - 14 feet back from Allens Lane and is not in usage at all. Evidently, I overlooked the information about an access. We would need access from Allens Lane and in speaking with Area Plan, they mentioned the entrance off of Grove Street being closed to that corner and causing a traffic problem there. We were going to be 25 feet back up off of Allens Lane and had intended on having an access off of Allens Lane where there would be ample time for traffic to see what was going on there.

Commissioner Tuley: I missed the Area Plan meeting this month and I just want to make sure that I understand. Did you say that there were no remonstrators there at all from the neighborhood?

Rick Williams: No.

Commissioner Tuley: Another comment or thought of Commissioner Mourdock's, it does indicate that the plan was for residential, however, when you look at the map, there is little or no residential there anyway. So, I don't have a real problem with that. I just might make a point to, just echo the other two Commissioners, you don't need an attorney. You have done a very good job of presenting your case. Although, we do have a question about this access.

Rick Williams: If it was in my information, I did not see it. If it was in the letter they sent me about the meeting, I just completely over looked it.

Commissioner Tuley: It is in his staff report.

Janet Davis: I am with the Area Plan Commission. Any new access that would be planned for this site would need approval of the Site

Review Committee. If Mr. Williams were to request access on Allens Lane. The Site Review Committee would look at it but there is no guarantee that they will approve it. They would look at all of the access, including the existing, he may have to give up something existing, if he wants to change anything. It is up to site review committee.

Commissioner Tuley: Do you understand that? We could still grant you....

Rick Williams: Yes, I understand. I guess it comes back to the point that we needed to start somewhere and I did not have any other serious commitments on the property usage unless I proceeded down this road. At this point, we have a commitment if I can get an M-1 zoning there that was approved for a body shop. We will then go farther down the road, like with the sewer hook-up and the utilities and all the things necessary to go that way. If I would have seen it in my information, then I would have made an issue there because we will need an access off of it. I know and can understand not having another access off of Grove Street. We are about 100 feet back off of Allens Lane onto Grove Street at our main access point. The second drive is just an access drive to the back of the building that is mainly for unloading.

Commissioner Tuley: Help me visualize this. These dotted lines, are they the railroad tracks that go through there?

Rick Williams: Right. On the location map?

Commissioner Tuley: Yes. How close are you to Larry's Barber Shop?

Rick Williams: We are right next to him. Grove Street separates our property to the west and the barber shop. Larry's Barber Shop is on the corner and he would be the closest neighbor, besides our own property, which is C-1.

Commissioner Tuley: So he is C-1 and he has his barber shop in the front, but, doesn't he have an apartment or something in the back?

Rick Williams: Yes, he has an apartment and he has people living in the back.

Commissioner Borries: Actually, we have to consider the rezoning with, as Ms. Davis has pointed out, advice from the Site Review. This rezoning will really not be conditioned on what is said here in a true sense. We have to act on the rezoning, the Site Development Commission, as you go through all of these steps, will make the final say so. You might be prepared to address this, and if you are going to get access on Allens Lane, which is narrow, you might want to construct some kind of turn blister. Which means to have some way where people can turn to get out of the line of traffic. If you have sharp turns, and that is one of the reasons that they try to limit curb cuts on places like Allens Lane. As you know, it is a very heavily traveled road and very narrow. It is really important that a turn blister of some sort be put in there. What I mean by that is an extension of concrete, for example, east bound traffic off of the road and turn into your business. Do you understand what I am saying?

Rick Williams: Yes.

Commissioner Borries: That is something that you'll need to consider at that time. She is right, it may involve maybe giving up one on Grove Street, but, you will be able to work that out with Site Review. I am only suggesting this to you as maybe one proposal that you would want to consider. It may cost a little money in terms of expanding that concrete a little bit on Allens Lane, but it will be worth it in terms of safety for motorists. Are there any other comments? Are there any other remonstrators that are for or against this project?

Commissioner Mourdock: Mr. President, I move that we approve VC-3-95 to change zoning from C-4 to M-1.

Commissioner Tuley: I will second.

Commissioner Borries: Roll call vote, since this changes an ordinance.

Commissioner Mourdock: Yes.

Commissioner Tuley: Yes.

Commissioner Borries: I vote yes. Your motion is approved.

Meeting adjourned at 8:35 p.m.

Vanderburgh County Board of Commissioners


Richard J. Borries, President


Patrick Tuley, Vice President


Richard E. Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

MAY 22, 1995

TABLE OF CONTENTS

Introductions & Pledge of Allegiance	1
Action Items	1
Approval of Minutes	1
Lynn Ellis - Purchasing Bids for DFC Transportation Services Rescind contract for Weber Distributing & re-award to Allied Popcorn for Burdette Park	1
Sandra Toton - Auditorium Manager Bids for Boiler Repair	2
Alan Kissinger - County Attorney	2
Cindy Mayo - Superintendent of County Buildings Demolition of house at 208 E. Chandler	2
Bill Morpew - County Highway & Garage	3
John Stoll - County Engineer Agreement with Three I Engineering for EARC Parking Garage Deck Repair inspection Brookview Section E3 road plans Azteca, SIPI & Huber properties/ frontage road extension	6
Consent Items	9
Scheduled Meetings	10
Old Business	10
New Business	10
Adjournment	10

The Vanderburgh County Board of Commissioners met in session at 5:40 p.m. on Monday, May 22, 1995 in the Commissioner's Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Good evening, everyone. I'd like to call the meeting of the Vanderburgh County Commission to order this evening being May 22, 1995. Introductions are, to my far right:

Cindy Mayo, Superintendent of County Buildings & Office Manager
Alan Kissinger, County Attorney
Pat Tuley, County Commissioner
Rick Borries, President County Commissioners
Richard Mourdock, County Commissioner
Bill Fluty, Chief Deputy County Auditor
Teri Lukeman, Official Recording Secretary

Let it be known for the record that our secretary, Cindy Spear-Duncan's father passed away last evening, so I want to extend to her our sympathies. Would you join us please for the Pledge of Allegiance?

We do have an agenda printed for your information for those with us this evening. We will follow it and, again, it is available for your information near the door.

RE: ACTION ITEMS

President Borries: We do have approval of minutes from our last meeting which was, actually there are two sets, there's a set of Board Minutes and a set of minutes that reflect the Rezoning's, both from May 15, 1995. If the Board has had an opportunity to review those, may I have a motion to approve those?

Commissioner Tuley: So moved.

Commissioner Mourdock: I'll second that motion and just say that, in light of the fact that it was a very long, lengthy meeting the other night, that I commend the Auditor's Office and Teri, specifically, for a nice job on this. There were a lot of people speaking and they're very thorough and a very good set, that and having a nice sound system, a good working sound system.

President Borries: You're right, I will certainly concur. I've had the opportunity to review them and I think that, again, in view of the many people who did speak, it's really well done.

Commissioner Mourdock: I just realized that I said all of that for the second and I didn't have my microphone on.

President Borries: Well, I know that the Council routinely cuts out those 400 accounts in terms of a lot of capital equipment as we get into our consideration of things for 1996 in our budget, but hopefully, we can hang in there with them and maybe with a united voice, urge that we do some improving on this sound system. It would certainly help. And again, we ought to be able to do it in this room, because this is not a large room. Are there any persons or any individuals who do not see his or her item on the agenda who wish to speak at this time?

RE: LYNN ELLIS - PURCHASING

President Borries: Lynn Ellis from Purchasing regarding bids for DFC Transportation Services and also to rescind a contract regarding a vendor at Burdette.

Lynn Ellis: The first item is the transportation services for Vanderburgh County Office of Family & Children to transport children and their guardians as needed by the agency. The advertising dates will be May 25 and June 1 with the bid opening scheduled for June 12.

President Borries: Okay, any questions of Lynn on this item? May I have a motion to approve this request then?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered.

Lynn Ellis: Thank you. The second item is to rescind one line on the award of concessions at Burdette Park and that was for the shaved ice, the liquid that is used for that. The vendor, Weber Distributing Company, bid on that and there was contact made by Burdette Park to Weber to ensure that they could provide the RIO brand that was tested and that they preferred over the other brands. The vendor indicated, apparently, to the staff at Burdette that he could supply either brand. Subsequent to that information, the manufacturer indicated to me that was not the case, that the sole distributor for this area is Allied Popcorn and so we would request that line be withdrawn for the award to Weber and re-awarded to Allied Popcorn.

President Borries: Okay. May I have a motion to that effect?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered.

Lynn Ellis: Thank you.

President Borries: Thank you, Lynn.

RE: SANDRA TOTON - AUDITORIUM MANAGER

President Borries: Lynn, are you here on this next item here? Sandra Toton is not here.

Cindy Mayo: Rick, I put a note on your agenda request from her. Don Chambliss is the one that has all of the information on that and he is sick today, so she has requested to appear at next week's meeting.

President Borries: Okay.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: I think that I have nothing to report. I don't believe that I have anything to report at this time.

President Borries: Okay. Thank you, Alan.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: The only thing I have is just to notify you that I did receive a notice Monday the 15th from the Department of Code Enforcement that our house on 208 E. Chandler is going to be demolished on May 24.

President Borries: Okay. Thank you.

Commissioner Mourdock: Do you know, Cindy, or I could save this for Bill. The gentleman who was in a couple of weeks ago, with all of the high winds blowing the other day, I thought of his tree. Has that tree been taken down yet?

President Borries: Yes.

Commissioner Mourdock: It has, okay.

President Borries: Thank goodness.

Commissioner Mourdock: Yes. Or Alan would have something to report.

Alan Kissinger: Yes, maybe next week I'd have something to report.

RE: BILL MORPHEW - COUNTY HIGHWAY & GARAGE

President Borries: For the record, there's been a work report submitted from the Vanderburgh County Highway & Bridge Crew, dates from Friday, May 12, 1995 through Thursday, May 18, 1995 which shows work done in all parts of the County. Well I think the topic this week would be high water.

Bill Morpew: High water and lots of it.

President Borries: Where are we, still putting up barriers at this point? I'm not sure what the river did today, but I guess it was still rising.

Bill Morpew: It's still rising. This morning we closed off Bayou Creek between Schmuck and Seminary, or actually between Graff. Cypress Dale is now closed, Roth at Shore is going under water, and Roth will probably be under water by tomorrow. Hopefully, it'll stop.

Alan Kissinger: You're going to keep Dogtown open aren't you?

Bill Morpew: Well, you might know. You have to go around to get to that tavern. It's supposed to come up, as I understand, to 43 feet. It's over Old Henderson now, if it gets up to 44 it'll go over right there at Nurrenbern, so there's going to be people in there blocked in.

President Borries: What is your procedure, are you notified? I mean, I'm sure you do this during the day, are you notified at all during the evening by, let's say the Vanderburgh County Sheriff's Department at all, to put part of your workforce out putting the barricades up, or what --?

Bill Morpew: No, we have one person that's on twenty-four, well we're all on twenty-four hour call, but we have one person wear the pager for a week and he is notified through the Sheriff's Department, actually by Central Dispatch and we simply call them back to find out what the problem is and we go and take care of it. We go out there and we'll take a look at what needs to be done and then call in the appropriate personnel and equipment. This week I've got the pager.

President Borries: Okay.

Commissioner Mourdock: Is that by choice or luck of the draw?

President Borries: They rotate, don't you, every week someone takes it?

Bill Morpew: We rotate.

President Borries: Okay.

Bill Morpew: Water is over at Hirsch Road also, just by Green River Road there's a lake right there on the northeast corner and that's going over.

Commissioner Mourdock: Which road?

Bill Morphew: Hirsch Road at Green River.

Commissioner Mourdock: Oh yes, right there.

Bill Morphew: There's a small lake right there on the northeast corner.

Commissioner Mourdock: That was under once before here a couple of days ago, because when I went through on Saturday night it had just--

Bill Morphew: Yes, it just started rolling over.

President Borries: Is Green River still open?

Bill Morphew: Green River is.

President Borries: It has to get pretty high, it did, I remember back, believe it or not I think in 1961 or somewhere in there, that it went under. It may have since then, I'm trying to think if it has that I can remember, but I know it did in 1961. We had some terribly high water.

Commissioner Mourdock: Might have been about 1979, we had a lot of water that year.

President Borries: Yes, I think so. Any questions of Bill?

Commissioner Tuley: Just a quick comment. After the rain goes down, with all the water and everything, when that goes down then the weeds are going to come up.

Bill Morphew: The weeds haven't stopped. I had four mowers out today. We had two mowers out on St. Wendel Road, I had one mower doing the medians and the right-of-way on St. Joe Avenue and had another mower on the Koressel/St. Joe Road and New Harmony Road. We started paving New Harmony Road today from Koressel to the Posey County line. We had started paving Waterworks Road but being as Waterworks is under water, we had to pull out and go someplace else.

President Borries: So we're at least moving on. Good. I probably will have a few less comments from some of the folks that let us know last year that we stopped a little short of where we should have, in their opinion.

Bill Morphew: It should be positive from here on out.

President Borries: Let me, and you can share this with John Stoll, Commissioner Greg Martin who is a Posey County Commissioner, was asking on behalf of his board, I think they were all so impressed with our bi-county cooperation of several years ago, they wanted to know if, at all, we would want to do any cooperative work with them. This means that we'd end up doing the paving and they'd end up maintaining, I think, other parts of County Line Road. They are looking at over a two year period, because they know that we wouldn't have the money, nor was I going to make any commitment other than just talk about this in the meeting tonight, from basically, Upper Mt. Vernon Road down through Highway 62. There are some roads in there, Creamery, Gumble, that they would like to maybe see if there was some interest on our part, if we could do this in phases. The only way I could do this would be to refer this to you and maybe you all might be able to cost this out to give me some understanding of what, or give this Board some understanding, of what we would be talking about on County Line Road. Could you do that?

Bill Morphew: Yes sir, I could.

President Borries: Okay. We did that portion a few years ago and they were very pleased about that.

Commissioner Tuley: I guess they are.

Bill Morphey: It's a very nice road out there.

Commissioner Mourdock: Bill, I've got a couple of things that I've had a citizen question, not so much a complaint, just a question. They asked us to check into something, and I'll read the name, address and phone number into the record if you don't want to get it right now, but the gentleman's name is Bill Harty of 4112 Cort Street and his phone number is 424-1501. I ran into him at a public meeting I was asked to attend last week. He made the point that the railroad crossing at Hogue Road, basically at Vanness and Hogue Road, is very rough and in need of repair and needs to be checked. Apparently, and I haven't been out there, I haven't seen this site, but he said there is a fireplug that appears to be sitting somewhat out of sync with the right-of-way out there and he thought maybe that was part of reason why the road is in the condition that it's in. I'm not quite sure what that means, but that was his comment. Also, he brought to my attention, it's right off Rosenberger, Hogue Road and Rosenberger, that there's a culvert that's inadequate and it's causing quite a bit of water to back up right there which he said, at the time, in times of high water whenever we get those, and I'm sure that today would be a great chance to look at it, that he thought it presents a bit of a dangerous situation. If someone went across Hogue Road from Rosenberger, there's quite a bit of impounded water there, that if the culvert were resized, it might be eliminated. So if you like, after the meeting I've got a little bit of information on the map that I can pass on to you. But if you would, check those.

Bill Morphey: I know the location there. I know where Mr. Harty lives, I've been to his house and gone over the same problems, basically.

Commissioner Mourdock: Oh, is that right?

Bill Morphey: Well, along with some others. He had wanted some right-of-way mowed and paved. The road in front his, Cort Street is paved, but he had wanted the entire right-of-way, fifty feet, paved, and I really didn't see a need to pave a parking lot in front of his house, personally. He was at the last road hearing meeting. He was here at this meeting, but the road has been paved by the, I guess the County Highway Department did it a number of years ago before I went to the garage. It is in good shape. There are some weeds growing up just west of his property that, from what I understand, is County property and we should cut those. The culvert at Rosenberger and Hogue Road does get under water. That intersection does go under water and probably does need to be resized.

Commissioner Mourdock: I didn't even get to the one that you just covered there about the grass that needs to be mowed. He made that comment also.

Bill Morphey: We can handle that one.

Commissioner Mourdock: Okay, that's all I have.

President Borries: Thank you.

Bill Morphey: We took possession of the 4-wheel drive vehicle today. The Blazer-type vehicle is a Bronco.

President Borries: The Blazer-type vehicle is a Bronco, alright.

Bill Morphey: It is a very nice truck.

President Borries: That's great. We've now come into compliance now that our County Highway Superintendent will, at least, have a 4-wheel drive vehicle to get around in inclement weather. I feel better. Thank you, Bill.

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: The first item that I've got is the agreement that I discussed last week with Three I Engineering for the inspection of the EARC Parking Garage Deck Repairs. It's for an amount not to exceed \$3,000. The hourly rates for the engineer's technicians and principals are stated in there and I recommend that we go ahead and enter into the agreement.

President Borries: Okay, may I have a motion to approve this agreement?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: Next, I've got a Travel Request for me to attend the Indiana Association of County Highway Engineers and Supervisor's Meeting in Columbus, Indiana on June 6 through 8. It will involve use of a county vehicle and an overnight stay.

President Borries: May I have a motion to approve?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered.

John Stoll: Next, I've got the road plans for a section of Brookview, it's Brookview section E3. It's just a short section of concrete street, half roll curb and gutter, it has relatively flat grades, they're half a percent. The plans look okay and I recommend that they be approved.

Commissioner Mourdock: Everything is to existing standards, obviously, no exceptions?

John Stoll: Yes.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: That map, as was discussed last week, what's in yellow on that map is what we would be building for the Azteca property, the next 680 feet there in green, that is what would be built if the cold storage plant were located here. There on further to the left in red is the existing frontage road that's out there. I contacted Mr. Huber today and he said that road was built for him by SIGECO in exchange for him losing his access to Inglefield Road back when he sold the property that PPG has. He sold that to SIGECO and then SIGECO, in turn, sold it to PPG. All of his access to his property was off Inglefield, so he said in order for him to be able to sell the property to SIGECO, SIGECO had to build him that road to provide access to his property. So that is why that road exists and, basically, it is a private road right now.

Commissioner Mourdock: Okay, does his property then, John, come to here or is this his property as well for this line?

John Stoll: His is the first line you pointed to.

Commissioner Mourdock: So he's got frontage all the way along, it isn't just that they gave him an access road to his property, they gave him an access road plus the frontage road.

John Stoll: It was intended to serve his property and SIGECO's property as well.

Commissioner Mourdock: Currently, that property is still deeded to Mr. Huber?

John Stoll: Right.

President Borries: Huber Realty.

Commissioner Mourdock: Oh, okay. And he has not dedicated that road at this point, but it is to standard if he were to dedicate it, we could accept it?

John Stoll: He is supposed to send me all documentation he has on that road. I asked him if there was anybody at SIGECO that I could contact to get any further details and he said he didn't know anybody right off the top of his head that I could contact. But we're going to keep looking to see if we can't, we don't have any design plans for that, so we're going to keep looking to see if we can find any more details on it to see what standard it was built to and things like that.

Commissioner Mourdock: Is this Southern Indiana Properties?

John Stoll: Yes.

Commissioner Mourdock: Why, when last week when you came to us and we were looking for the dedication of right-of-ways, see that was in the green or that we were--

John Stoll: That would be what we would build on that incentive package, that 680 feet so that was...

Commissioner Mourdock: My reason for road import just kind of got, made a moot point here because I thought what we were doing is we were tying it together and were going to help diffuse traffic.

President Borries: I did too.

John Stoll: SIGECO, I guess, could dedicate the rest of the right-of-way, but you can see from that drawing that there's--

President Borries: Is this SIGECO's here?

John Stoll: Yes, but that's another 800 feet of road, so it would be at a substantially higher cost if the road was connected between what we're building for Azteca and what exists on Huber's property. We'd also have to have Huber dedicate the right-of-way and we'd need to make sure that it was built to proper standards. There is one billboard located out within what we would need to be a right-of-way, so that encroachment would exist from the start.

President Borries: Where is that, is that on--

John Stoll: It's not really shown.

Commissioner Mourdock: I think it's right in here.

John Stoll: Yes, it's somewhere around the...

Commissioner Mourdock: Just shortly after this comes up (inaudible). I see one problem already in that this easement is

coming through here as you look at it, it's not--

President Borries: It's not--

Commissioner Mourdock: Not in the same, yes. You can see with the topography that this is quite a bit elevated compared to what that is. I went out and drove on this the other day and I was amazed at the grade difference between this road surface and this property. It really made me question what the value of this property is and wonder why they'd done it, but now I'm...

John Stoll: They need to cut this hill out and put it over there and, basically, (inaudible)

Commissioner Mourdock: Yes, but this is SIPI and this is somebody else. I mean, if it was all one property that would happen in a heartbeat, but...

John Stoll: I'd say that we could still get this to work, I mean, unless we just--

President Borries: We really ought to, I mean, as close as we are in getting this thing. It would sure help, though, in future planning of the whole area. Surely, SIGECO or SIPI, we ought to be able to get the easements here.

John Stoll: We found some documentation from the 70's when SIGECO was wanting to dedicate a right-of-way easement across that property and the County wouldn't accept it because of the terms that SIGECO had put on the easement.

Commissioner Mourdock: Which were?

John Stoll: I don't remember exactly, I'd have to check it, but it had something to do with the County building the road and SIGECO wasn't going to have any costs associated with the road. I don't remember all of the details but I can give you copies of all that documentation. So they were willing in the past to dedicate it.

President Borries: I really thought that we would be able to piece it together. I don't know, I mean, this will obviously help him if we can get out this way, but that's not going to finish the job this way, so we still have some other work to do. What would you suggest at this point? Could you call SIPI or do you want to me call?

John Stoll: Yes, I can keep calling to see what we can find out. We were just trying to find out mainly whose road Huber's road is this past week, and we can keep trying to find out.

President Borries: I thought from here we were going to be tying them both together.

John Stoll: It would help their property, too, so maybe--

Commissioner Tuley: Is there not a road that exists there at all now?

Commissioner Mourdock: Yes, there is here, but what we voted on to do was this, and there's still this where we have neither the easement nor the funding to do the road and certainly my vote here, as I said at the time, was based on helping to diffuse the traffic coming out here because I thought we would be doing this.

President Borries: Yes, I did too.

Commissioner Tuley: I thought that's what part of the discussion was, and that's why we talked about delaying it a week.

President Borries: I don't know if we have the luxury of being able to delay it because--

Commissioner Tuley: Well, I know, but I mean, I think at this discussion there was a question then about--

President Borries: He was talking to Warrick County and, well...We've gone this far, can you fit the rest of the puzzle together for us at some point, give us, maybe get us some more information. I would certainly think it would be in their best interest to go ahead and--

Commissioner Tuley: (Inaudible)

President Borries: Sure.

John Stoll: I haven't spoken to anybody at SIGECO as of yet or with Vision 2000 or anything, we were just, like I said, trying to find out what the background was on Huber's property so we can keep looking and see what we can find out. The only other item I wanted to bring up was, a few weeks ago, we discussed the possibility of removing the head walls on the Old Henderson Road bridges. When we looked into it further, those head walls really are a structural member for the bridge, so they can't be removed. I just wanted to make you aware of that. We were going on the basis of what a bridge inspector had told us, that they weren't structural members and when we looked it further, it sure appears that they are, so we won't be removing those.

President Borries: Okay.

John Stoll: And that's all I've got, unless you've got any questions?

President Borries: Okay, any questions of John?

Commissioner Tuley: No.

President Borries: Well is it the feeling of the Board here that we ought to proceed to communicate with SIPI to see what we can do to put this whole thing together?

Commissioner Mourdock: Yes, I think without question we have to talk to them to see if we can pull that right-of-way together, do something along those lines.

President Borries: I agree.

John Stoll: I can get you copies of all the documentation on that easement that the County refused back in the 70's as well.

President Borries: Okay, if you can do that, we would appreciate that, John.

John Stoll: I'll see what we can find.

President Borries: Thank you, sir.

RE: CONSENT ITEMS

President Borries: We have Consent Items which includes some Travel and Employment Changes. May I have a motion to approve those?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

RE: SCHEDULED MEETINGS

President Borries: We do have Scheduled Meetings available for the remainder of May, I believe, and that's about it. We will, for the record, meet next week on May 30, which will be Tuesday. Memorial Day, May 29, will be observed as a holiday.

RE: OLD BUSINESS

President Borries: Any Old Business at this time?

Commissioner Tuley: I don't have any.

Commissioner Mourdock: I have no Old Business.

President Borries: I don't believe I have any Old Business regarding any items right now or any new developments, I guess, on anything.

RE: NEW BUSINESS

President Borries: Any New Business?

Commissioner Tuley: Not from me.

Commissioner Mourdock: I have two items. I've been asked by the County Recorder if we could start an investigation, possibly set the wheels in motion here for a couple of county ordinances that we would need. The first of those is a result of some legislation that came through the Indiana State Legislature, HB1297, would allow a Recorder to charge \$3.00 for a supplemental recording fee per document. Alan, if I may have you research these, and perhaps you can report back to us next week, that would be number one, HB1297. And the second, she also informs me that she could charge \$1.00 per page for computer printouts from the Recorder's Office. I don't know, at this point, how she's been handling those documents as opposed to something that's been copied, which we've talked about before.

Alan Kissinger: Probably, she's been printing out and then copying instead of providing the printout directly, but yes, certainly we have had the ability to do that before, but just, well we haven't done it.

Commissioner Mourdock: Right. We just need to codify it, so I would ask that the County Attorney be directed to investigate and perhaps prepare ordinances to that effect.

President Borries: Okay, do you want to move?

Commissioner Mourdock: I'll make that in a motion, if I may?

Commissioner Tuley: Second.

President Borries: So ordered. Any other New Business? Okay, if there is no further business, we do have a Drainage Board, and I'd like to have that follow immediately. So at this time, we will adjourn the Commissioner's Meeting of May 22.

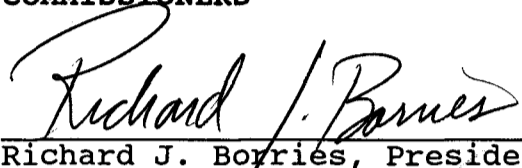
Meeting adjourned at 6:15 p.m.

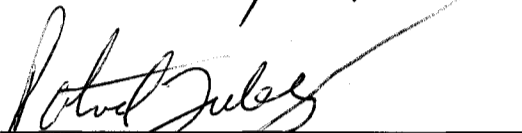
THOSE IN ATTENDANCE

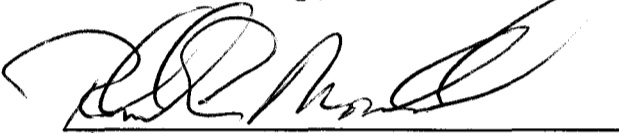
Richard J. Borries
Richard E. Mourdock
Alan Kissinger
Teri Lukeman
Bill Morphew

Patrick Tuley
Bill Fluty
Cindy Mayo
Lynn Ellis
John Stoll

VANDERBURGH COUNTY BOARD OF
COMMISSIONERS


Richard J. Borries, President


Patrick Tuley, Vice President


Richard E. Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

MAY 30, 1995

TABLE OF CONTENTS

Introductions & Pledge of Allegiance	1
Action Items	1
Approval of Minutes	1
Harold Madsen - 3802 Elmridge Drainage ditch problem	1
Joyce Thomas - 509 Jackson Ave. Surplus property received in 1994	5
Fred Bumb - 4105 Cynthiana Rd. Elevating Waterworks Rd.	9
Sandra Toton - Auditorium Manager Sealed bid process for boiler repair	13
Donna Krowl - Auditor's Office Permission to advertise for title search services	14
Alan Kissinger - County Attorney Cumulative Bridge Tax Fund Proposed Agreement with S.W. Indiana Mental Health Found- ation Re: Management of Hillcrest Washington Home	14
Cindy Mayo - Superintendent of County Buildings Refund of Burdette summer camp enrollment fee to Sheryl Aldridge Signing of titles for surplus vehicles to be sold at auction and 1994 truck to be returned to dealership	15
Bill Morpew - County Garage Update on road closings and cleanup County Highway & Bridge Crew Progress Report for May 19 - May 25, 1995 Converting vehicles to natural gas Paving on Old Henderson Road Accident at Koressel & St. Joe Rd.	16
Tom Goodman - County Engineer's Office Bixler Road Bridge increase on change order	19
Consent Items	19
Scheduled Meetings	19
Old Business Appraisals for Green Center	20
New Business Positive Balance in Accordia Health Plan House Enrolled Act 1646 - Additional money for high- ways, local roads and streets	20
Adjournment	21

The Vanderburgh County Board of Commissioners met in session at 5:40 p.m. on Tuesday, May 30, 1995 in the Commissioner's Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Good afternoon, everyone. I'd like to call the meeting of the Vanderburgh County Board of Commissioners to order this May 30, 1995. I'd like to introduce the people here who are with us today from our official staff. To may far right is:

Cindy Mayo, Superintendent of County Buildings & Office Manager
Alan Kissinger, County Attorney
Pat Tuley, County Commissioner
Rick Borries, County Commissioner
Richard Mourdock, County Commissioner
Suzanne Crouch, County Auditor
Teri Lukeman, Official Recording Secretary

On this May 30, as we stand, if we could have just a brief moment of silence for all those who have served our country and died in the service of our country.

We have some agenda available for you. They should be immediately to the right of the door there on the table.

RE: ACTION ITEMS

President Borries: At this time we'll approve the minutes and then if there are any people who do not see his or her item on this agenda, we'd like to hear from you at this point. So look that over if you've not had that opportunity to do so. We have minutes from our last meeting which was held on May 22, 1995.

Commissioner Mourdock: Mr. President, I'll move the acceptance of the minutes from the meeting on May 22.

Commissioner Tuley: I'll second.

President Borries: So ordered. Are there any persons at this time then, who do not see his or her item on the agenda?

RE: HAROLD MADSEN - DRAINAGE DITCH PROBLEM 3802 ELMRIDGE

President Borries: Is Mr. Harold Madsen here regarding a drainage ditch in front of his home? That address is 3802 Elmridge. Mr. Madsen?

Harold Madsen: I live at 3802 Elmridge and also own that property and there's a drainage ditch going along side of my property. I maintain it for the county as far as I can tell. What we've done, we've rip-rapped the ditch itself to make it more acceptable and better looking than what it should be, however, there's still inherent problems. I'm seventy years old and retired and I'm not the strongest person in the world. There's a certain amount of maintenance required for that ditch like digging out and picking up limbs and doing other things and worrying every time there's a severe rain storm. This last couple of weeks were very, very bad. But, I feel that there's a better solution for it. I've been told by several of the county employees or departments that, since it's on private property, that myself and my neighbor directly on the other side of the ditch are directly responsible for it, because they say at the County Engineers that their maintenance people cannot go onto private property. I know that there is an interest at the county level in the property itself, because last year when we rip-rapped it, one of the County Engineers stopped by and told the people I'd hired where to put the rock that I had bought in order not to obstruct the drainage tunnel going underneath the street. I asked the fellow why that was so important and he said, "Do you realize that this drainage ditch going through your property drains seven acres of land up above there?" He said we have to set this rock in such a way to make sure that there is no

obstruction to the drainage. So they are interested to that extent. Also, during this last spring when we had our one and only storm, a lot of sand and salt was put in Elmridge because there is a hill, also there are two or three school busses going down it. Much of that sand drifted down and came through the ditches and then they go underneath the street, underneath Elmridge and on down to infinity, down to the creek someplace down along the line. But I did call one of the County Engineers and I told him that a lot of that sand had been washed down the hill and had deposited in the ditch. I wondered if someone from the County could come and help clean it out and they did. They were very prompt about it. The next day they did come down and do quite a lot, was very satisfactory and I appreciate that very much. But I think that what we would like to do, I've talked to four neighbors here who share the ditch, myself and one directly across from me, the one on the other side of Elmridge on both sides, and there's a neighbor also directly on the ditch itself. They do assume a lot or at least some of the maintenance on the ditch. All of whom agree that say, if the County could take this over and do something with it, we would be glad to deed it over to them. Now, whether there is a legal precedent for this or not, I don't know. Our feeling would be, since there is a drainage pipe going underneath the road, if they would come across our property about another seventy or eighty feet, a hundred feet max, and extend that pipe across there and have it the same size there, this would take away the standing water, the menace of mosquitos, the smell and the clean-up and so forth. It would all be taken care of.

President Borries: Where is that standing water, did you say? Is it on someone's property, Mr. Madsen?

Mr. Madsen: Yes.

President Borries: I know at one time, and this has probably been resolved, Elmridge, to the best of your knowledge and Bill Morpew, maybe Tom Goodman representing the County Engineer might know, all of Elmridge is now currently accepted and used as part of maintenance for the County, isn't it? At one time, I remember, there were some concerns on Elmridge. It's been some time ago. My memory fails me exactly when that was resolved or if it was, but to the best of your knowledge, you do see, like you say, salt trucks, and so it looks as if we are currently maintaining all of Elmridge?

Mr. Madsen: Absolutely. They maintain everything except the drainage ditch on the four pieces of property.

President Borries: Do you live closer to Oak Hill or away from Oak Hill at 3802? I'm not --

Mr. Madsen: I live on the other side of the ditch, in other words, yes --

President Borries: Which way? Do you live east of Oak Hill?

Mr. Madsen: East of Oak Hill, yes.

President Borries: Okay, yes, that's where I'm referring to. And as far as you know, it's all maintained and accepted by the County for maintenance?

Mr. Madsen: Yes. I know they maintain it snow wise and so forth for school busses and do prepare every other type of maintenance.

President Borries: Right. Okay. At one time there may have been a pumping station or something back there in the subdivision, newer part of the subdivision. Do you know what I'm talking about?

Mr. Madsen: Yes.

President Borries: Up the hill?

Joyce Madsen: Now that's where the kid got bit by the snake last weekend. One of them was up in their yard. (Inaudible - comments not made from microphone)

President Borries: We can have our Engineering staff and County Highway staff look at this. I think you're exactly right, Mr. Madsen. In my opinion, what you would have to do is, if there is any part of this property that is "considered private property or your property" we could not allow County forces to go on that. The only exception that I know to where they do work is, sometimes they will set culverts in over a driveway. Normally, on a ditch, it is the property owner, and statutes allow us to do that if the property owner pays for the culvert, we can set the culvert, meaning the County forces. But if part of this is on your property, there would have to be some deed, some agreement worked out in terms of turning that over.

Harold Madsen: Is there a legal precedent for, say a person like myself, deeding something like that to the County?

Alan Kissinger: Not for that purpose, Mr. Madsen.

Harold Madsen: Okay.

Commissioner Mourdock: But, and correct me if I'm wrong, would we, in effect, just simply be creating a short legal drain here and can you create a legal drain if it's not the whole drain each way?

Alan Kissinger: No.

Commissioner Mourdock: Okay, that's what I thought.

Joyce Madsen: Well, why are we responsible for the seven acres?

Commissioner Mourdock: Excuse me, you'll need to step to the microphone, so it's all on the tape recorder.

Joyce Madsen: So why are we responsible for the seven acres behind us and then, like when the salt water came down it ate the edge of our driveway up, because salt eats concrete or aggregate, or whatever that is, it just ate the whole end of it off. We don't have the kind of money to go out the replace driveways and all that kind of stuff now that he's on social security. But if we have to take seven acres of people's water, weeds, mess and dirt, I mean, we've done everything we can to try to make it look nice. Now it looks like a hog pen because we've got all that mess. And I think it was last year and I called and talked to every office in the, I was on the phone from the time they opened to the time they closed, they just kept passing me on from one office. I said, "Why can't you put a ditch underground and then cover it with dirt because I've seen kids run in there." Somebody is going to get washed down the --

President Borries: We can look at this. Again, I'd have to go out and look at it again. It's been some time, that's why I was asking about Elmridge and whether or not, I know there was a portion of it at one point in a new subdivision that, when the subdivision was new, there were some concerns over whether or not the County had accepted the road for maintenance at some point, because whoever had developed it, the road was not in very good shape, frankly, and we had a lot of problems at that point. There was also a pump station, if I remember or something out there, that I remember was also of some concern at that particular time. I'm not really familiar with what you're saying in terms of the seven acres unless you're talking about drainage in the rest of it. Now there may be a legal drain near you.

Joyce Madsen: There is. It runs behind, all along the back.

President Borries: And what ditch is that, do you remember?

Joyce Madsen: What do you mean, what ditch?

President Borries: There's got to be name for the ditch. If it's a legal drain, it could be Pigeon Creek. Are you close to the creek?

Joyce Madsen: The creek would be, we're on the north side of Elmridge. The creek would be on the south side and down through the field or woods, whatever is back there. Behind us is a drain that's underground that, it says so in our deed to our land. I wish I'd brought that.

President Borries: That was probably part of the site plan developed by whoever developed the old subdivision and there are easements that are set out for utilities and for drainage swells and so forth, but you see, property owners are expected to maintain those. We'll look at this legal drain and see if there is something we can do. We are having a lot of drainage calls right now because, frankly, we've just had the wettest May on record. There are some critical problems throughout the County in terms of these drainage problems, so we will try to work with you but, as our County Attorney advised, I'm not sure that we can...we just can't do work on private property. We're very limited, and believe it or not, government is very limited in what we can do from that standpoint. Now again, if there are some drainage problems that we can do in relation to the legal drain, we'll try to address those and see what can happen. I think Tom Goodman might have a point.

Tom Goodman: I'm Tom Goodman from the County Engineer's Office. The closest legal drain is on the west side of Oak Hill Road and that would be Sonntag-Stevens.

President Borries: Are they on the west, they're not on the west side?

Joyce Madsen: We're on the east side, yes. Last week, Saturday before last, when they had all that rain, they found I don't know how many snakes out there and this kid was bit. They had to send him in, they thought it was a Copperhead. I don't really know, but they took him to St. Mary's and he was in shock. Then, too, the salt ate the edge of our driveway that is on that easement. Now, doesn't the County, aren't they responsible to replace that little curbing, because if that goes all the way up there, we're not going to have a driveway. It'll eat it all the way through.

President Borries: We definitely want to check that out. Bill, can we have the County forces go out and check in terms of the curbing here and see if there are any comments or things that we could make at 3802 Elmridge regarding what, perhaps, may have had to do with the aggregate or the salt deterioration along the curb.

Bill Morphew: Yes, I can.

President Borries: We will try to work with you on this. I can't promise you any instant solutions. I'm sorry that you had to go from place to place. I will tell you, too, that there's nothing more frustrating to this Board, we're going to go through another session a little later here, than water, particularly, who it belongs to and how we, I mean, it is really a critical problem. It really is.

Joyce Madsen: Well, I've got out every time it rains, I'd go out and clean the street where the grill is because it was stopped up. I almost got hit by a car one day, it just zoomed through there. And I said, "That's it for me, no more."

President Borries: Well, we rely on a lot of taxpayers to maintain those easements because, frankly, we have approximately forty people at the County Garage and on any given day, they have a lot to do as well. It's a major job when you have five hundred and some odd, probably close to five hundred sixty - five hundred seventy miles of County road to maintain so it's a big job. And I'm not saying we won't try to address your problem, so we'll work with you.

Joyce Madsen: I think the simple thing, if they didn't have the money or anything, to me, the simple thing would be to go across the street and go south towards the creek and take, what do you call those things that dig the dirt out? And just make a thing all the way through the creek so the water will have somewhere to go.

President Borries: Well again, the problem is, whose property it is.

Joyce Madsen: Well they don't care, because they're the ones who (inaudible)

President Borries: I know, but somebody is going to care. It becomes a real problem, again, when you're working on someone else's property.

Joyce Madsen: They were supposed to be here tonight and I don't know why they aren't, but they, we talked to them and they also said they'd like to deed their property but, we talked to, I won't say the person's name in the County office, and asked about deeding the property and he said he wouldn't take it. I said, "Well if you won't take it, how do you expect us to ever sell it? If we can't give it to you, how are we ever going to sell this house?" Because someday, we are about ready for a patio home or something, or he is.

President Borries: Sure, sure.

Joyce Madsen: No one is going to buy that place with that mess.

President Borries: Sure they will. Well, just don't sell in May, not in the wettest May on record, I would not advise that. But people, there's a lot of demand for homes and if there's something that we can do to address your problem, we will send our County crews out to talk with you about it.

Harold Madsen: Thank you very much.

President Borries: Thank you. If you folks could give your names to Bill.

Bill Morpew: I know exactly where they are talking about.

President Borries: Do you? Okay, and --

Joyce Madsen: You go by there, don't you?

Bill Morpew: I've looked at it several times.

President Borries: Thank you, Mrs. Madsen, for coming.

RE: JOYCE THOMAS - 509 JACKSON AVE - SURPLUS PROPERTY RECEIVED IN
1994

Joyce Thomas: Mrs. Mayo has been to my house.

Cindy Mayo: If you would like, I'll give you a little background information on this. This is property that we did receive in 1994. I have attached with the agenda request a copy of the courtesy letter, the sufficient notice and I did get a copy of the summons

that was sent out by the Clerk's Office today which I need to hand out to you. But what has happened is, I've gone out to Ms. Thomas' home to notify her that this is now County property. She does live in this home still and I had told her that there was nothing that I would be able to do about this, that notices were sent out and were signed for. I did advise her to talk to Donna Krowl in the Auditor's Office to make sure that all procedures were followed. I believe that Ms. Thomas inherited this property from her mother approximately eleven years ago and her mother's name is Susanna. Joyce Thomas is the lady that is here before us today. She did speak with Donna Krowl, she did call her and Donna said that she maybe would need to come and talk to the Commissioners about this. I've gotten all the information together that the Auditor's Office had and that I got from the County Clerk's Office.

President Borries: Ms. Thomas, do you understand what did happen in regard to this property?

Joyce Thomas: Yes, sir. But I want to pay back every dime that I owe. All I ask you for is, just to give me a chance to do it. That's all I ask, if you could just give me a chance, I will pay you back before the end of the year is out. I will pay you back every cent that I owe you, because I've got little kids and we don't have any place to go. All I need is a chance, I'm a hard worker.

President Borries: I can see that you are. I mean, Ms. Thomas, I want to assure you that this has nothing to do with you personally, that this is law. Apparently, for whatever reasons here, when your taxes are due, what is it three years in arrears, is that --

Commissioner Tuley: It used to be eighteen months, now it's three installments.

Joyce Thomas: Well, when I needed some help, I should have went and asked for some help so that I would have known what to do, you know. I'm asking you now to just give me some time to do this.

Commissioner Tuley: I think we need to address the legal questions. The property was offered up two consecutive years and did not sell. Apparently, all notifications were given according to law and then it was deeded over to the County. So I guess the first question we have to answer before we can try to work with you is, legally, can a person who lost their home on a tax sale come back in the County and try to purchase it back?

Alan Kissinger: No, not once it has been declared surplus property, they cannot. Number one, we are not now in a position legally to accept the payment of the delinquent real estate taxes because it has already been declared surplus property and deeded to the County. Number two, if the property is, in fact, auctioned, the person who previously owned that property at the time the delinquency occurred cannot bid upon that property. If that individual does bid on that property and is the successful bidder, they cannot, the County is not allowed to deed that property to that previous owner.

Commissioner Mourdock: But, did I hear that, Alan, correctly, that that's at the attempt to sell it? And if I heard Pat a moment ago, he said we tried twice to sell it and there was no buyer?

Alan Kissinger: No, you did not. What I'm talking about now, Commissioner Mourdock, is the public sale that would be held, a public sale of surplus property that would be held after being properly advertised. At the previous two sales, this lady had at that time, the opportunity to redeem. That opportunity, by state statute, now has passed. Legally, we have no remedy, we cannot offer, or we cannot agree, to the request that has been made. We can agree to it, but we cannot do it legally. So if we do it, it's

a void contract and we are not allowed to do, by state law, what has been requested.

Commissioner Tuley: Someone who does not have an interest in that property could buy it on her behalf at the next public auction, correct?

Alan Kissinger: Yes. Well, it wouldn't be an auction, it would be a public sale, basically, advertised by the Commissioners to take place on a specific date.

Commissioner Tuley: Commissioner's tax sale.

Alan Kissinger: Yes.

Cindy Mayo: There is going to be a sale June 5 to non-profit organizations for the 1994 properties.

Alan Kissinger: This has to be advertised separately, though. This does not come under the same, no one has asked for this property. Oh, they have asked for this property. I see. We still have the option --

Cindy Mayo: I did notify them that Ms. Thomas was going to appear at the meeting tonight and the Evansville Black Coalition has written a letter and has expressed an interest in this property.

Alan Kissinger: I think it would be totally appropriate to contact the interested charitable organization and explain to them what the situation is, that the Commissioners can go this far to attempt to accommodate, and that is to advertise it for sale. Then, if the successful bidder purchases the real estate and ultimately sells that property or deeds that property back to Ms. Thomas, that becomes a transaction between the individual property owners and not a transaction that has been participated in by the County Commissioners. That could be done. That could theoretically be done and the only involvement that the Commissioners would have in it would be to properly advertise it for a Commissioner's sale.

Commissioner Tuley: Who is Debra Thomas?

Joyce Thomas: That's my daughter.

Commissioner Tuley: How old is she?

Joyce Thomas: Twenty-five.

Commissioner Tuley: Alan has laid it on the table for us legally, that we don't have any authority to turn around and sell this back to you or give it back to you.

President Borries: If it's agreeable with this Board, I would ask for a Commissioner's sale on this piece of property, a letter going to the Evansville Black Coalition stating the situation here. Ms. Thomas, if we can advertise this and do this as soon as possible, perhaps there may be a person who could act to, that you talk with that could act, as Mr. Kissinger has pointed out, in a way to purchase this property. See, what happens is, not to single you out at all, but if a person refuses to pay their taxes, which is their right, then this whole process goes on. I guess it's their right. The property then becomes public property or part of the County. The statute further says that you cannot, at this point, come back now and buy it for whatever and then all the taxes, at that point, go away. In other words, we can't sell back to the same person, in effect, whose property was put up on tax sale. But, as he points out, there could be a possibility in which a person you know purchases that property and then deeds it back to you. We would work with you in that capacity if the Board feels that we could do so. The other way is that, I don't know if we

have much recourse here. It's very unfortunate that this has happened to you. I, personally, am terribly sorry and I would speak for the Board at this point. But we are in a situation here where this property has to be treated like every other piece of property here, at this point, and I don't know what else we can do.

Alan Kissinger: Legally, we have no other alternative.

Commissioner Mourdock: That makes it pretty simple.

Alan Kissinger: Yes, basically, we could ignore the law and deed the property back to her, however, the deed will not be valid and so we don't have any alternatives. Also, I think tonight that we're in the unfortunate circumstance of having to advise you that you must vacate the premises immediately because the County cannot insure those premises as long as you are living there and we cannot be liable for you or your family living there.

Joyce Thomas: Okay, can you give me until the weekend so I can try to make provisions to get some money to move?

Alan Kissinger: I can't give you any time at all, ma'am, but I understand the obvious circumstances of having to move on very short notice.

President Borries: Can we get that letter written to Bobby Ogburn, like tomorrow, and maybe a call made to him?

Cindy Mayo: Yes.

President Borries: When would be the earliest time that we could put this up for --

Commissioner Tuley: June, would did you say?

Cindy Mayo: June 5 is what has been advertised for non-profit organizations only.

Alan Kissinger: I'm not sure what we're required to do as far as notice is concerned, but also, as Commissioner Tuley and I have been discussing, that real estate, we must attempt to get at least ninety percent of the appraised value at the first Commissioner's sale. Then, there is a period of time that must pass. After that period of time has passed, if we are unable to get that ninety percent, then we can put it out in the open and just sell it to the highest bidder. But that's a process that's going to take us three or four months in order to get to that point.

Cindy Mayo: I believe, for a public sale, it has to be advertised three consecutive weeks.

Commissioner Tuley: But it sounds like the Coalition (inaudible)

Alan Kissinger: We can deny the Coalition.

Commissioner Tuley: Sure.

President Borries: I would prefer to see if we could contact them and work with them on Ms. Thomas' behalf to see if there is some way we could do this. Ms. Thomas, we might be able to get, maybe the Pigeon Trustee to work with her, do you think, in terms of a short-term thing.

Commissioner Tuley: I would think we can try.

President Borries: I know that you say, and you are, it looks as if you are a worker, again, this is a terrible thing here that's happened. I wish we had better news for you. We have no control over it when it gets to this point. We're in a tough situation

here that we, frankly, in most cases have so much property that we wish we could give it away, and we don't have any takers, so this is really a different situation. We will work with you. If you will talk with Mrs. Mayo, we'll get the information to see if we can get this on sale. You need to talk to someone as quickly as you can about what we've talked about here. We will write a letter to Bobby Ogburn, who is the head of the Evansville Black Coalition. I'm sure he will work with us. I'm sorry this has happened to you and perhaps we can talk with Mrs. Hart, who is acting Pigeon Township Trustee, also, to work with you in terms of finding some short-term housing for you. Okay?

Joyce Thomas: Okay, alright. Thank you.

President Borries: Thank you.

RE: FRED BUMB - 4105 CYNTHIANA RD. - WATERWORKS ROAD

Fred Bumb: I am Frederick Bumb. I'd like to take this opportunity, Mr. Chairman and fellow Commissioners, to give us a chance to present our situation here. I, first, would like to express my appreciation to the Board for their cooperation in getting the gates back in shape on Waterworks Road. We certainly appreciate it, and I'm speaking in tune with the rest of the farmers down there, because about three weeks ago we did lower the gates. They were working fine but the big problem was, the river just went a little bit higher, so we had to raise them again, so we do appreciate your cooperation that you have given in the past. I'll give you a little background, I am Frederick Bumb and I farm down on Waterworks Road and I've got some fellow farmers behind me here. Some years ago, we came to the Board to discuss if it would be all right if we put some fill on Waterworks Road. Waterworks Road was closed at this time. We did put dirt on Waterworks Road and it saved a lot of acres when we had crops in there. In fact, this happened two different times, so some weeks ago when we were working down there, we were debating whether we were going to have to ask for that same permission. But, as we developed the data, we found out that dirt on there would not benefit us because the water was going to go extremely higher than that. Now, in the meantime, in the discussion about maybe coming to the Commissioners and asking them if it's feasible, and we feel like in the future it will be done, that maybe we could put some permanent fill in this area. I hope most of you kind of know where I'm talking about. It's the area right south of the levee and it consists of, I'm sorry to say, I threatened to do it, but I didn't get the job done. Just how many feet, I don't know for sure, I'm judging in the category of five hundred feet or more, maybe a little more. If anybody has been on Waterworks Road, or prior to the rising of the water, you would find that this is the low spot on Waterworks Road and with the fill of, approximately, water wise, it would be at least three or four feet in that distance. We felt like we knew that the Commissioners maybe wouldn't have the dirt and the fill and so on and so forth. But in a discussion with Industrial Contractors, they indicated that they were going to have some dirt available, and in discussing it with them, I asked what would be the first procedure. Here I am this evening, asking you folks to maybe make a study of it and they indicated that the dirt would be available. They would bring it to the site, but they would not get involved in preparation for the conception of the fill. I'm going to briefly ask, maybe, if there's some questions about it, but the other thing is, right now, I personally would be willing to donate, or get some of my tractors involved with it, in preparation for doing this. In other words, compact it and whatever, might be some preliminary work, too. May I ask, are there any questions pertaining to this issue?

Commissioner Tuley: I guess I'm confused. Are we asking to raise Waterworks Road?

Fred Bumb: Yes, that would be the thing, right. As it is right now, the Waterworks Road is at a certain elevation except in this particular area, it's low. I do feel this way, that if this area is raised, I'd say seventy-five percent of the closing of Waterworks Road would be eliminated, because there's so many waters that we have that's in the category of thirty-three, anyway, from thirty-three to thirty-five feet. If this fill was in there, it would eliminate that. They could still pass on Waterworks Road.

Commissioner Mourdock: So you're saying this is the lowest spot on all of Waterworks Road. This is the first spot that goes under water?

Fred Bumb: It definitely is, yes it is.

Commissioner Tuley: South of the levee and over toward the highway?

Fred Bumb: Yes, the rest of the elevation of Waterworks Road is approximately, I'd say, three feet difference.

President Borries: Is it passed the part that we just reconstructed?

Fred Bumb: Yes, it would tie in to that particular area.

President Borries: It would be along the area there were you get into --

Fred Bumb: The marina, you know where the marina is? Yes. I've contacted the business people in there and they would accept that. They really would.

Commissioner Mourdock: County Highway Chief, Bill Morpew, was waving his hand.

Bill Morpew: The area he's talking about is at the last flood gate headed toward Highway 41. It's right at the Marina Point entrance, that is the lowest section of the road. There was some talk recently about elevating that particular area about three feet. That section of road, and I believe, it was about a thousand feet of road that they were talking about elevating to make it all come out to about the same elevation. John Stoll had told me several weeks ago that the idea had been cancelled so we had started paving that road.

Commissioner Tuley: You started paving that now?

Bill Morpew: We had started paving, but we didn't get very far, the water went over, so we moved to New Harmony Road.

Commissioner Mourdock: But the section that Mr. Bumb is talking about has not been paved?

Bill Morpew: No, it has not been paved.

Commissioner Mourdock: What are you suggesting, that there would be a culvert then, with a flood back-valve on it, or how would the water drain out of that area during low water times?

Fred Bumb: It just happens that is kind of a ridge going down through there and the water on each side of the road goes in different directions. The only time that it goes across there is whenever the river comes up on the river side, then it'll come in there, if the culverts don't take more than these gates. We usually control that when the water comes in.

Commissioner Tuley: You might have trouble getting it out of your fields after it goes back down, don't you, to a certain degree?

Fred Bumb: No, it goes back through the culverts that we've got gates on.

President Borries: And you say that you think the businesses there, there would have to be a raising of their access at some point then, wouldn't there?

Fred Bumb: Their entrance would be on this raised area, yes. It would be acceptable to them, I discussed it with them.

President Borries: Okay, well, are you saying that you think that, would there be a cost to this dirt that would be available?

Fred Bumb: To my knowledge, Mr. Buente, and he is in charge of the construction or the work that Industrial is going to be doing down on the, I don't know what area, it's down along the Plaza down there, and he said that there was going to be a lot of dirt available, and he said that they would bring it on the site. They would truck it up there and then it would be just a matter of getting it fit and so on and so forth. I'd like to say, if maybe we, as farmers, could help in some way, we would because it's always a problem to us to come to you folks and ask for permission. You wouldn't be bothered with this anymore because the rest of Waterworks Road would be on the same elevation, or at least we wouldn't have that possible chance of raising it enough to hold it. Right now, if we would get this raise in there, we could hold thirty-six to thirty-seven feet rivers.

Commissioner Mourdock: Okay and then, I guess I'm still not clear on this, Fred, if you got to a thirty-eight foot river, obviously it's going to go over the top of your levee, and how is it going to drain from there, once the river recedes.

Fred Bumb: Mr. Mourdock, the water comes around through the pipes that have the controlled gates on them, so --

Commissioner Mourdock: Oh, okay, so there are controlled gates. I got you, okay, that was the question.

Fred Bumb: That's alright, we certainly appreciate your cooperation. But, the gates will control it. Now, if we see that it's going over thirty-eight, we open the gates and let the water come on in through the pipes.

Commissioner Mourdock: Okay, yes, that's what I was asking before, if you were going to put those in, now I'm with you.

Fred Bumb: I think the group here feels like, that you ought to take some consideration in discussing it with Industrial or whatever, or if we can be of any help we would make the contact. But Mr. Buente is the one that I contacted and I feel confident that he's in charge and he said that he would cooperate however he could.

Commissioner Mourdock: Okay. Bill Morpew, again, you've mentioned that John Stoll kind of looked at it, and I guess, decided not to. Do you have any idea what his decision was based on or...?

Bill Morpew: No, I don't have any idea as to who was backing the proposal or who was even wanting to elevate the road. I have no idea.

Commissioner Mourdock: John and I had talked about this probably six weeks or so ago and, to be honest with you, I don't recall what the origination of the discussion was, but I know from the nature of the business I do outside this office, the nature of the material down there, they're talking something along the line of sixty thousand cubic yards. At one point, that was the number that I had heard.

Commissioner Tuley: To raise it the three feet?

Commissioner Mourdock: Yes, which is quite a bit of material and there was some question, too, as far as when that material was removed by Industrial, or whomever, that there would have to be characterization tests done, part of the environmental laws that are out there today to make sure that there isn't some form of contaminant in it. And if we were to pursue this at all, that's obviously, one thing we'll need to be very, very cognizant of. And I'm not saying there is, I'm not saying there isn't, I'm just saying it's a matter of routine in an industrial area like that. It's something that if we consider, we want to make sure that we weren't inheriting someone else's problem as far as contaminated materials.

Commissioner Tuley: I'm willing to listen and discuss it, but I also want to hear from those people who are going to be affected when we close Waterworks Road one more time, after what happened to us last year when we closed Waterworks Road.

Alan Kissinger: It might also be appropriate to get a commitment from them to raise their driveways instead of having us bear that expense.

Fred Bumb: I personally, I don't know, but I don't feel that there will be a problem on that part, but I can't speak for them. I do feel this, though, Waterworks Road is closed so much of the time, I don't believe it will be a factor, just to be honest with you, because the river is up. It's been up for how many weeks now? I don't know, is it open now? It's not open now, but it is one of those things that, maybe this would help on not so often, definitely it would, because I drive it every day or pretty near every day. So I know when it's closed and it is so many of the times. I'd say at least seventy-five percent of the time that we would be eliminating some closing and it's extra work for the garage to get it cleaned up and ready to go again. But if we can be of any help, I'd certainly appreciate your consideration, because since this is an opportunity, I don't know. I know Mr. Krietzer here, he has property on the west side, I know he would cooperate whichever way you would work, but we just feel like it's almost an opportunity that maybe would not pass by too often.

Commissioner Mourdock: One other comment I would make, if we have John Stoll look into this, and I agree with Pat, I'm certainly willing to look into it, we need to check out where the Army Corps of Engineers would be, because obviously, they have some pretty strict interpretations of any kind of fill on the floodway. Even for a governmental entity to put in a road, we are definitely going to need to talk to those folks. They make their presence known.

President Borries: Yes, we were thinking they were going to make some money known last year, too, on that deal, but it never came about. We tried, but, Freddy I think that you do have a commitment from everyone here. I certainly will endorse that commitment to ask John Stoll to call Mr. Buente, you say, is his name? Do you know his first name?

Fred Bumb: Ervin Buente.

President Borries: We will do so with the idea that we would need to be aware of what Commissioner Mourdock has mentioned in relation to the type of soil and, of course, what will be important to us will be the cost. We may need your help at some point, particularly as Attorney Kissinger has talked about, in terms of contacting some of the businesses for cooperation. Frankly, I thought in one hundred and fourteen days what we were able to accomplish down there last year was remarkable. But, I was a bit underwhelmed by one business owner down there who felt that we didn't do it quick enough. You know, one hundred and fourteen days to reconstruct

that wash out, I thought was remarkable. And, you know, I think it has held up this year under, again, some other pressure. So, we will need your help because there are a few of them who, I guess, felt like we needed to work faster than we did. So, if you can help us with that kind of public relations work, with some of those property owners, we'll be happy to explore this. Stay in touch with us, we'll have to get some costs on this.

Jerry Krietzer: There have been two or three deaths in that spot, people driving through water, I guess, the car washed off the road there. There have been several deaths --

Fred Bumb: That's right.

Jerry Krietzer: This is the only place they can get through --

Commissioner Mourdock: Excuse me, Jerry, you'll need to walk to the microphone there.

Jerry Krietzer: Jerry Krietzer is my name and I own the property just west of that. But there have been several cars over the last ten years that washed out in there. Now I didn't understand, you say you're going ahead and blacktop the, finish the road, or --

President Borries: No, we're not, not now. Not until we can get this resolved here. No, we won't. Not that part anyway. We'll work with you on this and see what we can do to try to raise it.

Jerry Krietzer: The property that I have, if you have to go out wider to build it up, why that's perfectly all right. I know the right-of-way goes so far, but --

President Borries: If you can give us a, yes, temporary --

Jerry Krietzer: Well, I mean, that's farmland and the dirt that they put in there, I presume, is going to be farmable, that it won't have big rocks on it or anything, surely not, but if they want to put it in there, then it will be farmable, maybe not this year, but in years to come.

President Borries: Okay, alright.

Tim Mueller: I'm Tim Mueller and I also farm down there. I think my biggest thing is the fact that 41's closed the way it is now, so it's the opportune time to do it, you know, if we can do it, and then get everything together on that, because we have spent many hours down there at times putting dirt on there to hold it back. It has helped us, and we appreciate everybody working with us on there. Thank you.

President Borries: Sure. We'll be glad to do it. As I say, we'll just try to work with you on it and see what we can report back, so if you want to check in with us, we'll get John Stoll on it. He's not with us this evening, he has strep throat, so he's a little under the weather. But, we'll get our County Engineer's Office working on it. Thank you.

Fred Bumb: Thank you.

RE: SANDRA TOTON - AUDITORIUM MANAGER - SEALED BID PROCESS BOILER REPAIR

President Borries: Sandra Toton is here, Manager of Vanderburgh Auditorium, regarding a sealed bid process for boiler repair and this work needs to be done, obviously, before the next heating season. They do have available funds within the CCD account. Alan, have we, on the sealed bids here, at this point, Sandy, are you requesting permission to go ahead and advertise for bids to do

this, or are we going to --

Sandra Toton: Yes, to start the process.

President Borries: Okay. May I have a motion then to approve her request?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered. We will move forward with your request, we will advertise and the bid openings would be when? Do we have that in there?

Alan Kissinger: (Inaudible)

President Borries: Well, we'll get the advertisements set and, hopefully, we can get the bids in and we'll go from there.

Sandra Toton: Okay. Will someone from the County, whether it be Engineering, set the specs for this?

Alan Kissinger: Sandy, the best thing to do is to talk with Lynn Ellis in Purchasing and she will keep you on the right track. We probably would mislead you. When the bids are finished, then we know how to proceed, but up to that point, Lynn is your contact person. She'll keep you out of trouble.

President Borries: Yes. And she might work with the Engineer's Office or Building Commissioner, whoever, to come up the with appropriate specs on that.

Sandra Toton: Okay. Thank you.

President Borries: Thank you.

**RE: DONNA KROWL - AUDITOR'S OFFICE - PERMISSION TO ADVERTISE FOR
TITLE SEARCH SERVICES**

President Borries: Donna Krowl from the Auditor's Office regarding permission to advertise for title search services. These are specifications for bids. They would be by title abstractors to perform title search services in connection with 1992 and 1993 tax sales conducted by Vanderburgh County, Indiana. The bids are to be delivered to the Auditor's Office by Monday, June 19, 1995, no later than 5:30 p.m. May I have permission to advertise for these specs?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: The first thing I'd like to report on is the new Cumulative Bridge Tax Fund. I shouldn't say the new, there's new legislation in reference to the Cumulative Bridge Tax Fund. As the Commissioners all know, three years ago or nearly three years ago, this tax was imposed. It must be reimposed before, I believe it's August 1 of this year. There is new legislation which allows us to continue the tax without having to reimpose the tax and go through the original procedure of reimposing that tax. That legislation goes into effect on July 1, so we have a window there between July 1 and August 1. I'm going to prepare the Cumulative Bridge Fund Ordinance and the necessary notices for the Auditor and, hopefully, bring them to next weeks' meeting, have the advertisements so that

the Commissioners can consider the continuation of the Cumulative Bridge Tax Fund in the July 3, 1995 meeting. After having talked with you about it very recently and then not doing anything about it, I thought that there should be some explanation as to where we are on it.

President Borries: It's my understanding, Alan, that once it is imposed, for example, it currently is \$.15 per...

Alan Kissinger: \$.15 per \$100 of assessed valuation of personal or real property.

President Borries: The only time that it would have to be re-advertised would be if there was a change. Am I correct on that?

Alan Kissinger: Yes, and the question that has not been answered at this point, although it seems to have been answered, in order to continue the tax, it was imposed originally by ordinance for only three years. Now, if we're going to go through the process of changing, for example, we can go up to \$.30 on each \$100, if we were going to increase that amount, I think we would have to go through the original procedure. Since we are not increasing that amount, I think we have to go through a very abbreviated procedure adopting a new ordinance merely for the purpose of continuing the tax. We can go, once again, for the \$.15 in three years under that abbreviated procedure that has been authorized by the legal legislation. The next matter that I have to report on is, I have received from the attorney for the Southwestern Indiana Mental Health Foundation, Inc., the proposed new agreement for the management of the Hillcrest Washington Home. I received that just before the Memorial Day Holiday. I have not completely reviewed it myself, I will be reporting back on that to the Commissioners, perhaps next week or the week after, depending on the changes and any other communications I have with their attorney. I have nothing further to report.

President Borries: Thank you, Alan.

CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: I had a call Wednesday from a Sheryl Aldridge. She called the office three times that day. She did request your phone number, so I don't know if any of you were able to speak with her or not. She has enrolled her child in the summer camp at Burdette. She has found out since enrolling and paying for the session that she will not be working this summer, so she has requested a refund. She did call and talk to Joyce, who told her that she needed to submit something in writing to her, but she wanted this to come before the Board. She felt that her verbal request should be sufficient and I did tell her that I would bring it to the Board. Apparently, there are some cases when they do not give refunds, instead they give credits where it would be used if you can't attend the first session, you would go to the second session, or whatever. But she will not be working all summer, the mother will not, so she does not want a credit. She wants a refund.

Commissioner Tuley: I would agree that she's entitled to a refund, but I would like to see something in writing, only because, what if it's not really that person, it's a vindictive person who wants to cause somebody a problem? If she'd write just a quick letter and sign it, you know --

President Borries: Yes, that's all we need.

Commissioner Tuley: Just something that we can say, hey...

Cindy Mayo: I will have to send her a blue claim for her to sign anyway, so I will ask that she send a letter back with the blue claim. I've had two people call that are interested in properties

for the June 5 meeting and they want to know if they should prepare quit claim deeds to bring those for that meeting.

Alan Kissinger: Are they 1994 properties?

Cindy Mayo: Yes, they are. And they are non-profit organizations. And the last thing that I have is, Mr. Morpew gave me some titles this afternoon. All of the blue titles need to be signed by you, they are surplus that we will be taking to the auto auction, the green one is a truck that was purchased in 1994 that there have been several problems with. It is a lemon. You need to sign this and the dealership will take it back and we will get a 1995 vehicle.

President Borries: Good.

Cindy Mayo: All of these need to have your signature. That's all I have.

Alan Kissinger: I should advise the Commissioners, I think, if Mr. Morpew has not already done so, that truck that we're going to get is going to be a white truck. It's replacing a distinctly orange truck and, in consideration of the difference in value and the fact that we're getting a brand new truck, I advised Mr. Morpew that the County would pay for a paint job if it became necessary, and still, we'll show a considerable profit on the transaction.

President Borries: Okay. Good. May I have approval to sign these titles?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered.

Cindy Mayo: That's all I have.

President Borries: Thank you, Cindy. I'm sorry, I'm trying to figure out where I sign on these titles, make sure I do this right.

Cindy Mayo: I think on the blue ones you sign on the back side from what I could tell, and on the green, the front side. I think that Teri will need to notarize. I think we just sign as seller, we don't have to put a price on since it is going to a --

President Borries: And those are going to be auctioned, okay.

RE: BILL MORPHEW - COUNTY GARAGE

Bill Morpew: Good evening.

President Borries: Good evening. Bill, I know that water problems are, at this point, a major concern. We have pictures here that you've submitted on Old Henderson Road. We've had, of course, problems all over the County at this point. Any update that you wish to give on any of them in terms of Old Henderson, here, particularly I guess, Waterworks Road?

Bill Morpew: Waterworks Roads will be open tomorrow and we're going to have to clean the debris and the mud off of it and, probably South Weinbach. The water is down off Old Henderson, but as you can see from the pictures, there is quite a bit of debris on there. I'm going to say in excess of one hundred tandem loads of debris just right by the Berkeley Slough which is the first place there. I didn't give you, I ran out of film today. There were a couple of places down by the river camps where the road is washed out. We're going to have to do some repair in there and there's quite a bit of debris on the road, refrigerators and a lot of trees

from the river camps, so we'll be down there for a couple of weeks probably.

President Borries: You know, it always occurred to me that, and I'm sure that it's not going to happen, but in all this brouhaha over who controls the river and, you know, the riverboats and everything, I wonder if we could bill the state of Kentucky for all of this, you think? Think that would ever go, for all of their debris coming in on our property? I don't imagine it would work too well, but it would be worth a thought, wouldn't it?

Commissioner Mourdock: It never hurts to ask.

President Borries: Let the record also show that the Highway Progress Report here from Friday, May 19, 1995 through Thursday, May 25 was submitted indicating work done and also the Vanderburgh County Bridge Crew work done in all parts of the County. Bill, I know we've also talked a bit about, perhaps, and I think you have heard from the young gentleman, Mr. Kiefer, regarding the Clean Cities Act and, perhaps on some future purchase of vehicles, we might look at a natural gas configuration on a couple of vehicles.

Bill Morpew: Yes sir, I've looked at several items. To change a vehicle over to natural gas is approximately \$4,000. We had looked at the cost of installing a slow-fill and also a fast-fill device at the garage so that the vehicles could be filled up there. Slow-fill, I don't feel that this is a good idea to do that. I've talked extensively with Ed Zoglman at Jasper Engines. It would take all day to fill up a nine gallon tank on a slow-fill system. The fast-fill system, it's going to cost us in the area of \$30,000 to install it and the cost of the gas would range in the neighborhood of \$.40 to \$.50 a gallon. We can have these trucks changed over, we can have a couple of them done and fill them up at the Sigeco gas station on Division Street. The cost of the gas would be in the neighborhood of around \$.60 a gallon because we are tax exempt. I personally feel that, in my own opinion, it would be a worthwhile venture for numerous reasons: less emissions, quality of the air, less wear and tear on the vehicle and extended mileage between service intervals.

Commissioner Mourdock: What are we paying now, Bill, as tax exempt for regular fuel or regular unleaded fuel, what are we paying now?

Bill Morpew: We're paying \$.60 a gallon.

President Borries: For unleaded?

Bill Morpew: Yes sir.

Commissioner Mourdock: We're paying \$.60 a gallon now for gasoline?

Bill Morpew: Yes sir.

Commissioner Mourdock: Okay, and this that we would be getting from natural gas, that would equate to \$.60 a gallon, also?

Bill Morpew: In that neighborhood, yes. He wasn't exactly sure, he was going to fax me some information if he could get it today, and evidently he didn't get the information.

Commissioner Mourdock: And what did it cost to convert one unit over?

Bill Morpew: Approximately \$4,000 and that's with a nine gallon tank.

President Borries: Now, there are some incentives and I think that's another reason we were considering this, right? I mean, we

can't do this if it's going to cost us money, despite the fact that we do acknowledge all the things that you do, but there are some incentives, I understand, on this, is that correct?

Bill Morpew: Yes, with the improved system, he was going to give me some updated information. The company that manufactures these systems has had some technological updates, so he was going to give me some new information and that also involves pricing. So, at this point, I'm not sure exactly what the incentives are going to amount to.

President Borries: We need to get that information.

Bill Morpew: Yes sir. There's also a new product they've come out with for diesel engines and diesel trucks. They're going to bring a diesel truck, they would like to bring it out this Friday to the garage, that is running on natural gas.

President Borries: Keep us informed as we near that, again, I think the bottom line would be, it would have to be cost effective for us, but if there are some advantages here or some incentives, we need to look at those.

Bill Morpew: I have one complaint I would like to address. It is on Old Henderson Road. There is a fellow that called me several times last year and wanted to know if we were going to finish paving it. I told him then that we would finish it this year, so he has called a couple of times this year plus I also have a complaint wanting to know if we would pave it before the County ran out of money. This was advertised on the road paving list during the Commission Meeting in April that we were going to pave it. There's a three mile section that we were going to pave plus the necessary work that we're going to have to do in the next two weeks down there, so I just wanted to address this complaint for him and put it on record, once again, that we have every intention of paving that three mile stretch on Old Henderson Road.

President Borries: Also, I have one item, there was an accident, I believe near this corner. In fact, Mr. Mueller had also pointed it out, I believe, in the north side it's Koressel Road, maybe on the south, St. Joe. At any rate, it's also up there in the northern part of the County near New Harmony Road where there was an accident recently. Apparently, there's some sight problems on that particular intersection and, if we could address these, let me refer this to you and the County Engineer's Office to see if we can get a report on what could be done in that particular area. Apparently, it comes up rapidly to the intersection, the road does, and, you know, there are some real sight problems that some of the residents have complained about. I guess its gotten worse because of, perhaps one accident that has occurred out there, and called it to their attention again. So, if we could look at that again, I'd appreciate that.

Bill Morpew: Yes sir.

President Borries: Any other questions of Bill at this point?

Bill Morpew: I do want to tell you this, New Harmony Road right there on the south side, it's Koressel on the north side, St. Joe Road, looking east is difficult to see. The way New Harmony road is elevated, it's difficult to see east down that road.

President Borries: If we could maybe get some kind of a report as to what could help, I'd appreciate it.

Bill Morpew: Yes sir.

President Borries: Thank you.

RE: JOHN STOLL - COUNTY ENGINEER

President Borries: John Stoll has strep throat and is ill, extremely sore throat at this point, so Tom Goodman from the County Engineer's Office is with us this evening. He also has the distinct pleasure and joy, I know for him, for staying for the later meeting here for the Drainage Board Meeting. He has been working with John on that particular item.

Tom Goodman: Basically, I have just one thing, it's for the Bixler Road Bridge and it is an increase of the change order for the project that's ongoing out there. There are several decreases and there's a few increases. The total, as you can see, is two pages at least. It comes to \$3,911.09 for the total increase.

President Borries: Okay.

Tom Goodman: If any of them need any explanation, I've got three pages of explanations of what they are, if you have any questions on them.

President Borries: Well, essentially, it looks as if it's some quantity changes.

Tom Goodman: Exactly.

President Borries: May I have a motion at this point?

Commissioner Tuley: If I understand it right, it's the net effect of the \$2,900 increases --

Tom Goodman: \$3,911.09.

Commissioner Tuley: I'll move that it be approved.

Commissioner Mourdock: Before you make the motion, I heard you say it twice now, \$3,900, and everything I see on here looks like \$2,600.

Tom Goodman: That's just one page.

Commissioner Mourdock: Okay.

Commissioner Tuley: I move that it be approved, then.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

Tom Goodman: That's all I have this evening.

President Borries: Okay, Tom, thank you.

RE: CONSENT AGENDA

President Borries: We have the consent agenda, there are Travel and Education items, there is an Employment Change.

Commissioner Tuley: I move that they be approved.

Commissioner Mourdock: Second.

President Borries: So ordered.

RE: SCHEDULED MEETINGS

President Borries: Scheduled Meetings, we have a list attached.

RE: OLD BUSINESS

President Borries: Any items under Old Business at this time?

Commissioner Tuley: I don't have any.

Commissioner Mourdock: I have none.

President Borries: I have one. The appraisals for the Green Center are available for your review and also, structural engineers' preliminary report, they are available in our office. I think you should have received copies and I would ask my colleagues to review these, please, and perhaps at our next meeting on June 5, that we could have a resolution, I'm not sure where we'll be, but at least a resolution of either support or non-support to move to the County Council when it might deliberate this question on June 7. We have a week there to review those items, and I would ask for you to do so with those appraisals, if you could do that this week, please.

RE: NEW BUSINESS

President Borries: Any items under New business?

Commissioner Tuley: None.

Commissioner Mourdock: Nothing for me this evening.

President Borries: I have one where Dennis Feldhaus has an item. It's an Accordia Insurance form where there is a positive balance in this plan where we can get sixty percent of the fund balance and it would be deposited, of course, in the Auditor's Office and put back into the Health Insurance account, If you would approve, that would be about \$55,000 and I would need your approval to sign this item.

Commissioner Mourdock: I'll move the allocation or assignment of those funds through the Auditor's Office to the insurance fund.

Commissioner Tuley: Second.

President Borries: So ordered. One other item on New Business, our County Auditor has written me a memo that I would like to read, which really is some good news also, particularly for the Engineer's Office as well, regarding House Enrolled Act Bill 1646. According to the information they had received passed along during the legislative session, it will allow the County to receive some additional monies from August of 1995 until July 1997. This money has to do with the additional money for highways and local roads and streets. The total amount of the monies that our County will receive will be approximately \$764,326. The breakdown would be this way: one would receive on a monthly basis, approximately \$7,500 for a twenty-four month period beginning in August of this year and continuing through July of 1997, this would be approximately \$180,000 of the total. This money is available due to a reduction in monies that is normally distributed to the state police department, twenty-five percent of this money will be given to local roads and streets and seventy-five percent of the money will be given to the County Highway Fund. Then point two, in January of 1996 and January of 1997, we will receive approximately \$292,163. These are monies that will be generated from the lottery revenues and one hundred percent of this money will be given to local road and street funds. This is a one-time distribution for the 1995 - 1997 biennium. She is also going to share this with the County Council and I wanted to share that with you. So, we will have some increased funds for, and badly needed, as other roads deteriorate from flooding and whatever. That's some good news, I appreciate Suzanne Crouch giving us this information. Is there other business? I know we're going to have a plateful shortly. We

do have a special Drainage Board this evening and that one will commence probably very quickly after we adjourn this meeting. Is there other business at this time?

Commissioner Tuley: No.

President Borries: If not, this meeting is adjourned.

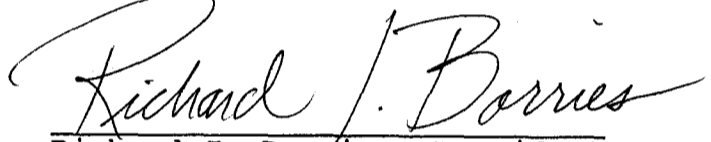
Meeting adjourned at 7:00 p.m.

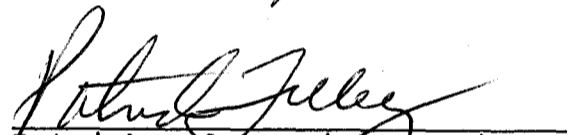
THOSE IN ATTENDANCE

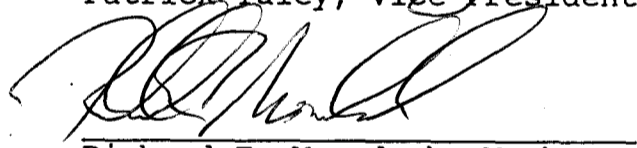
Richard J. Borries
Richard E. Mourdock
Alan Kissinger
Teri Lukeman
Joyce Madsen
Fred Bumb
Tim Mueller
Bill Morphew

Patrick Tuley
Suzanne Crouch
Cindy Mayo
Harold Madsen
Joyce Thomas
Jerry Krietzer
Sandra Toton
Tom Goodman

VANDERBURGH COUNTY BOARD OF
COMMISSIONERS


Richard J. Borries, President


Patrick Tuley, Vice President


Richard E. Mourdock, Member

**MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS**

JUNE 5, 1995

TABLE OF CONTENTS

Introductions & Pledge of Allegiance	1
Action Items	1
Approval of Minutes	1
Mike Robling - DMD Adoption of Resolution Transferring Property to Redevelopment Commission	1
Surplus Sale of 1994 Properties to Non-Profit Organizations	2
Rose Zigenfus - EUTS Report on status of Vanderburgh County Projects	4
Alan Kissinger - County Attorney Retail Order & Power of Attorney Forms for County Garage Vehicle regarding settlement with General Motors Resolution indicating support from Commissioners for purchase of the Green Convention Center	4
Discussion:	
Joe Vezzoso - President of Evansville Convention & Visitor's Bureau	6
Phil Hoy - President of Vanderburgh County Council	6
Betty Lou Jerrel - County Councilmember	7
Dan Spindler - Given & Spindler	11
Cindy Mayo - Superintendent of County Buildings AFLAC Flex Plan forms Request from Prosecutor's Office for interpreter	19
Bill Morphey - County Garage County Highway & Bridge Crew Progress Report for May 26 - June 1, 1995	20
John Stoll - County Engineer Road plan for Timberland Subdivision Stop Sign Ordinance revision Approval to pay electric bill for signal at Cross Pointe & Lloyd Expressway Flashing lights at Millersburg/Green River Rds. and Boonville-New Harmony/Green River Rds.	21
Consent Items	24
Scheduled Meetings	24
Old Business	24
New Business Welfare Planning Council Information on prevailing wage procedures Overcrowding at Vanderburgh County Jail	24
Adjournment	25

The Vanderburgh County Board of Commissioners met in session at 5:38 p.m. on Monday, June 5, 1995 in the Commissioner's Hearing Room.

RE: INTRODUCTION & PLEDGE OF ALLEGIANCE

President Borries: Good evening, everyone. I'd like to call the meeting of the Vanderburgh County Commission to order this June 5, 1995. For introductions here of our official staff, to my far right is:

Cindy Mayo, Superintendent of County Buildings & Office Manager
Alan Kissinger, County Attorney
Pat Tuley, County Commissioner
Rick Borries, County Commissioner
Richard Mourdock, County Commissioner
Suzanne Crouch, County Auditor
Teri Lukeman, Official Recording Secretary

Would you join us please for the Pledge of Allegiance?

We have an agenda printed for your information that should be available over on the table near the wall and it does not have, by the way, any discussion about the Green Center, but we will have some discussion about that, so if you do not see that on there, one of the reasons is because I was attending a meeting of the Visitor & Convention Bureau late Friday. It was an interesting meeting and a very productive one and I failed to get our office person to add that to the agenda. Attorney Kissinger will be bringing it up under his report.

RE: ACTION ITEMS

President Borries: We also need to approve the minutes from our last meeting which was held on May 30, 1995.

Commissioner Tuley: Mr. President, I'll move then that the minutes from May 30, 1995 be adopted as presented to us by the Auditor.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

President Borries: Are there any persons here in the audience who do not see his or her or their item on the agenda. Again, there will be some discussion about the Green Center. I would expect that it will come up under Attorney Kissinger's report. Any other items that anyone needs to discuss at this time? Is Mr. Steve Myers of 922 S. Craig here regarding County owned property next door? Is Mr. Myers here - Steve Myers?

RE: MIKE ROBLING - DMD - ADOPTION OF RESOLUTION TRANSFERRING PROPERTY TO REDEVELOPMENT COMMISSION

President Borries: I don't see Mike Robling. Is Mike here?

Cindy Mayo: He said that he would not be here. I guess he thought that he did not have to be here. He left a copy of the resolution.

President Borries: Alright. Let's see what the agenda request has to do with. This is adopting a resolution authorizing the transfer of real property to the Vanderburgh County Redevelopment Commission. The Commissioners currently hold title to the one hundred and sixty acre parcel of land which was acquired for the Azteca project. Now the details of the lease with Azteca have been completed and work is under way toward finalizing the bond issue, transfer of the land to the Redevelopment Commission is one step in that process and the Redevelopment Commission will adopt a similar resolution on Wednesday, June 7, authorizing acceptance of the transfer. The deed will be available for signature at the June 12 Commissioner's meeting. May I have a motion to approve this

resolution?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

RE: SURPLUS SALE TO NON-PROFIT ORGANIZATIONS

President Borries: This is sale of property which has been taken over by Vanderburgh County because of, literally, abandonment and back taxes owed. Cindy Mayo, do you...

Cindy Mayo: What I've given you is a list of the requests that were submitted to the office. The only new agency that we have from last year is the United Caring Shelters, which they did submit a 501(C)3. Everything else I have listed on here. There were no requests from more than one agency for any of these properties and everything seems to be in order.

President Borries: Okay.

Commissioner Mourdock: If I may ask, Alan, would you give us just a quick statement or two on the title work on all of these properties? I presume that everything has been reviewed.

Cindy Mayo: These are the 1994 properties.

Alan Kissinger: It is my understanding that all of the necessary petitions have been filed with the court, the necessary court orders have been returned. In order to file those petitions you must allege that all other matters as far as notice to property owners, lien holders, etc., have been complied with and we do have those signed orders back from the court. Barring anything that could not possibly be anticipated, these properties are ready for the County to act on.

Commissioner Mourdock: None of the questions that have come up in prior situations apply property-wise?

Alan Kissinger: No.

Commissioner Mourdock: You're comfortable, I guess, is what I'm asking? If attorneys are ever fully comfortable.

Alan Kissinger: I'm comfortable to the extent that I have no reservations about advising the Commissioners that it would be appropriate to make some disposition of these properties if you so see fit.

Commissioner Mourdock: Okay. Thank you.

President Borries: These not-for-profit organizations who have requested property at this point are Habitat, United Caring Shelters, New Hope Baptist Church, Memorial Baptist Church, and the Evansville Black Coalition. The properties have been listed. Certainly the organizations themselves have filed all of the necessary work.

Commissioner Mourdock: Mr. President, I'll move that we proceed with the sale of surplus properties to the 503C's that you just read into the record.

Commissioner Tuley: I will second.

President Borries: So ordered.

Cindy Mayo: I will notify the agencies tomorrow that this was

approved. Thank you.

Reverend Joe Fraccoro: (Inaudible - comments not made from microphone)

President Borries: Reverend Fraccoro, it's always open for questions. Why don't you come up and--

Reverend Joe Fraccoro: I appreciate your transaction on the sale of the properties for United Caring Shelters. I just have a few questions, though. As a non-profit, do we have to pay taxes on these properties?

President Borries: No.

Reverend Joe Fraccoro: Okay.

Cindy Mayo: You will need to go into the Auditor's Office and file for your non-profit status.

Reverend Joe Fraccoro: The non-profit status, C105 or whatever it is?

Alan Kissinger: Section 501(C)3 of the Internal Revenue Code.

Reverend Joe Fraccoro: We've already submitted that.

Cindy Mayo: You have to file a non-profit exemption in the Auditor's Office. That is good for a four-year period. I don't know when the four-year period is up, so if you're in between that time it will be good until such time as everyone has to refile. But you will need to do that.

Alan Kissinger: But to save you a trip, take your verification of your non-profit status with you when you go to the Auditor's Office.

Reverend Joe Fraccoro: Okay, thank you. I understand that this property is now zoned R-1. Is that residential?

Cindy Mayo: R-2 (inaudible)

Commissioner Tuley: If it's R-2 or R-3, my understanding is that's residential, two or three multi-units if it is residential. I can't swear to you what it is.

Reverend Joe Fraccoro: I know it's not R-3 because that's what we're moving from. If we have difficulty, which we hope we won't, but if we have difficulty in terms of rezoning this for residential shelter, are we able to resell the land then at a profit, or to resell it at all? We're not in it to make a profit, but the idea is, we already anticipate some community...there's been some community...we'd like to--

Alan Kissinger: I'll give you a short answer to your question. You are presently allowed to do that. I think that the Commissioners would give a long, hard look to considering any organization that did that in the future for any other real estate that they might be interested in.

Reverend Joe Fraccoro: But you could sell it for what we put into it, could we not do that?

Alan Kissinger: Yes.

Reverend Joe Fraccoro: Without blemishing our record? We anticipate a real--

Alan Kissinger: Theoretically, you're going to have a dollar in

it. You're going to get a quit claim deed from the County which basically makes you the owner of the property because the County has released all its' claim against the property. But what needs to be understood is that the County is not donating these properties to not-for-profit corporations so that the corporation can make a profit on the real estate by reselling.

Reverend Joe Fraccoro: That's not our intent but we are anticipating some neighborhood flak and controversy and if, for some reason it's blocked, we have no interest in keeping that property.

Alan Kissinger: I understand what you're saying and, quite frankly, I think most people with experience in these areas will tell you that if you were trying to go commercial, you may very well have a difficult time. But if you are remaining within the residential classification, there are going to have to be some really serious problems with that rezoning presented in order to block it.

Reverend Joe Fraccoro: Is that right?

Alan Kissinger: Yes.

Reverend Joe Fraccoro: Thank you.

President Borries: Thank you. Oh, we need to have you identify yourself, if you would please, for our records.

Reverend Joe Fraccoro: I am Reverend Joseph Fraccoro, President of the Board of the United Caring Shelters, Inc. Thank you.

President Borries: Thank you.

RE: ROSE ZIGENFUS - EUTS

President Borries: Is Rose Zigenfus here tonight?

Cindy Mayo: I have those reports.

President Borries: What we have here is, we'll enter for the record is a report from the EUTS, the Evansville Urban Transportation Study, with this note attached to Cindy Mayo:

"I can't make this afternoon's meeting. Please distribute the project update. I will be here until noon today should you have any questions."

That is from Rose Zigenfus. What it indicates is the current status of County projects, and basically, really the one that, at this point, well, there would probably be two that would fall under our direct interest, these would be the Greenway Passage Project Phase II and the Vanderburgh County project known as the Ohio Street Bridge and am I pleased to see, at least at this point, to say that design approval has been granted by INDOT, which is very good news. The DNR and 401 permits have been granted. Right-of-way services are nearing completion. INDOT has program bridge funds for the construction of this project. The Parks Department has agreed to accept responsibility for the existing bridge once the new bridge is complete. That will be used, by the way, for a portion of the Pigeon Creek Greenway. The funding agreements, construction, engineering agreements, and utility agreements have been executed by the County. So, that project is on target.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: Since everyone is waiting with baited breath, I'm going to take care of some other business first. I think the Commissioners will recall that there was an agreement, a settlement

reached in reference to one of the vehicles that was used by the County Garage. The agreement ultimately that was reached was that General Motors agreed to give us a new truck. I'm doing, basically, clean-up work here. The local dealer needs to have the Retail Order Form signed and that's not a problem in consideration of the fact that we've already received the vehicle. Another document that needs to be signed is a Power of Attorney that will allow General Motors to clarify the title on this vehicle so that they can have the title back in their name if, ultimately, they resell it. This doesn't create any obligation on the part of the Commissioners and I recommend that both of these documents be signed by the Commissioners so that they can be returned to Mr. Morphey, whom, I assume, can return to the dealer.

President Borries: May I have approval to sign these documents?

Commissioner Mourdock: Mr. President, I move that we accept the documents presented by the County Attorney to clear up the continuing saga of the truck at the County Garage.

Commissioner Tuley: I will second.

President Borries: So ordered.

Alan Kissinger: The next matter that I have is a Resolution of the Board of Commissioners indicating support by the Board of Commissioners for the purchase of the Robert E. Green Convention Center. I don't want to squelch any discussions that may be had in reference to this resolution or the implications of this resolution, but I do want to say up front that this is a resolution of support and that signing this document and adopting this resolution will not create any legal obligation on Vanderburgh County that they must finally follow through with at some later date. But, it certainly indicates the confidence of the Board of Commissioners in reference to the activities that have taken place so far and the other activities which we have addressed as far as financing, etc., that will take place in the future. Basically, the resolution reads:

WHEREAS, Vanderburgh County has a present opportunity to purchase the Robert E. Convention Center;

WHEREAS, It is the informed opinion of the Board of Commissioners of Vanderburgh County that it is in the best financial interests of Vanderburgh County that additional convention facilities be secured to assure that Vanderburgh County will remain competitive in the convention market; and

WHEREAS, potential sources of funding the purchase appear to be presently available without the necessity of additional tax levies on the residents of Vanderburgh County.

BE IT HEREBY RESOLVED that the Board of Commissioners of Vanderburgh County supports the purchase of the Robert E. Green Convention Center, and supports the financing of said purchase by pledging Vanderburgh County Innkeepers Tax and Food & Beverage Tax revenues for the repayment of bonds which may be issued for the purpose of completing the purchase.

That is all I have to report and the original I will pass down to the president. I guess, then, that a motion is required as to whether or not the resolution is to be adopted.

President Borries: Okay, thank you, Alan. I guess what we would want to do with your permission, I'm talking to my colleagues here on the Board, would be to move to approve this resolution, have a second, and then open it up for any discussion if you'd like to hear from those in the audience and then, pending that, vote on it, if that's agreeable with everyone.

Commissioner Tuley: I think that would be the procedure, with a motion and a second, and at that time, open it up for discussion.

President Borries: Okay.

Commissioner Tuley: Having said that, I will move at this time that the Resolution of the Board of Commissioners of Vanderburgh County Supporting the Purchase of the Robert E. Green Convention Center be approved.

Commissioner Mourdock: I will second.

President Borries: Okay. At this point, we will open it up for discussion for any folks who wish to ask questions or state their opinion.

Joe Vezzoso: My name is Joe Vezzoso and I am the President of the Evansville Convention & Visitor's Bureau Board of Commissioners. I'm here to report on your application for funds through the Tourism Capital Improvement Fund. We received your application and received all the necessary information, and at a special meeting last Friday, we took it under consideration. At that meeting, we amended your request. You had originally requested 1% of the 3% and we amended that request and took it up to 1-1/2% per year of the 3% Innkeepers Tax to service the loan for the purchase and renovation. We also added three contingencies and five recommendations, and with those, we gained approval from our Commissioners and we will forward the application and our recommendation to the County Council at their first available meeting. If you have any questions, I'd be glad to try to answer them for you. If not, I'll keep this short and pass out a typed recommendation that will go on to the County Council.

President Borries: Any questions of Joe Vezzoso at this time?

Commissioner Tuley: Just don't go away, Joe.

Joe Vezzoso: Thank you for your time.

President Borries: Thank you, Joe. Are there other persons who wish to speak at this time?

Phil Hoy: My name is Phil Hoy, President of Vanderburgh County Council. I realize this is just a resolution and County Council has called a special meeting on the 22nd of this month if it is necessary to make a decision on this, beyond just a resolution. We've been asked a lot of questions about that and I know you Commissioners already know how that operates, but we have to give a legal notice and so that's about as soon as we can set that up. However, at this time I would like to make a few remarks and we have another Councilmember here who also wishes to address this issue. I live in the 4th Ward in Pigeon Township, and I think one of the reasons I was elected is because people know I will speak up for those folks who do not have significantly large incomes. I don't know what our politically correct phrase is anymore. Frankly, I don't worry about that too much some days. But, I am concerned about property taxpayers and I'm concerned about what they might not get if we buy this center. My second concern has to do with an article that appeared in the April 1994 Atlantic Monthly concerning the failure of convention centers. Between 1977 and 1987, the number of convention centers in cities went from one hundred to three hundred. Convention centers are not doing well now whether they're owned by private enterprise or municipalities or counties or whatever. Kansas City is well nigh a disaster situation. The taxpayers now are paying out of their pockets for that center which is not coming close to paying for itself. I have been there and I can tell you how dead it is. On a Saturday night, there are more actual bodies down here on our walkway in downtown than there were in downtown Kansas City. I saw a failed interior

mall, a failed skating rink, a failed list of things in that city. I experienced a similar thing in the city of Tulsa when we held a Food Bank convention there and in the capital of Texas, Austin, a similar failure of the kind of thing that we've been trying to do in downtown areas beyond just convention centers. But they certainly are there and connected with those convention centers are all the ideas about what I call the boutique economy which I don't think works. I think we should know that by now. Union Station is having a rough time and all over the country, we're seeing these special efforts to draw people downtown, and they're not working. With those, the convention centers are costing the municipalities a great deal of money. That worries me. Along with it, the operational costs on this center here are somewhere around \$450,000 a year, worry me. We can finance the purchase and the fixing up of this Green Center, but operational costs are going to be something else, I think. Speaking to the engineering issue, and I could talk a long time and I know you want it to be brief tonight, the report from Hodge Design causes me to pause when I see the negatives in that particular document concerning the structure itself. I would remind the Commissioners that the building itself was a temporary structure erected for the World's Fair in Knoxville, Tennessee. I know the man who bought it and sold it to Robert Green, Congressman Kenneth Graves, Southern Illinois. He bought a number of structures and sold them off because there was something else in the package that he wanted. It's almost a prefab building and I think it leaves a lot to be desired structurally and I think this report also points that out. My fourth and last point is, contrary to the way I've been reported because I am a clergyman, when I wrote my statement on riverboat gambling, I did deal with the moral issue, it is a moral issue. There's hardly anything that's not a moral issue when you think about it, but my concern about the riverboat and those promises has to do with economics. I am not convinced, I think the riverboat will come here, but I'm not convinced that we're going to be able to look at that as a sustaining source of funds for a long time. Even the most ardent supporters of riverboat gambling will agree that the boat might be here five years or seven years and we're looking at something more long term. I can't speak for the rest of the Council, but I think that a lot of Councilmembers are having the same deep reservations, and I think the general public is also. Thank you very much. I'd like to introduce Mrs. Jerrel, she's on the County Council and she has some financial figures for you.

Bettye Lou Jerrel: This might be tedious. My name is Bettye Lou Jerrel and I'm a teacher by trade and I'd like to go over these numbers with you before I make any comments. The lower part of this page lists all of the funds that are in the Vanderburgh County jurisdiction. It begins with the assessed value. It gives you the rate and it tells you the levy that's needed in order to produce the budgets that are requested. You'll notice that at the bottom it gives you the total maximum levy and then if you'll refer to the top of the page, the general fund, the one that we're always talking about, has a total budget of \$31,419,548 or around \$32,000,000. The property tax generates, and you'll look over there at the check mark, that's what it generates. The balance that's needed from that number and the \$32,000,000 when you round it off, is about another \$16,000,000 and this amount of money comes from what we call Miscellaneous Revenue. Miscellaneous Revenue has a whole host of contributors, but the primary contributor is the County Option Income Tax, Excise Taxes, fees from various functions of government. The Miscellaneous Revenue changes will be reflected by the County Option Income Tax replacing the lost 8% Homestead Tax that we are getting this year and it will get again next year, the Excise Tax will be reduced, because effective 7/1/95 the governor is reducing and the legislature passed the budget bill that reflects the reduction in the excise tax. The Homestead Credit is 8% and the Auditor is here and I know Cindy gave us that number, we're looking at setting outside probably two or three million dollars. The projected 1996 budget increases that will come from

the General Fund, the insurance and that 13% figure is from the Commissioners insurance representative, Utilities - actually it's close to 5% but I put 4+, that's information I gleaned from the Evansville Vanderburgh School Corporation's budget process, if we give any employee salaries. But we also have some looming problems, if you multiply that \$21,495,864 or say \$22,000,000 by 5%, you've got a little over a million dollars that the property tax freeze will permit us to raise. Having said that, I have some remarks to go with it. Does anyone have any questions about this? If you do, I've got some experts in the room. Commissioners, I'm distributing an overview of our County budget and there are no secret funds, nor are there any excess funds. Before you make a decision to obligate this general fund, I respectfully would like to remind you of how the property tax freeze works, and I know the Commissioners know, but I hope I've explained that satisfactorily. Our property taxes will see an 8% Homestead reduction and Council supports these reductions for taxpayers. We must fund County government first before seeking additional obligations and I would just like to remind you what this includes. I don't want to bore you by reading it, but I think it's important to think about it. It is the County Clerk, Circuit Court, Superior Court, Juvenile Court, the Sheriff, the Jail, the Safe House, the Sheriff's Substation, the County Assessor, the Township Assessors, and Treasurer, the Veteran's Office, the Auditor, the Coroner, the Election Office, the Registration, Burdette Park, the Vanderburgh County Auditorium, as well as the Commissioner's budget which itself exceeds \$8,000,000. I can't imagine what we would have to cut to pay the operating costs of the Green building. May I also remind the Commissioners that just five months ago, our local legislators listened to our pleas for help to renovate the Vanderburgh County Auditorium and Convention Center. A strong bipartisan effort resulted in the Food & Beverage Tax being extended and dedicated to this purpose. This funding source will enable us to make this a true convention center. It will not impact upon the County's General Fund. Let's examine expanding the Auditorium & Convention Center to create additional convention space to meet our local needs. Conversations with Convention & Visitor's Board Members and staff members indicate this is a very viable alternative to purchasing the Green building. This is a wiser, more cost effective use for the taxpayers. We need to devote casino dollars, even the Ten Cent Head Tax from the Innkeepers, to an economic development fund. Any financial advisor will tell you not to depend upon gambling income to pay for day to day operations of government. While gambling money has become everyone's answer, using it to operate the Green building would be very short sighted. Under your leadership, Mr. Borries, and Rick don't get mad, a citizen's committee gave their time and talent to plan for the Vanderburgh County Auditorium needs and this was a very fine effort. I do compliment you. But please, do not use this same leadership to bankrupt the County with this unwise, unfunded purchase of the Green building. As a financial advisor, I would urge you not to put one Dairy Queen across the street from another because they will both go broke. Trying to pay the debt service for twenty years and the operating costs forever of two County convention centers across the street from one another could cause the County to go broke. I urge you to reconsider the purpose of the Vanderburgh County Auditorium & Convention Center and that name appears right on the side of that building. Do not be rushed into making a quick decision based upon minimal information that will impact very negatively upon our County General Fund. Thank you.

President Borries: Thank you.

Joe Vezzoso: President Borries, Commissioners and County Councilmembers, our Commissioners also had concerns about the structural integrity of the building. I personally spoke with the engineer out of Indianapolis, his name is spelled Keelner, concerning the Green Center. I was under the impression that building had been

purchased as a building and relocated to Evansville and that is not true. Those precast panels were poured over in Owensboro, Kentucky and hauled to Evansville specifically for this structure. I think the convention center over in Owensboro, Kentucky is the one that President Hoy was speaking of. It was erected at the Owensboro property, but I believe that this structure was actually precast for this building and not bought already done.

President Borries: Other persons who wish to speak at this time? Okay, how about some remarks from the Commissioners? Richard Mourdock?

Commissioner Mourdock: All right, I guess I'll begin if we may, just with the question to Joe Vezzoso again, since I see, and I had not seen until this moment the list of the following contingencies and along with that, your recommendations. I'm just curious that as a recommendation, you had a complete five year financial proforma of income stream and cost of operations be provided and be acceptable to the Commission. Did you see the numbers that were provided to the Commission before and--

Joe Vezzoso: Yes, we did.

Commissioner Mourdock: Okay, so you're thinking that those numbers were not complete, or why do you need something beyond that?

Joe Vezzoso: Most of that was expenditure without a lot of thought to income, I believe. Our Commissioners just wanted to recommend to the County Council that a proforma be done, I believe.

Commissioner Mourdock: Okay. Also, I see that as a contingency, which certainly is different than a recommendation, but your contingency, and I'll read that too, Item 3:

"That the hotel must be operated as a hotel and that the new owner of the hotel be identified and submit to the Commission its' ability to finance and upgrade the hotel to standards acceptable to the Commission."

Has that been defined at all?

Joe Vezzoso: That has not been defined.

Commissioner Mourdock: Do you want to attempt to put into the record what you think, ultimately, that group will define?

Joe Vezzoso: Seven commissioners on our Commission and three of us are hoteliers so, there probably would be seven different opinions, three that maybe we would look at. I think it was a concern of the Commissioners that one, the hotel remain a hotel and I think that's a concern of you gentlemen and also the County Councilmembers. We think it's vitally important that this remain a hotel property of four hundred and seventy plus rooms. We also feel that it's vitally important that it be upgraded. If someone were to buy it and maintain it in its' current status, then to attract convention business to Evansville, we're going to be no better off than what we are today. We do feel that whoever purchases it certainly has the idea of upgrading and some of our Commissioners felt that we needed to see those plans to see what type of upgrade, that we're not just putting bedspreads and maybe new carpet in it, but to bring it up to a standard. There were a number of hotels named and a number of the Commissioners felt uncomfortable with naming name hotels--

Commissioner Mourdock: I'm sorry, are you saying they were upset and concerned of the names that were mentioned to them?

Joe Vezzoso: We sit as an appointed body and for us to dictate and to specify that you want a Marriott or a Hyatt or this type of

hotel, I think a number of us didn't feel that was within our authority because we don't dictate that to other business people that are coming into our community. I think some of the Commissioners felt that they did want some assurance that the upgrade was going to be of a sufficient amount of money, that it was going to bring the Executive Inn back up to a hotel where we could attract Indiana Cities and Towns, the Indiana Auditors Association, Indiana Volunteer Fire Fighters, Atlas Van Lines and some of the major conventions that maybe have some concerns now about coming to our city because of the condition of the large hotel.

Commissioner Mourdock: As a hotelier, and I ask you this from that role I guess, more than as with the Convention & Visitor's Bureau, if I may, how many dollars do you think it's going to take to make that facility what you think your group would be comfortable with?

Joe Vezzoso: You're asking me two questions and you're asking me to answer with two different hats on, as a Commissioner and also as a hotelier. As a hotelier and as a businessman, I think that if we probably would have looked at somewhere between \$10,000,000 to \$15,000,000. I think Mr. Dunn has indicated somewhere closer to fifteen as a starting point. It's certainly, until you were to get in it, get some drawings in and some architects to look at the property, some people have estimated it at \$6,000,000 after purchase, so there is a wide variation, I think.

Commissioner Mourdock: Lastly then, your recommendation number four was that the Commission be given first right of refusal to manage the convention center, once completed. How do you see that coming about?

Joe Vezzoso: How do we see that coming about? I think we would want to get in dialogue with the County Commissioners and the County Councilmembers. We feel that our staff within the Convention Bureau could certainly be in the position to manage the facility. We feel that we are the ones that go out and assist in attracting conventions to Evansville and I think that as Vanderburgh County, if they want to stay in the convention business and we end up with the Green Center, or if we end up with the expanded auditorium, that the ability to attract people to Evansville, there's going to have to be some negotiation with the rental cost of the facility. Currently, the way it sits now, when the Executive Inn were to try to attract a big convention into town, if it was necessary to cut the normal rent in half for that facility to get the convention to Evansville, that occurred. I think the Convention Bureau is going to need that same flexibility. That staff is there, it's in place. It certainly would save the County money. Those people are paid through the Innkeepers Tax and does not come off the property tax rolls. I think there needs to be some dialogue between all of the bodies.

Commissioner Mourdock: If the County does not acquire the convention center, would you make that same recommendation then, kind of following up on what Councilwoman Jerrel was just saying, if we use the auditorium, trying to use that, an expended auditorium for convention business, do you think that's the best way to go with that?

Joe Vezzoso: I don't know if I'm the person to say whether it's the best way to go. I think that we would be open to discussion with the Commissioners and the County Council. I don't know whether it's the best way. That facility is used by a number of other organizations, but the size of the conventions that come to town, the Philharmonic, road shows, I think there needs to be some discussion prior to us really making a statement on that.

Commissioner Mourdock: Okay. I have no other questions at this point.

President Borries: Okay. Any other statements?

Commissioner Mourdock: Well, I'm assuming Pat is probably going to make a statement or two, I'll reserve my right to make a statement or two--

Commissioner Tuley: Well, and I guess Joe, this is really for you and someone hit me and forgive me if I get out of bounds here. Councilwoman Jerrel had made reference to the Ten Percent Head Tax because they have very serious concerns about this money that you guys are pledging will obviously help meet the bond payment, but the concern from the Council very much and very rightfully so is the operation deficit, particularly I would think, in the next first couple of years, is in fact, aren't conventions a lot of times planned as many as two years and sometimes three years in advance?

Joe Vezzoso: Three, four, sometimes they go out five years.

Commissioner Tuley: And I've heard argument that \$450,000 a year deficit projection is based solely on the expenditures, not the income, but I'm concerned about the amount of income we'll have the first couple of years. Mrs. Jerrel made reference to a Ten Percent Head Tax. Is there some place where that's been committed to help the Council and the County offset any deficit operation?

Joe Vezzoso: Those funds have not been committed, we are currently in the budget process and our budget will be going before the County Council in the very near future. I think, as you Commissioners know, we have a project within the Convention Bureau, the Pagoda, which is in the final stages and we're preparing for ground breaking. Some of those funds are in the budget that will go to the County Council for the operation of that Visitor's Welcome Center. We used very conservative figures, we're using about \$120,000 which would be 1.2 million people. If Aztar is correct in their estimations, they're saying 2,500,000 people, which would jump that up to \$250,000 real quick, but we used very conservative figures. So it has not been obligated yet. We are asking for the use of some of those funds for the operation of the Visitor's Center.

Commissioner Tuley: Okay, thanks. Mr. Spindler, and I know you have a vested interest in this, but projections on that deficit, it apparently is going to be the biggest (inaudible). I hear it strongly from the Council as we progress here that they know that, yes, we can buy the building, yes, we can renovate it, but can we operate it? Can you give me as honestly, or look into your crystal ball and give us, I know the \$450,000 is based on not having really much revenue. What's your, I guess, most honest opinion of what can happen in the next several years, because I see two or three years down the road, if we can sustain this thing, that we could make it work, but I'm really concerned for the first two or three years of operation, having heard Mr. Vezzoso not commit money from that Head Tax and commit conservatively, probably \$120,000 a year.

Dan Spindler: Certainly, Commissioner Tuley. First of all, our company has taken a look at doing some projections of what we felt the income would be. The independent CPA report that everyone received by Gaither Rutherford & Company projected \$453,000 of operating expenses, I think if you will go back and research or read the report, basically, is saying that's when it is functional. Understanding that, on day one, the facility is not going to be functional. I also think that if you examine that report you will see that the majority of those expenses are variable. In fact, I think that at the hearing that evening, Mr. Farrell, who presented the report, said that the majority of those expenses are variable expenses, meaning variable in that if you don't have the income, you're probably not going to see the expenses. If you examine further the operating expenses, the largest item, and I don't have

a copy of the report in front of me, but I think one of the larger items, obviously, had to do with utilities. The utility costs that I believe the CPA firm reviewed had to do with an examination of what the Green's had spent in terms of utilities on the Green Convention Center while they owned and operated it. Of course, it was under old or antiquated, inefficient types of mechanicals, so we would believe that there could be some cost savings in that area. Certainly if you have no events going on in the facility, I wouldn't expect that you would see the heating and air systems being run. We do not run the systems other than to maintain a certain amount of heat in the winter in the auditorium. We zone lined that and the auditorium is dark tonight. You won't find the heating, the air conditioning, nor the lighting being used in that facility, so there again, utilities being variable. The same thing with the projections, one of the other larger items has to do with the number of personnel required to be able to operate that facility. It would not be my recommendation to the Council or to the Commission that you hire anyone on day one and that, only as you've seen the bookings for business come in place, that you would look to start to add to the staff that we would have as far as a joint staff between the auditorium and Green Convention Center, looking at it as all one facility. So that, I guess, to start off with, the expenses are somewhat variable and I don't know that the \$453,000 is an expense that you would pay on day one. Backing up and looking at what we said that we believe the income would be, if you look at that amount of staff and that amount of utilities and that amount of operating expenses being \$453,000, the question then is, how much income could that staff, that facility and those utilities and any other operating costs actually generate? And we're saying in today's dollars \$400,000 a year is what, realistically, you could expect to see when you've gotten staffed and you really got to that position. And that \$400,000 was based upon a study by my firm of reviewing the information furnished to us from Mr. Green, looking at the historical use of that facility as well as the hotel, naming not only conventions, but also to a large extent, there are a number of other users besides conventions that presently use or have been using that space, such as the trade show areas. When you have the gun shows there, and the car shows, and the craft shows, and all those types of things that are there, that are not convention related, we do not have any income or expense figures based on those, but what we do have is head count information, the dates and the types of organizations that actually use those facilities. We went in and looked at who would be paying if we could build that business back up based upon its' historical use, what the income would be based on strictly room rental on those areas that you would only charge room and looked at, from the operational being the food and beverage portion of it, looking at a large discount in terms of how many of those head count people would actually be spending money in the area of food and beverage and based upon the historical data, when we added it together, we're saying that you could conceivably see \$400,000 in income based upon that \$453,000 of operating expenses. At the hearing that evening, I said that we don't project that it's going to make money, it certainly would have to be subsidized. Looking at a five year proforma, if you would look at, first of all, year 1995, I don't know that if everyone tonight decided that they wanted to buy this and move as expeditiously as possible, that this could even be closed upon, legally, I mean, the County actually taking possession, going through the bonding and the other mechanisms before the end of the year. So, at least for 1995, I would see that there is no operating expense because I don't see even ownership possibly till the very end of the year or the first of next year. Looking at the impact for 1996 then, if you're looking based upon the architect's estimate in terms of construction time, I think he's talking in terms of six to eight months of construction time in 1996, you're looking at six to eight months then, in 1996 potentially, of construction; no income, but at the same time, no operating expenses. So a very small impact in terms of operational expenses for 1996, even though that doesn't get us to

the three to five years out as Mr. Vezzoso and Mr. Helfrich say that people are booking conventions out or any type of entertainment facilities, use of those facilities out, it would allow us to at least start working on the marketing and trying to attract those conventions once you had a projected target date of, whether it's fall of 1996 or spring of 1997, before the facility itself would actually be in an operational state. You still have the advance opportunities to be able to market and try to attract those conventions without incurring those operating expenses and I think based upon the date that it is fully operational, and you know that you could go into business, that's the time that you would make the decision as to how many staff, if any additional staff, would be necessary going into that particular time period. So, I know I've probably given a long explanation to perhaps a very simple answer, however, there's been a lot said this evening as far as looking out into the forefront as far as operational expenses, its impact in any one particular year, and I think that the real key here is that most of those expenses are variable. I would not believe that the County would want to spend money if it didn't see the income coming in. Does that answer your question?

Commissioner Tuley: It did.

Joe Vezzoso: I might say that, just to kind of back Danny up a little bit, our industry is a smokeless industry. There are no smokestacks on our hotels and the impact of our industry is felt within the community, but not like when Bristol-Myers adds a thousand jobs or Whirlpool adds a third shift and a second line and those kinds of things. I think what you have to think of, and I think a good convention for all of you to look at is Indiana Cities and Towns. When Indiana Cities and Towns comes to the city of Evansville, they take every hotel room in this town, and while they're here, in a normal convention, and this study was done by Deloitte & Touche, and I believe it was in 1991 or 1992, the average conventioner that came to the city of Evansville spends \$387 for three day conventions. So if we've got all of our hotel rooms and we have those people spending money and they're buying gasoline, they're buying hamburgers at Hardee's or whatever restaurants they're going to, and they're going to gas stations to fill up with gas before they leave town, it's helping all of the other industries in Evansville, all of the service-related industries. And I think that's what we kind of lose sight of and thereby increase employment and other industries. It increases employment within our own industries. We hire more housekeepers, we hire more food servers, we hire more front-desk clerks and so the impact is tremendous on our entire community. If you look at one little hotel over here, maybe it doesn't impact him quite as much as it would the Executive Inn. But even in my case, when the Executive Inn is full, in the past I got the over flow business and I filled up and I was appreciative of the fact that Indiana Cities and Towns were here. I was appreciative of the fact that we had the Ex-POW National Convention here which took not only all the rooms in the city of Evansville, but we expanded over into the city of Owensboro, Henderson. Any hotel in the tri-state area that was available, those people were in them. So it is an industry, the money does come back to the County in the way of taxes, maybe it doesn't come back quite as quickly as one of the major industries or the fact that Aztar is coming in. They're spending all of that money and they're going to initially hire twelve hundred people, but our industry is important to this community and convention business, and that business is very important to our community and the income from that certainly spreads out. We only count our dollars one time. A lot of cities count those dollars four times for economic impact, but the Convention Bureau Commissioners, I think all of us in Vanderburgh County are very conservative, so the dollar does turn over a number of times and it is an important industry and it's vitally important, whether it be the Green Convention Center or the renovated Vanderburgh County Auditorium, that we maintain a facility of sufficient size to attract those

large conventions. We have the new selling tool of the riverboat with the addition of the Green Center and the addition of the Vanderburgh County Auditorium. If we know those are positive and those are coming, and we know that the hotel is going to be renovated, Pete and his staff can immediately start letting groups know that those are going to be available in the spring of 1996 or 1997. We are currently doing that with the riverboat and we have been doing that with the riverboat for the last six months. All of our printed material that goes out has people at a gaming table that are having a good time and we hope that with the addition of those two centers it would certainly be beneficial to us. Thank you.

Bettye Lou Jerrel: Just one comment, we do support the Convention & Visitor's Bureau. We do want this to be a convention city and we do believe a renovated Vanderburgh County Auditorium will be a real opportunity for a convention city. We know that there are two or three very large conventions that might not fit in there, but we're told, and we got those figures from your staff, we do know that we could do a very good job with the renovated, and we have the money to pay for it, auditorium. We've talked about all of this. We're all for your operation, Pete, so you had better keep it going and you'd better do a good job with it, because everybody's got high expectations. But again, County government can't make money and everyone of you, particularly those of you that have been office holders or worked in the Auditor's Office know, this is not something that just happens. Thank you.

Phil Hoy: I know this has already gone by the boards, but I think it's worth raising and that's the fact that the Mayor of the City of Evansville, when we asked if this could be a joint project, said no. The City has a whole lot more money than the County has, first of all, and secondly, I think his "no" indicates that we're not operating all of these kinds of things in sync. That is one of the problems I find with the current plan. I agree with Councilwoman Jerrel: we want convention business, and I think we'll still get convention business, maybe not the big ones, but we'll get solid convention business. I go to three food bank conventions every year in bigger cities and in smaller cities, and in eight years I have never stepped foot into a municipally owned convention center. The hotels provide those for us, we pay for it with our room rates, and if Evansville can keep that kind of business coming in, I think that will be very helpful. One other comment about the building, I see those costs going up and up and up. I think we could reach the point where you could just build a whole new building. I think we've made some mistakes in the past. I don't want to harp on those, but if I'd had my way, why we'd have a stadium sitting right down here for the same amount we spent on renovating one. I don't want to see us make that kind of mistake again. Thank you.

President Borries: Okay. Any other remarks at this time? Richard, anything else?

Commissioner Mourdock: Well, I realize that this isn't a vote here, at least I don't believe we're ready to cast our vote, maybe I will while I'm saying this anyway, since the motion is on the floor. First of all, the fact that the three republicans who will be voting on this issue appear to be on the same side, in one way, I think, is regrettable because it may send a message that this is political, which is to say, defined by party issues. I don't think it truly is because I think, and I don't know how the other Council people who are republican are going to vote, and I don't know how those who are democrats are going to vote. I want to go on record first to compliment Commissioner Borries for starting the debate on this issue. I think you knew, certainly, you've been through this many more times than I, that bringing this issue up was going to put you out on a long, long limb and that takes a certain amount of political fortitude, aka guts, and I respect you for that. I think this debate is important to the community because it discusses

which direction we want to go. Do we want to be a major convention city, do we want to be a convention city perhaps something less than that, or do we just want to say it's up to the private sector to do its' own thing. Mr. Spindler, in his presentation several weeks ago, made the point, and I complimented him then and I do again for your honesty here tonight, in saying this is a subsidized venture. Commissioner Tuley, in one of your comments a moment ago, made the suggestion, and I'm not sure you meant it this way as far as the way it sounded, that this thing might pay for its' own way in a few years once we get passed this three or four year period. I don't think that would ever happen under the best of conditions. That is the price communities pay to get involved with the convention business, that's just the way it is, and I think all of the arguments presented have made that point. I guess, in voting here tonight, I'm voting from several points of view: one is a business person. Every day I have to make assessments as to benefits to cost, risk to benefits, if you will. And I see a lot of risk in this venture. I understand from the discussion that's been held, in some ways our vote tonight would be, as Mr. Vezzoso's group voted, sort of a contingency-type thing. Well, we're going to get out here a little bit further and just see what happens. I'm somewhat troubled by that because I don't want this Board to be sending partial messages. As all of us were concerned with American Cold Storage a few weeks ago, one message was sent and then another message was sent. I think we need to be on record and say this is the way it is. The other way I'm voting tonight is based on probably the most important, which is representation. I've not yet had anyone call my office who is not directly involved with this issue and say, Mr. Mourdock, I think you should vote for that. Every call, everyone who stopped me on the street or elsewhere has said that they don't want to see this, and granted, most of them think it's a property tax issue, and when I make them aware of the fact that it isn't, they still just have great concerns about government growing into this area in this community. Having been elected by people, I certainly want to serve. I have to take their consideration in mind. And lastly in voting no on this, I want to talk about the risk/benefit side because it seems to me there's a huge number of ifs here. There are benefits, but we have a bunch of ifs. We have, if there are no unexpected costs during the structural phase of this thing. Councilman Hoy, a moment ago, talked about Roberts Stadium, he didn't mention a name, but we saw it go from something like \$6,000,000 or \$7,000,000 to \$16,000,000. I think that's quite possible with this because of the preliminary data that we've seen. If the Convention Bureau dedicates funds as discussed by Mr. Vezzoso, that could be there to help. If riverboat attendance is as speculated. If the state and federal government quit mandating other costs to us, and that's a real huge if. If the riverboat is a long-term operation. As an opponent of the riverboat as most of you know, I was never one out there saying it may float away, but that's what most people seem to think. Even the strongest proponents seem to think it's a temporary venture, and yet, we're putting a long-term effort into what we think is a short-term venture and that seems like a thick chain with one weak link. If we have a top-class operator of a hotel in this city, and that's very much in doubt. If we do an outstanding job of promoting conventions beyond what we've done thus far, and I'm not faulting anyone for where we've been today, but what we're saying is, to make this work we have to do a whole lot better job than we've done in the past. It's been my experience as a business person, when you set out to do something, you're always up there at eighty or ninety percent of your top effort, maybe not a hundred, but we're going to have to go from eighty or ninety to a hundred and forty, and I think that's going to be tough for us to do. So, having said all of that, I will certainly refute or attempt to refute any comments that you may have regarding that, but certainly, I'm of the opinion, I must vote no.

President Borries: Okay. Thank you.

Commissioner Tuley: Just one real quick comment, Richard. I had a poor choice of words. I wasn't trying to imply that it would ever be self-supporting. I don't think we have any facility in the County that we operate that is self-supporting. I guess what I was trying to get across is, after the first two or three years, I would see it taking less money from the County for support, as the figures are being here and after they've been here and that's the only clarification there. I agree with you, it'll never be self-supporting. I want to hear, Commissioner Borries, you don't have to cast your vote, but you've sat here pretty quietly, so I'd kind of like to hear some of your comments.

Commissioner Mourdock: Boy, this is a tough call. Which way are you going to go, Rick?

President Borries: Well, I'll be happy to. I think there are some people in the audience that probably think I'm a broken record a bit on this, so I certainly want to take into account all of the thoughtful and sincere remarks that have been made here this evening. Everyone, really, has made some excellent points and I think, heartfelt and sincere, and that's really what community debate is all about. Councilwoman Jerrel is right, we work together very hard to get improvements done and we're going to be very proud of what we have at the Vanderburgh Auditorium Convention Center. Improvements can be made by a One Cent Food & Beverage Tax that, frankly, we pay and every community that I've ever gone to, attended a convention or visited, I don't care if it's Indianapolis, Ft. Wayne, wherever, I'm paying as everybody else, a visitor tax in the sense of a One Cent Food & Beverage Tax. It goes on. So, we're going to be able to do that. But again, I keep coming back to the same issue: does this community need a convention business? A few weeks ago, I got this letter from the Grand Wayne Center in Ft. Wayne, Indiana, where the Association of Indiana Counties is going to have their convention and they want to say today, optimistically, that a whole new conference experience awaits you in Ft. Wayne, the beautiful Grand Wayne Center. It goes on to talk about this. Well, with eight hundred people probably as a minimum attending that, spending as a minimum, \$100 a day, that's \$80,000 a day and times three days, as Joe Vezzoso points out is an average stay, \$240,000 coming into the community the size of Evansville, Indiana, the third largest city, and a city that I'm proud of as I know all of us are. And frankly, I think sometimes, not only here but in the country, we're beginning to lose or lower our sights and talk about well, we can't do this, we can't do this anymore. If \$40,000,000 is a possible input and impact in this community, that goes all the way to, frankly, to the lowest paying types of jobs that are sorely needed right now, that impact people in the 4th Ward, where we're talking about food servers and food handlers and doormen, and people like that who need entry level jobs. And those jobs are not going to be there at an Executive Inn. What's going to happen to a part of the downtown, as this was referred to in a recent editorial, about the downtown blight? What is going to happen to a portion of this downtown where we're going to, meaning the County of Vanderburgh and the taxpayers and the citizens of this County, who are going to invest in renovating a facility, and by the way, I don't think in 1967 that they had to ask the Mayor, the County officials back at that time as to whether or not they should build and make a statement about an auditorium and convention facility in downtown Evansville. Most citizens probably think it's run by the City anyway, but those County officials took that statement as a faith in the renovation of downtown Evansville and they did something about it, and they built a fine facility for its' time in 1967. So now, we're going to be faced with a deteriorating hotel, we're going to be faced with deteriorating conditions all around that particular area, and what will we do about it? Well, we'll just let the market value take its' toll. We could, perhaps, have a deteriorated hotel that will be average for what few visitors that now, all of the sudden, everybody's talking about we're going to have with the riverboat,

as almost as if, stay away - don't come here. I don't get, sometimes, that kind of an attitude about what I see ahead here. I think that we need to look at stabilizing a critical part of the downtown by, first of all, sending a message that can, at this point, stabilize a critical area, combine both facilities and turn them into, what I see is a very serviceable, very positive kind of facility. Something that, as these people in Ft. Wayne are talking about, can handle state-wide conventions and regional conventions. Again, I keep coming back to that \$40,000,000 in dollars that are spent within this community, not just in taxes, but in terms of real income, in terms of everything from toilet paper to tips, in terms of everything that can, in my situation, matter with entry level jobs that are critically needed in certain portions of this city. Can we operate it? Well again, I think if we say it's a total vacuum, and I don't know any business that would say, we're opening the doors and there's not going to be any revenue coming in here. Sure there's going to be revenue here, and sure, we ought to use it, look at riverboat money and the short-term basis as an effort to rebuild what we have here so that we can be competitive and so that we can truly reflect what I would see as, again, a significant smokestackless industry, as Joe Vezzoso has pointed out. It needs to happen here. And so, regardless as to whether or not we do this or not, we'll all sleep, we'll all respect each other's viewpoints and we'll all go to sleep thinking that we made the right decision. I believe that the right decision is one, again, that can generate income for this community, I believe that the right decision is one that can put together a wonderful convention facility that truly reflects the marvelous people who live in Evansville, Indiana, and coupled someday, maybe with an interstate that's going to come through here, people will not only want to stop here, but will be very familiar with this process, will continue to see growth. I've always voted for growth, and probably some would criticize me for doing too much, but I, frankly, see it as real simple in that fashion, you either grow or you begin to die and you begin to shrivel. I don't want to see Evansville, Indiana and Vanderburgh County become that kind of community. So I believe that there are lots of possibilities, and instead of lowering our sights, I think we have to have some faith in the future, that we can do this, that we can do it because it is a community need, and we've identified this as a community need, and we're going to do this as efficiently as we possibly can. With that said, I vote yes.

Commissioner Tuley: That was a mistake, letting you go first. Oh, I have put myself in a wonderful position, Rick. Let me start off by saying, when I walked out before we started the meeting, one of the reporters here grinned and gave me a thumbs up/thumbs down and I said, "I don't know. I really don't know how this thing is going to come out." He laughed and said, "Oh sure, sure." I said, "I know where one vote is, I know what one vote is going to be tonight, but I don't know what the other two are." Unfortunately, I wasn't talking about my own vote. I only knew where this man was going to vote. That's the only vote I knew. And I've tossed this thing and I've worried about this thing. I'm not concerned about these two sitting here as being two republicans, it concerns me that we have two councilmembers and, as you told him, don't be offended, who everybody has had a field day watching fight for two or three years on philosophical differences as councilmembers, sitting here saying, we can't afford this. And that really scares me, that bothers me. It bothers me when I look at, I know there's money being promised by Aztar for the first three years that can go to offset any operation deficit, and there's going to be an operating deficit, maybe not \$400,000, but nonetheless, there's going to be an operating deficit. It concerns me, and Joe, don't you take offense to it, but we don't get a commitment per se off the head tax to help go that would not affect the General Fund, because you guys aren't sure how much you're going to have to give because you have other ongoing projects. Now that's not a slap at you, but it's a questions of, if the Council says they can't fund

it, and the Convention Bureau, who I guess as much as any government organization, so to speak, has to gain by it, says we'll commit it through your Hotel/Motel Tax but we're not sure on that head tax, we're not sure how much we can give. Joe, you might want to clarify if I'm getting off bounds here, I'm not saying you didn't say you would commit, but you really don't know because of the budget process. Is that correct?

Joe Vezzoso: That's true. We don't even know what the income is going to be and our body works strictly by appropriations through the County Council. Even if we were to try, maybe the County Council says no, we think that money shouldn't go for that. So, we're kind of bound by the County Council through appropriations.

Commissioner Tuley: I'm real concerned. As we've heard for two years, the County doesn't have any money. We voted down a chance to bring a company here because we didn't feel like we had the funds available to give them the incentive package. We're cutting back the Community Corrections Program because we don't have the funds necessary to put proper staffing to house the amount of inmates we keep out there. So we're going to look to some other source, which it sounded like, at first, it was going to be the jail, but then I hear in the last week, we don't have enough money to, I shouldn't say we don't have enough money, but we've got too many prisoners for the amount of space we're allowed to keep them in and it just continues to bother me. I walked in here tonight thinking I would probably vote yes, really wanting to vote yes, but in all honesty I don't have enough compelling pluses in the yes column to vote yes and, therefore, I have to vote no. And if this doesn't bring this community...this building should be shaking right now. We've got two people in here that vote against each other, voting together, we've got these two voting together who are voting against each other tonight, so if this building doesn't rock tonight, I don't know why. But, I just don't see, financially, that we're in a position at this point in time to do this. And I'm sorry for that because I think it's an industry that we should be catering to. I think it's an industry that will, in the long run, be losers by virtue of the fact that we just, I would like to see this be a better community in terms of bringing major, major conventions here, but I just don't see for the next two or three years, us having the money to sustain this, and after that riverboat is gone and I voted for it, and I believe in it, but I can't believe it's going to be here for twenty years. Having said that, I already said no, so...

Commissioner Mourdock: If I may add a comment there, and let me reiterate what I said a moment ago, that vote took great courage too, and again, this isn't about politics. This is about each of us calling it the best way we see it. I think both of you will agree but Pat, especially, this is directed to you, this situation will be for some time in a state of flux. If, of the seven ifs, I guess this is my eighth if, of the seven ifs I listed before, if and when those situations resolve themselves, I would certainly take another look at this situation. If the risk to benefits are better understood, at least in my mind, that door remains open.

Commissioner Tuley: And if I might add, too, there's been a couple of people suggest that maybe we need to re-examine where we are headed with the auditorium that we have and I think now might be, without the convention center, now is the appropriate time to look at that and see what possibilities we have. They're working with the Convention & Visitor's Bureau, working with the Council, to explore the possibility of maybe a little greater expansion than we first talked about.

Commissioner Mourdock: That's fully appropriate.

President Borries: All things are possible, and if we might, at this point, we need to go forward, so we will consider this at

another time, maybe next week. If you Commissioners have new information, the Council, I guess, still has a special meeting scheduled, so maybe, again, we'll have new information and folks will want to change their opinion on this and I hope they do, but, at this point, if there's no further comments, we'll--

Commissioner Mourdock: Just one, in light of that last one, and I was going to bring this up under New Business, but unfortunately, I will not be able to be here next week. If something truly, truly pressing comes up, I would like to be involved in that discussion.

President Borries: Now you tell me, that's right. See, I was going to slide one through. No, I wouldn't do that to you. Okay. So you're saying not to vote on it next week?

Commissioner Mourdock: I would certainly like to be a part of this.

President Borries: Okay, well we would certainly want you to do that.

Commissioner Mourdock: And I will, unless my plane is terribly derailed, on the following Monday I will be here, back in time.

President Borries: Okay, good, good. We can consider it at that point. Thank you again for your thoughtful comments, all the persons who spoke this evening. I know that there are some media here that other folks might want to get that, is it okay with you all if we briefly adjourn for a second. Stop the tape, Teri, and we'll get back together in about five minutes, if that's okay?

Commissioner Tuley: That's fine.

MEETING RECESSED AT 7:00 P.M. AND RESUMED AT 7:20 P.M.

Alan Kissinger: I have nothing further to report.

President Borries: Teri Lukeman, Mr. Kissinger's report is now concluded.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: I have two items: I believe it was two or three weeks ago, the Commissioners did approve AFLAC as the flex plan firm. David Marion from AFLAC did bring some forms in today that he had worked on with Dennis Feldhaus that you need to sign, Mr. Borries, and then Suzanne Crouch as Auditor or Secretary, needs to sign, so I'll wait to the end of the meeting and pass these down to you. The other thing that I have to bring to your attention, we received a letter today from the Prosecutor's Office. They have a client that is hearing impaired and they have requested services from the Resource Agency for the Deaf and Hard of Hearing, to have an interpreter. The first scheduled appointment or interview with this client is Friday. There is a service agreement that was sent in by the Resource Agency for the Deaf and Hard of Hearing. The attorney, Mr. Kissinger, did look at it today and he feels that it is appropriate for the Prosecutor's Office to enter into this agreement with them. The main specifications are that their rate is \$40 per hour and \$.25 per mile for the interpreter. Because of the ADA Act, we do need to provide the service. So I guess I need your permission or need to instruct the Prosecutor's Office as to whether or not they should enter into this agreement.

Alan Kissinger: I think the appropriate thing to do is a motion to authorize the Vanderburgh County Prosecuting Attorney to enter into this agreement for this case only and then authorize the Prosecutor to enter into this agreement, but this does not authorize the prosecutor to enter into future agreements of the same type. Each one has to be dealt with on a case by case basis. But, Mrs. Mayo

is correct that, pursuant to the requirements of the Americans with Disabilities Act, we, as a government entity are required to provide this service so that this individual can take advantage of government services that are taken advantage of by other citizens not so disabled.

Commissioner Mourdock: Just as a defining question, and I understand the ADA and how that would apply, define for me, Cindy, you used the word, client, of the Prosecutor's Office? I guess I'm missing something. Who is a client of the Prosecutor?

Cindy Mayo: The letter from the Prosecutor's Office says:

"Please find attached all the information I have regarding a Deaf/Hard of Hearing Interpreter. These services are required by the Child Support Enforcement Department in this office.

The first interview with the client who requires this service has been scheduled for Friday, June 9, 1995."

So those were their words.

Commissioner Mourdock: Okay.

Alan Kissinger: Under Title IV D, the federal program that gives funds to the prosecuting attorney for enforcing child support orders, these persons can come in and pay a minimum fee and the prosecutor will then process these various legal remedies for them.

Commissioner Mourdock: I will make a motion then that we inform the Prosecutor that he can move forward to hire the interpreter pursuant to Mrs. Mayo's request.

Commissioner Tuley: Second.

President Borries: So ordered.

Cindy Mayo: That's all I have.

President Borries: Thank you, Cindy. Okay, I have one employee transaction here that I will add to our list if that's okay?

Commissioner Mourdock: Sure.

RE: BILL MORPHEW - COUNTY HIGHWAY

President Borries: Let the record show that the Vanderburgh County Highway Department has submitted a report on work done from the dates of Friday, May 26 through Thursday, June 1 and that work was also done by the Bridge Crew and done in all parts of the County. Are we drying out a bit?

Bill Morpew: Yes, most of the work was actually done on, well it showed that we did a little bit of paving here, but we spent quite a bit of time this past week on Old Henderson Road. There was a lot of debris down there. The roads are all open and passable now.

President Borries: Do we have any that are still closed?

Bill Morpew: No sir.

President Borries: They're all open? Man, that river really went down fast, didn't it?

Bill Morpew: Yes sir.

President Borries: I guess that's why I haven't had any more calls on drainage and wet, you know, usually when I drive to work in the morning on Interstate 64, I can really tell that it really, really

has receded quickly. Okay, any questions of Bill?

Suzanne Crouch: Did you have anything to do with the river receding so quickly?

Bill Morphew: No, if it was up to me, they wouldn't do that. I don't like it when they go down that fast. It washes our roads out.

Commissioner Mourdock: On your weather business and this rain, we have a foreman who recently retired, one of these guys who has been around for years, and he always claims if it rains the first day of the month, it will rain for fifteen days that month. And he's made that point about four or five times and I swear every time he's been right. So, I will report that Thursday, June 1, it did not rain.

President Borries: I hope it doesn't rain for a long time. It'll sure make our jobs easier.

Alan Kissinger: I think that just before midnight it did rain.

Commissioner Mourdock: Only in your neighborhood.

President Borries: Get these guys doing some road paving and so forth. Okay. Pat, any questions of Bill?

Commissioner Tuley: No.

President Borries: Okay. Thanks, Bill.

Bill Morphew: Thank you.

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: The first item I've got is the road plan for Timberland Subdivision. It's going to be an eighteen foot wide privately maintained gravel road. The reason I bring it for your approval is for, since it is within a dedicated County right-of-way, this subdivision was done back when Aaron Biggerstaff was still in business--

President Borries: I was going to say, it had Sam Biggerstaff's engineering sign on it and he passed away, so, I was a little worried about this one, but you've looked at it?

John Stoll: Yes. What happened was, back when this land was originally prepared, for some reason it was never given to my office and, therefore, it never made it to the Commissioner's meeting for approval. Jim Morley is now the engineer who is finishing up this subdivision and that's why I am bringing it to you for your approval this evening.

Commissioner Mourdock: Whereabouts is Timberland, off Darmstadt Road?

John Stoll: This will be just south of Clearcrest Golf Course.

Commissioner Mourdock: That's where that log cabin sits back in off the road?

John Stoll: It's been so long since I looked at the notes on the thing, I can't remember.

Commissioner Mourdock: Okay. There, what is the road that goes...This would be the first road, then, off Darmstadt, south of Clearcrest.

John Stoll: This will be a new road.

Commissioner Mourdock: Yes, okay, it has to be there then.

President Borries: It says it will not be maintained nor accepted by the County. Is it going to be a paved road?

John Stoll: No.

President Borries: Okay.

John Stoll: Like I said, the only reason I'm bringing it for your approval is because it is within a dedicated County right-of-way.

President Borries: Okay.

John Stoll: Well, it will be dedicated once the subdivision is approved.

Commissioner Mourdock: One question, if I may, does the County right-of-way extend beyond the cul-de-sac?

John Stoll: No.

Commissioner Mourdock: Okay, we just had a right-of-way up to the cul-de-sac.

John Stoll: The right-of-way is just being dedicated as one of the conditions for the subdivision approval.

Commissioner Mourdock: Okay. I move acceptance of the road plan for the Timberland Subdivision as submitted and approved by the County Engineer.

Commissioner Tuley: Second.

President Borries: So ordered.

John Stoll: The next item I've got is a Travel Request for Bill Higgins to attend a Work Zone Traffic Control Seminar in Jasper. It will involve the use of a County vehicle to drive up to the seminar, but there won't be any overnight stay involved with this seminar. I recommend that be approved.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: I've got a revision of the Stop Sign Ordinance that needs to be advertised if you approve. It just includes new subdivisions that have been recently constructed as well as there are a couple of intersections on there that needed stop signs that were never part of the ordinance in the past. They were just overlooked.

President Borries: We have to advertise this, I guess?

John Stoll: Yes.

President Borries: May I refer this to the County Auditor, then, for advertisement, and we'll have to have the readings on it, and then--

Alan Kissinger: Two readings. It has to be advertised twice.

President Borries: Yes, two readings.

John Stoll: And the only other item I have is, I was contacted by David Savage, who prepared the signal plans for the Cross Pointe

and Lloyd signal. He said that Sigeco needs a letter from the County stating that it will be paying the electric bill for that signal and I was going to send the letter stating that and I would just pay that out of our Road & Street Fund if that's the way you want to handle that, rather than have to go through a Commissioner's--

President Borries: Man, I have a problem with this. I just, I am so angry over the whole deal. I don't understand how somebody could have changed this, some attorney apparently, to make the County pay for it. It's a state highway, the developers are paying for the installation of the stop sign, the County pays for the electricity, what the hell is the state paying for? Not a thing!

Commissioner Tuley: Who signed these--

President Borries: It's the trend of the, you know, it was either that or we don't get a stoplight out there.

Commissioner Mourdock: Back to those unfunded mandates.

President Borries: Well, we're beginning to see a lot of them, and I tell you, I don't think folks are going to like them, because local government is not equal. I mean, there's only a limit as to how much we can take on this. I'm sure the state has its' own set of problems too, but how the State of Indiana can put a highway out there and then, literally, force everybody else to pay for what is their responsibility is remarkable to me. I mean, and I'm complaining about it for the record because, really, we don't have any choice, we either negotiate with the state at this point and carry this thing out or we don't have a light in effect. Frankly, I know of one person who met a tragic death at that particular area and probably would still be alive today if we had a stoplight out there. So, I'm just crabbing for the record and I'll entertain a motion. I mean, I don't know what else we do, except take it out of Local Roads & Streets.

Commissioner Tuley: We don't have any choice.

President Borries: We don't.

Commissioner Tuley: Move that it be approved.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

John Stoll: We'll establish a line item then, to pay for that and then we've also got the two flashing lights, one at Millersburg and Green River and than another one at Boonville-New Harmony and Green River that we're working towards getting those installed so, I guess, should we pay for those two flashing lights out of that same account then? Would that be the way you'd want to handle it?

President Borries: I think we have to, at this point, it's just going to kind of chip away at our monies for future highway uses, but we also have to be concerned about safety.

Commissioner Mourdock: I'm sorry, John, you said Boonville and New Harmony, and Green River and what and Green River?

John Stoll: Millersburg and Green River.

Commissioner Mourdock: Oh. Is there another caution light there now?

John Stoll: No.

Commissioner Mourdock: Okay.

John Stoll: The problem there is that crest on the hill and just west of Green River and we're going to put a similar installation in, a pedestal mounted flashing light that the flashing unit will be tall enough that you'll see that prior to going across the crest of the hill.

Commissioner Mourdock: Okay.

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

President Borries: Any questions of John?

Commissioner Tuley: No.

President Borries: Okay. Thank you, John. Glad to see you're back and feeling better, too. John was really sick with strep throat last week.

RE: CONSENT ITEMS

President Borries: We have Consent Items for your review and if you so choose, we will approve them.

Commissioner Mourdock: I will move approval on the Consent Items as submitted.

Commissioner Tuley: Second.

President Borries: So ordered.

RE: SCHEDULED MEETINGS

President Borries: There is a list attached of Scheduled Meetings.

RE: OLD BUSINESS

President Borries: Would there be any items on Old Business this evening?

Commissioner Tuley: No.

RE: NEW BUSINESS

President Borries: Any New Business at this time? Oh wait a minute, I guess, well that comes under Drainage Board. I know Commissioner Tuley and Commissioner Mourdock both met with Mike Wathen regarding a Drainage Board matter, so we'll enter that in a future Drainage Board at some point. New Business? We'll have Solid Waste next week, and I don't know of any other New Business at this time. There are a series, frankly, there are some things, some information that I'm not going to talk too much about yet, in terms of some information about some changes in state law, one of which really concerns me that I'd like Alan to see as well, concerning, it's called a Welfare Planning Council that we have to do before August 1. I will see if we can get some, Cindy if we can get this information copied and sent to all of the Commissioners because it's going to have a major impact on us, major, major, major. Also, Commissioner Mourdock also gave some information concerning the new prevailing wage procedures we'll need to look over. And for the record, I guess under Old Business, I did attend a meeting with Judge Brooks, he's a federal judge, and several local court judges, Sheriff Hamner was there, Councilman Phil Hoy was there, concerning the situation in terms of the Vanderburgh County Jail. There is some overcrowding going on, however, the key to that is the humane treatment of those people there and they are being treated humanely. We looked at all kinds of alternatives, one of which that might resolve some immediate overcrowding, is to review the status of certain indigent offenders, as well as look at electronic house arrest also, as an alternative. So, those items

were discussed at that meeting that was held, and I'm sure that you all will, like or not, be involved in it in future meetings. I think we've already covered the Green Center Resolution tonight, so that item has already been covered. Any other business this evening? If not, we're adjourned.

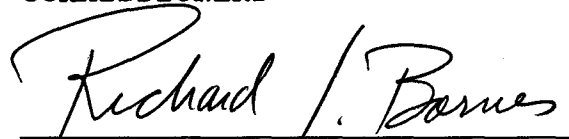
Meeting adjourned at 7:34 p.m.

THOSE IN ATTENDANCE

Richard J. Borries
Richard E. Mourdock
Alan Kissinger
Teri Lukeman
Joe Vezzoso
Bettye Lou Jerrel
Bill Morphew

Patrick Tuley
Suzanne Crouch
Cindy Mayo
Reverend Joseph Fraccoro
Phil Hoy
Dan Spindler
John Stoll

**VANDERBURGH COUNTY BOARD OF
COMMISSIONERS**



Richard J. Borries, President



Patrick Tuley, Vice President

Richard E. Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

JUNE 12, 1995

TABLE OF CONTENTS

Introductions & Pledge of Allegiance	1
Action Items	1
Approval of minutes	1
Sherry Quinn - MCI	1
Presentation of AIC endorsed program	
Lynn Ellis - Purchasing	1
Request to open bids for Division of Family & Children Transport Service	
Emergency claims for Burdette Park & County Highway	
Erv Leidolf - Browning-Ferris Industries	2
Temporary waiver of ban on yard waste disposal	
Suzanne Crouch - County Auditor	3
Contract with State Board of Animal Health	
Amendment to contract with David M. Griffith & Associates	
Travel request for Joanna Morphew	
Alan Kissinger - County Attorney	4
Bid recap for Family & Children Transportation Services	
Resolution to continue Cumulative Bridge Fund	
Quit claim deed from Vanderburgh County to Redevelop- ment Commission for Azteca	
Cindy Mayo - Superintendent of County Buildings	6
Damage caused by trees on county property from storm	
Milton Hayden - County Garage	7
County Highway & Bridge Crew Progress Report June 2 through June 8, 1995	
Complaint on Evergreen & Old State Road	
John Stoll - County Engineer	7
Request transfer of funds to pay electric bill for flashing lights & signal at Lloyd & Cross Pointe	
Appropriation from Road & Street Fund for Eickhoff/ Koressel Road supplemental agreement	
Right-of-way along Baseline Road & frontage road adjacent to Azteca site	
Consent Items	8
Scheduled Meetings	9
Old Business	9
Rezoning request C-4 to C-2	
New Business	9
Resignation of Curt John from local ABC Board & appointment of Jack Waldroup to be replacement	
Convene local planning council to conduct needs assessment to help AFDC recipients - \$5,000 grant	
Burdette Park facilities resuming operation after storm	
Adjournment	11

The Vanderburgh County Board of Commissioners met in session at 5:50 p.m. on Monday, June 12, 1995 in the Commissioner's Hearing Room.

RE: INTRODUCTION & PLEDGE OF ALLEGIANCE

President Borries: Good evening, everyone. Welcome to our County Commission meeting of June 12, 1995, which I'd like to call to order at this time. Our introductions for tonight will be:

Cindy Mayo, Superintendent of County Buildings & Office Manager
Alan Kissinger, County Attorney
Patrick Tuley, County Commissioner
Richard J. Borries, County Commissioner
Richard E. Mourdock, County Commissioner - absent
Suzanne Crouch, County Auditor
Teri Lukeman, Official Recording Secretary

Would you join us please, for the Pledge of Allegiance?

RE: ACTION ITEMS

We have the following action items on an agenda for your review this evening over by the door, but first, approval of minutes from our last meeting.

Commissioner Tuley: Mr. President, I move that the minutes from the meeting last week be approved as engrossed by the Auditor.

President Borries: I will second. So ordered. Are there any persons or groups of individuals who do not see his or her item on the agenda who wish to speak at this time? Okay, thank you.

RE: SHERRY QUINN - MCI TO PRESENT AN AIC ENDORSED PROGRAM

President Borries: Sherry is not here.

Cindy Mayo: I talked to her as late as Thursday and she was still planning on coming and giving her presentation, so I don't know what...

President Borries: Okay.

Teri Lukeman: She left a message with B.J. Farrell saying that she would not be here this evening.

President Borries: Okay, thank you. So Sherry Quinn cancelled for this evening, then.

RE: LYNN ELLIS - PURCHASING

President Borries: We have one item here that I think we can also cover under Lynn Ellis' item that she has. Lynn Ellis is here regarding opening bids for the Division of Family & Children Transport Service.

Lynn Ellis: Right. I'd like to request that the Attorney, Alan Kissinger, be given permission to open bids for transportation services for the Division of Family & Children.

President Borries: Okay.

Commissioner Tuley: So moved.

President Borries: I will second and so ordered. And then, Lynn, you and I discussed before this meeting, an action that this Board should consider regarding the storm, our 13th annual storm I guess we should say, or whatever the 13th year would be from 1980 to 1995, that wreaked havoc in this County and so I think that you asked that an emergency be declared by this Board in order to process some emergency claims by the Burdette Park Department. Is that correct?

Lynn Ellis: Right. Burdette as well as the County Highway, with the crews having to cut up limbs and carry off debris, they've had to make expenditures that they would not normally have had to make for chain saws and new chains and that kind of thing. So, if the Commission can declare that an emergency, then it will rectify those purchases.

Commissioner Tuley: So moved.

President Borries: I will second and so ordered.

RE: ERV LEIDOLF - BFI INDUSTRIES

While we're on this, Pat Tuley, who is a Commissioner and President of the Solid Waste Board, discussed this at our Solid Waste Meeting, but this is a Commissioner item and Erv Leidolf is here from Browning-Ferris Industries. Erv is the superintendent of the Laubscher Meadows landfill, and I think has some good news that we also heard insofar as the nature of that landfill. So maybe, Erv, you may want to comment on that for a second. But one of the things that was discussed here was whether the County Executive, this Board, should as per Senate Enrolled Act 65, declare an emergency to waive yard waste disposal, a ban for up to ninety days, if an emergency exists such as a fire, earthquake, wind, storm, drought, or explosion in which there is widespread or severe damage or loss of property. This could be done under Section III. I might add, and this is a personal comment, I think this Bill is a giant step backward. What it does is repeal part of House Bill 1040, passed several years ago, which set up solid waste districts and now this one allows grass to be put back in. I don't think it is the will of our Board to do that, because frankly, grass was the generator of yard waste that we put in the landfill to begin with. And why you'd want to take that out now, to me, is just a giant step backward. This particular part of the law, however, I think has merit. So maybe, Commissioner Tuley, we can hear from Mr. Leidolf and see what his feeling would be, Erv, on this particular item here.

Erv Leidolf: The reason we asked for this emergency plan is that we really don't know the extent of the damage yet. This is a contingency plan, it's not our primary plan. Right now, we are continuing to take compost material to the present transfer station as well as Laubscher Meadows compost area to the north of the existing landfill. We will continue to do that just as long as we can. We have equipment and people to handle a certain amount of material. We will bring additional equipment and additional people in, but what we don't want to do is put ourselves in a position where, as this stuff piles up, it creates some type of environmental hazard. We do not want to fill up the landfill with the compost material as well as you don't, because even though Joe Ballard said he got a phone call today, I'd really like to get the permit in hand first before we start to celebrate. So...

President Borries: These comments are from Erv Leidolf by the way, Teri, he's the general manager of the landfill. You might want to address what you're talking about here, in terms of that.

Erv Leidolf: Okay. Joe Ballard got a phone call from Dave Wersan today, who is the assistant commissioner for Solid Waste for IDEM and notified him that the BFI permit for the expansion of Laubscher Meadows has been approved. He said he is going to send us a letter, so when we get that letter, again, we will celebrate. I'd like to take this time to thank everyone who supported us over the last five years because it was a real battle, and again, we appreciate your support. But as far as this thirty day emergency situation, it's just something that we're asking for if it's appropriate and it's going to be a contingency plan.

Commissioner Tuley: Okay, all we're asking then is to ban the ban,

limbs, trees and what have you?

Erv Leidolf: Yes sir, because if we got behind, if there were a hundred loads that came in tomorrow, it would be against the law for us to take it in the landfill. So we would have to take it to the north side of Laubscher Meadows or to Princeton. The problem is when you get bags of grass mixed in with this brush. The brush could sit there for months before we have to grind it, but the grass in the bags, we have to get it out of those bags pretty quick. So where, historically, we might have fifteen to twenty loads a week, now we might have a hundred. So we've got to process those loads and get that brush away from any bags of grass.

Commissioner Tuley: Having been out all over the county this last weekend, I can see where there's a lot of people who are going to have a lot of problems trying to get rid of that stuff. I can see where it would be a headache for your guys trying to keep it separated and get it moved. So at this point in time, I would move that we ban the ban on yard waste for a period not to exceed thirty days.

President Borries: I will second and so ordered. And again, Erv, I think we want to stress, only as an option, because I know you are concerned, too. After thirty days, if you can check back with us to let us know how this is going, I think within thirty days you're going to get some feel as to what kind of content that we're going to have. Again, I just will go to the mat on this. I think this law, all it does is, it says it can be put into the landfill, but everything that we ever learned as we were going through setting up the solid waste district simply said, which I think you would verify, that particularly grass as yard waste, is one of the leading generators of landfill space and we just don't need that back in there.

Erv Leidolf: Right and we feel the same way.

President Borries: Alright. Thank you.

RE: SUZANNE CROUCH - COUNTY AUDITOR

President Borries: Next, we're going to hear from our County Auditor, Suzanne Crouch, regarding a contract with the State Board of Animal Health for Bovine Brucellosis.

Suzanne Crouch: This is just a contract between the Indiana State Board of Animal Health and Vanderburgh County Commissioners for that testing. It is to take effect January 19, 1996, and it is to test cattle under the State-Federal Cooperative Program in the said county. So if I could submit that for your signature.

President Borries: Thank you. May I have a motion to accept this, Commissioner Tuley?

Commissioner Tuley: So moved.

President Borries: I will second. So ordered. Also, you have an item here in regards to David M. Griffith and Associates?

Suzanne Crouch: Yes, this is just an amendment to the contract for the professional consulting services between Vanderburgh County and David M. Griffith and Associates. The original contract incorrectly states that services apply to fiscal year 1995, so we just need to sign this and they'll make that correction.

President Borries: Okay. Yes, if we can move approval?

Commissioner Tuley: So moved.

President Borries: I will second and so ordered. This certainly

makes our County Auditor's job easier, as well as a lot of other people. They do a very good job in relation to looking at, well, what they do is they go back and check on federal programs and see if there is any fraud or any kind of improprieties and they do an excellent job.

Commissioner Tuley: Suzanne, you've got something under Consent Items. If you don't mind since we've got a couple of your discussion items here, on this request for travel for Joanna, since it's coming out of our budget, and it says here that it's for Assessor's...

Suzanne Crouch: Correct.

Commissioner Tuley: Yes. Would you just...?

Suzanne Crouch: Speak to that?

Commissioner Tuley: Yes. If you don't mind, just real quick.

Suzanne Crouch: She is the Corrections Clerk and she deals with the Township Assessors and the County Assessor on a regular basis concerning 130 and 133's and corrections made to those original assessments. It was our thinking, and it was suggested by Perry Township Assessor, that perhaps if she did attend this seminar, it might give her better knowledge, better understanding of the types of appeals that are made to our office. And that was the reason for the request.

Commissioner Tuley: Okay. And you don't have it in your budget, a training account or anything like that, that you could take this out of?

Suzanne Crouch: I do believe we have a small amount in training. I could check on that and get back with you. I'm not sure exactly how much it is, Commissioner Tuley.

Commissioner Tuley: Would you mind just for one week, just to see if you've got enough to cover that, and if you don't, then I'll move to take it out of our budget next week.

Suzanne Crouch: That will be fine.

RE: ALAN KISSINGER - COUNTY ATTORNEY

President Borries: We're into Department Head reports, our County Attorney, Alan Kissinger.

Alan Kissinger: First, I have the bid recap for the Family & Children Transportation Services. There were two bidders: those bidders are River City Taxi and Bassemier's Transportation Service. There were five or six categories for them to bid, so these are what are referred to as unit bids. I'm assuming, therefore, that Lynn Ellis from Purchasing would request, or ask me to request, that these bids be taken under advisement until next weeks' meeting.

Commissioner Tuley: So moved.

President Borries: Second and so ordered.

Alan Kissinger: The next matter that I have is, I have prepared the ordinance or resolution as it is referred to for continuing the Cumulative Bridge Fund pursuant to the present statute. I addressed the Commissioners in reference to the continuation of this fund two, three or four weeks ago. In the meantime, legislation came down, or we were made aware of legislation, which changed the requirements for adopting the ordinance and continuing the fund. There was no provision initially for continuing the

the fund. There was no provision initially for continuing the fund. We were under the impression that we would have to go through the same procedure of establishing or re-establishing the fund as we did initially. The amendments in the legislation change that requirement and I know that there are some people around the state who seem to believe that it has eliminated the requirement that we pass the ordinance or resolution, or amend our ordinance in reference to the continuation of the fund, but I am absolutely certain that we initially passed this ordinance for a three year period and it expires this year. If we don't re-adopt this ordinance to continue the fund, we can't collect the tax next year. So, I feel that we are on very solid ground, and even if it should turn out that for some odd reason that my evaluation is incorrect, we're not hurt. But, if we don't do it by August 1, I'm afraid that someone may tell us that we can't collect the tax anymore. So, I have also prepared the notice that needs to be published and I've also prepared a memorandum to the County Auditor advising her and her staff as to how the advertisements for this need to be taken care of. I've set the hearing on this for July 3rd of '95 in consideration of the fact that the amended statute does not go into effect until July 1st of '95. So, I'll pass all of that down. I'd also like to advise the Commissioners, as the Commissioners probably already know, and John Stoll will address you in reference to this tonight, there is a tremendous amount of activity now occurring in reference to the exchange of documents and the signing of documents for the Azteca project. John, tonight, is going to talk to you about the deed or grant of right-of-way and I have been provided with a form of the license agreement. These things, for the next couple of weeks or the next month, perhaps, are going to be coming hot and heavy. I just want the Commissioners to understand that I'm not just shuffling paper to you and saying sign it, but it is going to be coming quickly and all of these documents are being reviewed in advance of being brought to you as was the document that John is going to bring to you tonight. This license, my understanding is that it does not need to be signed tonight and therefore, I will wait for the original and probably bring it to next weeks' meeting if necessary. I have nothing further --

Cindy Mayo: (inaudible)

Alan Kissinger: Oh, I beg your pardon, okay, yes. There is a quit claim deed from Vanderburgh County to the Vanderburgh County Redevelopment Commission. This quit claim deed, basically, gives the Redevelopment Commission the authority to enter into the lease with Azteca. If you will recall when we originally entered into the bank anticipation note, or you wouldn't recall that because you weren't there, nonetheless, at the closing the bank indicated to us, Citizens I believe, was the one that made us the loan, indicated to us that they did not want the original deed to go to the Redevelopment Commission. They wanted the deed to go to Vanderburgh County. The reason for this quit claim deed is to, basically, it gives ownership of the real estate to the Vanderburgh County Redevelopment Commission because it is the Redevelopment Commission that is actually entering into the lease with Azteca. So, I recommend to the Commissioners that this deed has been reviewed and I recommend that the Commissioners execute this deed at tonight's meeting. Citizen's attorney, Mr. Terry Farmer, has been contacted asking if the bank would have any objection to this procedure, he said he would get back with me if they did. He has not returned that call and I feel safe in assuming that Citizens has no objection to this procedure. We will not be violating the terms of the note.

Commissioner Tuley: I move at this time that, Mr. President, you be authorized to sign the quit claim deed between Vanderburgh County acting through the Board of Commissioners turning over the property to the Vanderburgh County Redevelopment Commission, said property referenced to the Azteca milling project.

President Borries: I will second. So ordered.

Alan Kissinger: Am I correct that Commissioner Mourdock will not be here tonight?

President Borries: That's correct.

Alan Kissinger: I'll just save this other report then for next week. I have nothing further to report.

President Borries: Thank you, Alan. Also, again, as Alan Kissinger, our attorney, has indicated, we're coming down on the safe side on this and there probably could be some confusion, so really, I'm kind of glad we're taking this step. The change in state law, and Suzanne Crouch has informed that we've known about this, but again, as Alan points out, we certainly don't want to be in a position that if we don't take action, to not have a Cumulative Building Fund. This does not represent any increase in taxes. This is the same amount that we have used for some time. But it is certainly vital.

Alan Kissinger: You said Building Fund, but it is Bridge Fund.

President Borries: Bridge fund, excuse me. But this is certainly a critical part of our, frankly, of our ongoing local services. We just couldn't operate without this Cumulative Bridge Fund, so we probably will, according to the new law, not advertise again unless we would go for a tax increase or a tax decrease, it was my understanding.

Alan Kissinger: We have, once again, we've continued it for a specific period of time because the new statute does not take the period of time out of there. So, I think that we do need, unless the legislation has changed, I think that the legislature is going to be put on notice, there are some gaps in your legislation, clean it up. And by this time next year, it will be cleaned up. I think that they will put an automatic continuation provision in there. But until they've done so, I think it would be perfectly appropriate for a taxpayer to come in and object to this if we did not pass the ordinance or resolution of continuation.

President Borries: Okay. May I have approval for the Auditor to advertise this?

Commissioner Tuley: So moved.

President Borries: I will second. So ordered.

Alan Kissinger: I might also mention that this does have to be, as it has been in past years, advertised along with the annual budget, etc., and I will tell the County Council the same thing.

President Borries: Although I hope we will have a quorum, I will not be here on that particular day, so...

Alan Kissinger: If that's the case then we'll just cross your name out and put somebody else in there.

President Borries: That's kind of what I thought would happen. Just as long as we had a quorum. Thank you.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: I have some pink slips that were given to us late this afternoon. They're all part time positions at Burdette Park, so I'd like to have them added to the Consent Agenda.

President Borries: Okay.

Cindy Mayo: We had two pieces of our property, one at 906 S. Elliott and one at 810 Sherman that did have dead trees on them that did cause some damage in the storm. The County Garage was made aware, as was Mr. Feldhaus, because the trees were dead. We will need to pay on those. Mr. Feldhaus has been out and looked at it already, so I just wanted to make you aware of that. That's all I have.

President Borries: Thank you. I would tell you that Dennis Feldhaus certainly, he does a yeoman's job to begin with, but he really has been looking at a great deal this past week, I'll tell you. He has really had to work hard. So, we certainly commend him for his efforts.

RE: MILTON HAYDEN - COUNTY GARAGE

President Borries: Bill Morphew, I believe, is on vacation, but our County Highway Assistant, Milton Hayden, is here and Milton, welcome. Do you have any comments about our situation in terms of the debris removal? I know you all have really been working hard.

Milton Hayden: No, I think we're doing a very good job and the guys have worked excellently.

President Borries: This report shows work done from June 2 through June 8 and done in all parts of the county to be received and filed here at this time. Obviously, it will not show all of the debris work that has been going on. It seems like we just can never quite get into a mode here where we're paving and doing what we normally do in summer. You either, through high water or now through tremendous storms, are doing other things at this point.

Milton Hayden: It's delayed us quite a bit. I do have this complaint that you sent to me, but we've already taken care of this complaint.

President Borries: Okay. We have a complaint form and I usually want to send them to your attention when they come through. Which one was it?

Milton Hayden: This is the one at Evergreen and Old State Road. And it's already been taken care of.

President Borries: Alright. Good. We appreciate your work on that...

Commissioner Tuley: You said Old State Road and it kind of rang a bell with me. Deerfield Estates, is that Mt. Pleasant and...

Milton Hayden: That's Mt. Pleasant.

Commissioner Tuley: Has there been a road cut across there?

Milton Hayden: There has been. Our intention was to get it Thursday when we had that storm --

Commissioner Tuley: Okay. You're aware of it and you guys are going to take care of it as soon as you can get together --

Milton Hayden: We'll be on it first thing in the morning.

Commissioner Tuley: Great. Thanks.

President Borries: Thank you, Milton. Appreciate you being here. Hang in there, I know you guys are working hard.

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: I've got two items. First, I'd like to go before

Council to request a transfer of \$3,000 from Contractual Services to Traffic Lights. That would pay for the electric bill for flashing lights and for the new signal at Lloyd and Cross Pointe. And I'd also like to appropriate \$34,211 from the Road and Street Fund, Eickhoff/Koressel Road to cover supplemental agreement for metric conversion, two great items.

President Borries: You bet they are.

Commissioner Tuley: Just makes you glad to be a public servant. I'll move that this request be granted.

President Borries: Second. So ordered.

John Stoll: And the other item I have is what Alan spoke of earlier. It's a description of the right-of-way along Baseline Road and along the frontage road adjacent to the Azteca site. What I have here is a copy of the description of the right-of-way. It does have the signatures from the Azteca representatives, but it is not an original copy. Alan might be able to elaborate on this, but this is just to accept this, subject to their attorneys recording the actual right-of-way documents.

Alan Kissinger: It has not been recorded yet, but it will be recorded and I think it is appropriate that we make it a part of our record for future reference purposes, if necessary. These things have a way of getting lost in the shuffle. And if we have this reference at our meeting, then it's going to be something for someone to refer back to and know that sometime after this date, the original document with original signatures was recorded at some time.

President Borries: Okay.

John Stoll: We won't start on the actual project until the right-of-way has been recorded because, right now, it's private property and we're not wanting to work on that. So, even though it won't be recorded based on the document that you have there in your hand, it will be recorded before we ever start work out there.

President Borries: Okay. We'll note, then, that it's entered for the record.

Alan Kissinger: I think that it would be appropriate for the Commissioners also, that there be a motion that the Commissioners accept the grant of right-of-way.

Commissioner Tuley: So moved.

President Borries: Second. So ordered.

John Stoll: That's all I have.

President Borries: Good. Questions of John?

Commissioner Tuley: Thanks, John.

President Borries: Thank you, John.

RE: CONSENT ITEMS

President Borries: We have the following Consent Items for review at this time.

Commissioner Tuley: With the noted exception earlier, I move the Consent Items be approved.

President Borries: I will second. So ordered.

RE: SCHEDULED MEETINGS

President Borries: We have a list of Scheduled Meetings and they are attached to this meeting for everyone's review. There will be Rezoning next week and we will have an Executive Session scheduled.

RE: OLD BUSINESS

Commissioner Tuley: I don't think there's a (inaudible) next week for us.

President Borries: There will not?

Commissioner Tuley: There was a couple that came before the Area Plan Commission last week that people were going back and making changes to.

President Borries: This is one of them then, maybe.

Commissioner Tuley: Yes, that was changed. They're downgrading that to request from C-4 to C-2 which will meet their needs. Knob Hill, John, you'll be interested in this, the developer and the landowners up on Knob Hill are working out some agreements. They withdrew their application for subdivision review last week so they can go back and work on the drainage plans before they bring it back up again. So, I think there won't be too many next week.

President Borries: Okay. That was an item I was going to talk about under Old Business, but we've had those meetings and so that Knob Hill matter is a Drainage Board item that's in progress. Any other old items other than this?

NEW BUSINESS:

Commissioner Tuley: I've just got an item for New Business, I guess. As I think we all know by now, Curt John has submitted his resignation from the local ABC Board due to a potential conflict of interest in a new venture that he is going into. Curt had agreed to serve for one year and is now in his third year. He's done a yeoman's job at leading that local board and at this time, I'd like to recommend or nominate Mr. Jack Waldroup of 2072 Polaris Drive, to be Curt's replacement.

President Borries: I will second. So ordered.

Commissioner Tuley: That's the only New Business that I have.

President Borries: I have one item and the reason that I am bringing it up is because I was kind of shocked, as I was showing our Auditor, and I brought this in. I got a rather innocuous kind of envelope in the mail from the Family & Children's Service Association and opened it up and the first thing I see is a check for \$5,000, mailed to my home. This comes from the state of Indiana and what it is, is another little deal here that local government has now been thrust upon in this age of, this came from the Governor's Office, but it comes through, also, the Senate. We're looking at welfare "reform" and what we're going to try to do now, locally, is we have to conduct a local planning council to conduct a needs assessment in each county to help AFDC recipients to become employed and attain self-sufficiency. And so I don't know what this \$5,000 is going to do, but supposedly, this is going to be a little start for us to get going. And frankly, the reason why I'm concerned about it is because, as I am in some other areas, I think we're going to be headed in the direction of ninety-two different welfare programs. Now at one time, we used to have different county welfare organizations and the state, in its' infinite wisdom, put all this together in the Family & Social Services Administration so now, all of the sudden, we're going back

to square one. I would say back to the past, and certainly not back to the future in getting back to ninety-two different counties. And it all seems to have, again, this overriding theory that there's going to be programs to be developed and resources to be expanded. The interesting thing about it is, compile a list of public service work opportunities that may be available. We have people sometimes that stand in line to get jobs, and they aren't there. How in the world, where it says, if it would say private sector work, I would love that. But we're going to get thrust into a situation where we have to create a board here of people that are going to have representatives and they're already calling, from the Private Industry Council, the Step Ahead Council, The Community Action Program or its' equivalent, the Township Trustee representing the township and the county with the highest number of AFDC recipients, at least one entity that provides job training, placement or other job related support services, at least one school teacher, at least one school administrator, at least one representative from a vocational education facility within the county, at least five representatives from business and labor, the WIC Nutrition Program under various titles, United Way or some other social service organizations, the Family & Social Services Administration County Director of Family Offices and others as determined by the county executive. And wouldn't you know it, in their generosity, the state has given us \$5,000 to do all this.

Commissioner Tuley: Then you can't scream, unfunded mandate.

President Borries: It's a barely funded mandate. That's what I'm going to call it, a barely funded mandate. You know, I guess we're supposed to cure these people or whatever we're supposed to do here at the local level that the state can not do, and again, it is a barely funded mandate. That \$5,000 is, I don't know what it's going to do, or quite frankly, what we're supposed to do with it. I will ask that we quietus this immediately and give it to the Auditor. Maybe I'm starting out with a real attitude problem on this but, frankly, I just don't see at this point, the need to create another local agency to do something that the state of Indiana is supposed to do and to attain self-sufficiency here, is what we're supposed to do. As I say, I think it's another way of just saying that we're going to have ninety-two different welfare departments in this state and it'll be real interesting to see what kind of plans that we come up with or lack of plans. So, at any rate, I will enter this into the record and ask Commissioner Tuley as well as Commissioner Mourdock, and also members here to give me suggestions, to advise me about people who would be interested to serve. And there are very well-meaning people, don't misunderstand me. There have been various agencies who are most concerned and want to get involved in this, but again, where we're headed and why all of the sudden this is going almost a full circle back to where we were some years earlier is beyond me. I just don't have a good feeling about it. I would ask your approval to, I guess, it's made out to the Treasurer so we don't have to do anything with it other than just to enter it into the record.

Commissioner Tuley: There is one thing, it's kind of Old Business, actually. Mark Tuley did call me this afternoon and just for the record or just, basically, for the media, all but one of the water slides are now open. The one that's not going to be open was damaged by a tree, so they hope to have it going by Wednesday or Thursday. The bumper boats are tentatively scheduled to be open Saturday barring any other setbacks. Day care is now open again. The batting cages are closed, but the miniature golf is open during the early evening hours up until dark.

President Borries: They are slowly getting back, but it was really, really hit hard out there. In fact, Mark Tuley had mentioned to me over the phone that he thinks that the impact of this storm was worse than in 1982. So, it really hit the west side. Is there further business?

COMMISSIONERS MEETING
JUNE 12, 1995

11

Commissioner Tuley: That's all for me.

President Borries: If not, we're adjourned.


Meeting adjourned at 6:30 p.m.

THOSE IN ATTENDANCE

Richard J. Borries
Alan Kissinger
Cindy Mayo
Lynn Ellis
Milton Hayden

Patrick Tuley
Suzanne Crouch
Teri Lukeman
Erv Leidolf
John Stoll

**VANDERBURGH COUNTY BOARD OF
COMMISSIONERS**


Richard J. Borries, President


Patrick Tuley, Vice President

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

JUNE 19, 1995

TABLE OF CONTENTS

Introductions & Pledge of Allegiance	1
Action Items	1
Approval of minutes	1
Victoria Bedford Complaint about Pigeon Trustee's Office	1
Alfred Bauer Request hearing for Petition to vacate easement	2
Sherry Quinn - MCI Present an AIC endorsed program	2
Cindy Mayo - Superintendent of County Buildings Check from Darmstadt for law enforcement patrol Check from Blue Cross representing 60% balance in Accordia Health Plan Certificate of Appointment to Alcoholic Beverage Board for Jack Waldroup	3
Bill Morphey - County Garage County Highway & Bridge Crew Progress Report June 9 through June 16, 1995 Paving update Permission to have one county vehicle converted to natural gas	3
John Stoll - County Engineer Change Order for Franklin St. Bridge Additional issues regarding request to raise Water Works Rd. Paving Wright Drive - acceptance as county road subject to grant of right-of-way (see Commission- ers minutes 9/16/68) Request permission to go before Council to request transfer of funds Browning Road Bridge Baseline Road right-of-way accepted & recorded Request approval for American Timber Bridge to de- sign bridge package for Bluegrass Creek	5
Alan Kissinger - County Attorney Complaint about Pigeon Trustee's Office Open bids for title search services for 1992 & 1993 tax sale properties	9
Consent Items Travel requests Resignation of Cyndi-Spear Duncan and appointment of Sunny Titzer to fill her position	10
Scheduled Meetings	11
Old Business Letter from Indiana Human Resource Investment Council regarding \$5,000 grant for local planning council	11
Adjournment	13

The Vanderburgh County Board of Commissioners met in session at 5:40 p.m. on Monday, June 19, 1995 in the Commissioner's Hearing Room.

RE: INTRODUCTION & PLEDGE OF ALLEGIANCE

President Borries: Good evening, everyone. I'd like to call the meeting of the Vanderburgh County Commission to order on this day, June 19, 1995. I would like to welcome you here to our meeting this evening. We have an agenda printed for your information which will be available at the door. I would like to introduce our staff this evening for you. To my far right is:

Cindy Mayo, Superintendent of County Buildings & Office Manager
Alan Kissinger, County Attorney
Patrick Tuley, County Commissioner
Rick Borries, County Commissioner
Richard Mourdock, County Commissioner
Suzanne Crouch, County Auditor
Teri Lukeman, Official Recording Secretary

Would you join us please, for the Pledge of Allegiance?

RE: ACTION ITEMS

President Borries: We may have a couple of changes on here, but first, let me ask for approval of the minutes from our last meeting, June 12, 1995. If the Commissioners have had the opportunity to review, if we could have approval for those minutes.

Commissioner Tuley: So moved.

Commissioner Mourdock: I was absent, so it's up to you two.

President Borries: I will second. So ordered. Is there any person or group or individual wishing to address the Commission at this time who does not find his or her item on the agenda? I believe our County Auditor has one item. Suzanne Crouch, would you want to highlight this at this time?

Suzanne Crouch: Yes, we would like to submit bids for the '92 and '93 tax sales that we received in the office today to the attorney for opening. I would note that the tax sale clerk, Donna Krowl, was absent today. An envelope was found on her desk with no indication on the outside of what it was. We opened it to see what it was just prior to the meeting and it was a bid. So we do have two bids to submit. Attorney Kissinger said that was fine, but to mention that for the record.

President Borries: Okay. May I have a motion then to have Attorney Kissinger review these at this time?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

RE: VICTORIA BEDFORD - COMPLAINT ABOUT PIGEON TRUSTEE'S OFFICE

President Borries: Miss Bedford is right now talking, as we speak, with Attorney Kissinger. Let me just briefly say that if this is a complaint about the Pigeon Township Trustee's Office, what we should suggest she do is to contact the Pigeon Township Advisory Board. If this is an appeal, we, as of this meeting, have not received her complaint in writing, and should we do it, we would then refer it to Mr. Kissinger, who has served as our hearing examiner for some time, in fact I guess, for approximately three years. So, we're not really clear whether or not this is an appeal or a complaint, and we're trying to get this information at this time.

RE: ALFRED BAUER - REQUEST HEARING FOR PETITION TO VACATE EASEMENT

President Borries: Mr. Alfred Bauer, Jr., I know him as Buddy Bauer. There is an item here, request for hearing for petition to vacate an easement. Is he here? I think each of the Commissioners may have this. We usually don't hear them unless there is someone here to represent someone. Mr. John Beard's name is mentioned. This has to do with a matter regarding some property that apparently is near, there is also a Dr. & Mrs. Max Lingo and Oak Meadow Golf Club, Inc., which are all parts of this request. What's the feeling of this Board? Do you want to hear this at this time or...? I feel a little unusual here doing this.

Commissioner Mourdock: Personally, I'd feel a little uncomfortable going to proceed with it until we had folks here specifically to talk about it.

President Borries: Cindy Mayo, were you aware of any requests or we didn't receive any calls at all? Apparently, someone must have contacted the office because we wouldn't have put it on the agenda.

Cindy Mayo: No.

President Borries: Do you want to defer this?

Commissioner Tuley: Yes, I would want him to present his case.

Cindy Mayo: It says request hearing dates to be set. Does this just need to be advertised, maybe?

President Borries: Well, it does.

Cindy Mayo: Honestly, I don't know who prepared this. This is not my handwriting. It's much too neat and it's much too neat to be Cyndi's handwriting. So, I don't know who prepared this. But apparently, they just want the dates they want it to be advertised, and a date to be set for hearing.

President Borries: Well, I suppose we could do that. It's whatever this Board wants to do here. We'd have to set some dates, but again, there isn't anyone here to --

Commissioner Tuley: Don't they normally come in and appear and explain?

President Borries: Someone does or their designee, the attorney, usually does, someone does.

Commissioner Mourdock: Well, I would stand with what I said before. If they want to pursue this, I think it's appropriate that they come in, tell us what they want to do and then we can set the date at that time.

Cindy Mayo: I'll try to contact him and get some more information.

President Borries: Would you contact him and see if we could have someone present this request?

Cindy Mayo: Okay.

SHERRY QUINN - MCI PRESENT AN AIC ENDORSED PROGRAM

President Borries: Is Sherry Quinn in the audience?

Cindy Mayo: She called late this afternoon and said that she was going to have to cancel again. She will have someone else be here next week. She's having a problem with her schedule.

President Borries: Okay. Mr. Kissinger is not in the room at this

time, so we will go to Cindy Mayo.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: I just have a couple of items. Teri Lukeman from the Auditor's Office brought a copy of a quietus up to let us know that the town of Darmstadt has paid their \$5,000 for the law enforcement patrol that was agreed upon two years ago. So, that has been quietused in. I also have a check from Blue Cross that needs to be quietused in to the insurance account in the amount of \$55,515.00.

President Borries: We can certainly do that. This was forwarded to us by Mr. Dennis Feldhaus. May I have a motion to accept and sign it?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Cindy Mayo: I don't know, this does not look like the original. Do you have the original paperwork on Jack Waldroup for the Commissioners to sign in your folder?

President Borries: No.

Cindy Mayo: I have something here that's been signed by Mr. Waldroup and by Betty Knight Smith, but it looks like there's a place for the Commissioners to sign also. But this is not the original. It's a copy, so I didn't know if the original was...I just came across this.

President Borries: No, but let me look in my other folder here, just let me check here. Well, can we sign that one?

Cindy Mayo: If you don't mind, I would ask then that you sign this copy because it does have to be forwarded to the state.

President Borries: Okay.

Cindy Mayo: It does have the seal from the Clerk's Office on it.

President Borries: I think that's the original. Yes, it looks like it's engrossed there.

Commissioner Mourdock: Just for the record, maybe we ought to read what the document is.

President Borries: What this is, it's a Certificate of Appointment to the local Alcoholic Beverage Board. This Mr. Waldroup, we made that appointment in view of Mr. John's resignation, Curt John's resignation, and Mr. Waldroup has indicated that he is a resident of Vanderburgh County. He would accept this appointment and would finish out Curt John's term. So I don't think we would have to have a motion to sign since we've already approved him.

Commissioner Tuley: It's in the minutes, too.

President Borries: Yes. That does look like a copy, but it's got the Auditor's seal on it. Cindy, anything else?

Cindy Mayo: No, that's all I have.

RE: BILL MORPHEW - COUNTY HIGHWAY

President Borries: For the record, Bill Morphey has submitted a Progress Report showing work done from Friday, June 9 through Thursday, June 16, 1995, in all areas of the county and,

specifically, it looks as if it's on cleaning up storm damage. I know we've had a lot to do there. Bill, any updates on your work with that and the condition of some of the roads?

Bill Morpew: The roads are open. All of the trees have been pushed off, we're still working on cutting and mulching a lot of the debris. There is debris everywhere.

President Borries: Are we doing any paving at this time?

Bill Morpew: We started back paving today, back on St. Joe Road. We still have to put the surface on New Harmony Road and St. Joe Road and then we're going to do Koressel while we're there. We should have them completely done in two weeks, the surface on all three roads.

President Borries: Any questions of Bill at this time?

Bill Morpew: I have one item. You had asked me a couple of weeks ago, we were talking about the natural gas conversion for one of the vehicles at the Highway Department. Joe Kiefer from Sigeco is going to give us a kit and it will cost between \$700 and \$900 to have it installed in a 1995 Chevrolet Truck 4-Wheel Drive. Of course, I didn't budget for this, this is just money we're going to have to take out of one of our accounts. It would take two to three days to do it, Bachman Natural Gas Vehicles would be doing the work at Kenny Kent Chevrolet and I ask for your approval to do this.

President Borries: I've talked to Mr. Kiefer several times, and I think we're all committed to do this as long as we can do it in a cost effective way. There seems to be some things available to promote the use of natural gas and the Clean Cities Act in other areas. I know that all the Evansville Vanderburgh School busses run on natural gas and they've had a considerable amount of success. But before we could convert, there has to be some savings to us, and right now, we're a little concerned. But I think this would be on a trial basis and it sounds like it certainly would be more attractive at this time to start if the Board feels like we could do that, to try one and see how the performance of the vehicle is and see if we can maybe convert some others to promote the Clean Cities Act, as well as improve the environment, we could do it. That's where we are.

Commissioner Mourdock: Having sat in on the meeting a few weeks ago with the Indiana EPA on the status on the non-attainment, I think we certainly need to have some evidence in the record that we have tried to do something because, one of these days we will slip out of the ozone standards just by (inaudible).

President Borries: I'd like to see us move in this direction, but I know that Joe has had some concerns and he's interested. I think he's met with the Mayor, they're continuing to meet there. They have a larger fleet of vehicles than we do, but again, before we could do this, I think we have got to have some kind of justification here that, in fact, we're going to save some money. It's not going to help us to go to County Council and say, well, we're helping the environment, but it's going to cost us more. I know the Council will be in favor of helping the environment, but the bottom line is going to be important to them as well.

Commissioner Mourdock: The bottom line, also, is we may not have a choice when it all comes down to it because this is another unfunded mandate, essentially, whatever the excess cost may be. So, I'm willing to give the thing a try and see what happens, realizing it's probably not going to save us anything on the test case in the long run, but at least we'll get some data this way.

President Borries: Okay.

Commissioner Tuley: That's fine.

President Borries: Okay. So ordered.

Bill Morpew: Thank you.

President Borries: This litigation is taking a little longer for Mr. Kissinger. I also have some pleasing news for the media and for all of us that there appears to be a very light rezoning schedule, and what that means is that everything is continued to July. So there isn't anything. So that's some very good news. So if we can get Mr. Kissinger back in here, we're really going to be moving along here.

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: First, I've got a Change Order for the Franklin Street Bridge project. It results in an increase of \$21,024.75. It covers some additional concrete pavement removal. It covers a crash attenuator that was included in the plans but was left off the itemized proposal and rip rap, geotextiles and some other items to address problems that have come up since the project has been under construction. I recommend that the Change Order be signed. Our share of that \$21,000 would be 20%, so it would be about \$4,200.

President Borries: Yes, it's a federally funded project.

John Stoll: Right.

President Borries: May I have approval?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: The next item I'd like to discuss is the Water Works Road raising that was discussed a couple of weeks ago at a meeting that I missed. The proposal is to use the fill from the Riverfront Park to raise the elevation of Water Works Road in order to keep some of those fields from flooding for some of those farmers. Just to give you an update on where we stand on that, I have contacted Ervin Buente of Industrial Contractors and he said that they still anticipate that the Corps permit will be issued sometime in July and that's when they would start excavating the park. In order for Water Works to be raised, I guess there are quite a few issues that weren't really addressed at the meeting and that's the stuff that I'll need to continue checking into. I guess Mr. Bumb didn't address removal of the existing pavement, he didn't address any plans being drawn up that we could submit to the Corps of Engineers for their review and approval or denial, however the case may be. The minutes stated that the farmers would be compacting the fill and if it's typical farmers, I don't know that they would have the correct equipment to compact that fill, so that could be another cost that maybe the County would be looked upon to pay for. Then if we're going to raise the elevation of the road, we'd also have to bring in additional rock for the base of the road and then we would be putting in additional asphalt above and beyond what Bill's crew would have been putting in originally. So, we'd be looking at six or seven inches of rock and then five to seven inches of asphalt and Bill was only going to pave two to three inches, so there are quite a few costs that need to be looked at before this could really be evaluated properly.

Commissioner Mourdock: Do we have any feel, John, at all, and setting the costs aside for a moment, not that that's unimportant, but if this plan were drawn up, do you have any feel whether or not the ACOU would even approve it?

John Stoll: I'm not sure. We called several months ago when this was originally brought up, and when they viewed it as an extension of an existing fill, which the marina is built on, they said that they wouldn't have a problem with it, but I don't know, once they saw --

Commissioner Mourdock: They would or would not?

John Stoll: They would not. But since we would, in effect, be building a smaller levee and I would think that would definitely affect the flood plain on upstream, I just didn't think that sounded quite right. But, I'd want something in writing from them before, and they had said that we need to submit a sketch to them before they could review to really give us a final determination on whether or not Corps approval would be required or not.

Commissioner Mourdock: Certainly before we spend any money or even a lot of effort to work out the details as you just listed them here, these additional costs that weren't covered before, it seems to me that we need to have that question answered, because there's no point in going through and making calculations figuring out how much this is going to cost, how much that's going to cost, and then find out that they wouldn't approve it anyway.

John Stoll: We just started looking into this late last week and that's one of the things that we need to get resolved, and I haven't had anybody available to survey or draw up any sketches of any plans or anything like that, so I really don't know what we'll be able to submit to the Corps to have them evaluate that plan.

President Borries: Keep us informed.

John Stoll: Okay. The next item, the County Garage crews were going to do some work out on Wright Drive and Wright Drive is eight to ten feet in width. We try to make it a policy and Bill tries to make it a policy not to pave a road unless we can get at least sixteen feet, so that way there's enough width for two cars to pass. Bill had asked us to look into the right-of-way and stake the right-of-way for him. Well, there's only sixteen feet of right-of-way out there. Once Tom Goodman, in my office, started doing some checking, that's what we found out. Then he did some additional checking and found in the minutes of the September 9, 1968 Commissioner's Meeting that Wright Drive was accepted subject to the granting of a forty foot right-of-way by the property owners. To date, that has not been done, and I asked Alan about that on whether or not, since that road was accepted subject to that condition, whether or not that would truly be a county accepted road. Alan's opinion was that the right-of-way would need to be dedicated in order for it to meet that condition so it would be our road. So I am bringing it in front of you today to, basically, see where or how you'd like me to proceed with this. I could send a letter out to all of the property owners along Wright Drive and let them know that this condition was never met and just see what the response would be and to see whether or not anybody would be willing to dedicate the right-of-way so that Bill's crew could go out and do the work that they had originally intended.

President Borries: Well, one thing is for sure, the two Commissioners and the County Engineer are all deceased now, Commissioner Elsperman passed away just within the last few weeks, so we have the record to go upon and that's it. And you're exactly right, I mean, it's very clear in here that Wright Drive be accepted as a county road subject to the granting of the forty foot right-of-way. So we have to have some clarification, but that is a condition that they put in there. It doesn't mean that we're going to pave all forty feet, and I think sometimes they're worried about that, but if we don't get it, ...eight feet, that's really narrow.

Alan Kissinger: John, I believe that we do have to proceed to make

sure that this condition is met and probably your letter should indicate, as President Borries has indicated, that we don't intend to pave all forty feet, but by the same token we can't pave any of it unless we do get that grant of right-of-way on all those parcels. It's sitting there waiting for the trigger to be pulled but no one has pulled the trigger and we have to do that. I think it would be very appropriate to contact all the owners and let them know what the situation is and get a good response.

Commissioner Mourdock: How many parcels are there, John?

John Stoll: I believe there's only seven or eight. It's a fairly short road, I just didn't want the people who live out there to think that we've abandoned it just because we ran into some problems and this is what we found once we started checking into it. So we can definitely send a letter letting them know what the status of things currently are.

Commissioner Tuley: Is Kenny Field, by chance, a current property owner along this?

John Stoll: I believe he's the one who contacted Bill Higgins in my office last week and he brought in a copy of this as well as these minutes. I had shown a copy to Alan prior to that, but he found the same document, that this basically was accepted subject to the forty foot right-of-way.

Commissioner Tuley: There's a note for me to call him tomorrow about Wright Drive.

John Stoll: Okay.

President Borries: May I have a motion to have the County Engineer send a copy of these minutes and a letter of clarification concerning our intent to pave to the property owners?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: Next, I'd like to request to go before Council to transfer \$1,680 from Rent to Extra Help and \$2,070 from Rent to Other Contractual and both in the Cum. Bridge Fund. The extra help would be Jack Jourdan, the same summer help that we had last year. He could come back for six weeks and the \$2,070 to the Other Contractual, that was to remove some additional debris that had gotten snagged on the First Avenue structure there just north of Allen's Lane.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: A couple of other items in case you weren't aware: Browning Road Bridge is now open to traffic, it's all completed and the Baseline Road right-of-way that was discussed last week was accepted by the Commissioners subject to the right-of-way being recorded. It has been recorded, it was recorded Deed Drawer 9, Card 5072, so it's all taken care of and now we can issue a Notice to Proceed to Blankenberger so they can start that project.

Commissioner Mourdock: Excuse me, John. Not being here last week, does that tie in? Several weeks ago, we had the question, as the frontage road came to the south, does this tie that together? That was our concern at the time.

John Stoll: This would just be the frontage road right-of-way adjacent to the Azteca site.

Commissioner Mourdock: Adjacent to, meaning immediately in front of?

John Stoll: Immediately between Azteca's site and Highway 41. It's a ninety foot strip of land.

Commissioner Mourdock: Who was the grantor?

John Stoll: Grantor was Azteca.

Commissioner Mourdock: Okay. That answers my question.

John Stoll: It really doesn't involve any of the other parcels that were discussed in previous weeks.

Commissioner Mourdock: Okay. I've got this now.

John Stoll: And one other item, I spoke with Bill Solomon with American Timber Bridge today. We had sent him information that we had taken on County Line East and, based on that evaluation, he said that they could do a timber bridge with approximately fifty foot pilings. With your okay, I'll go ahead and have him proceed with getting a design done and putting together a timber bridge package in accordance with his annual bid.

Commissioner Mourdock: Whereabouts on County Line?

John Stoll: It is between Boonville-New Harmony and Millersburg.

Commissioner Mourdock: On Pigeon Creek?

John Stoll: No.

Commissioner Mourdock: Or Bluegrass Creek?

John Stoll: No, not Millersburg, it's Kansas, isn't it?

President Borries: Kansas.

John Stoll: Yes, Bluegrass Creek. It's a short structure. Right now it's a truss structure that's in very poor condition. With all of the work that we've got going on, Valerie and Tim won't be able to design it in-house for the remainder of the year. This was one of two structures that Dennis Feldhaus had contacted me on earlier this year in regard to some of the concerns from the insurance companies.

President Borries: Well, we better move along then.

Commissioner Mourdock: Excuse me, let me look at the map for a second, I can't quite picture where that's at.

President Borries: Okay, what's the decision here?

Commissioner Mourdock: Just one other question, if he designs it, will he be bidding on the bridge then?

John Stoll: No. His annual bid is to, basically, provide a design and provide the timber bridge kit. He contracts with various consulting firms to do his designs. I believe for the past couple of years, I believe this year as well, he's still working with United to do the design. United will go out and do the initial survey and then they'll submit that to his timber bridge factory. Then they will, basically, size all of the structural members based upon the data provided by United Consulting, or whatever consultant that American Timber Bridge works through.

Commissioner Mourdock: I'm sorry, John, I don't mean to belabor this, but I'm confused here. So, Solomon is with American Timber Bridge. What you're suggesting is that we contract with him to have this bridge designed. Is that right?

John Stoll: His annual bid is to provide a design and to provide the bridge package as well, so --

Commissioner Mourdock: Okay, so in providing the bridge package, he's providing the materials to build the bridge.

John Stoll: Right, and in order to provide the bridge package, he has a consultant draw up the plans for the bridge. Once the consultant draws up those plans, it is then submitted to his timber suppliers.

Commissioner Mourdock: Okay. I didn't realize he was on an annual basis. I know his name has come up several times since I've been on the Commission, but it's always been before, the specific bridges for Mann Bridge and the other one right out in that same area.

Commissioner Tuley: Bixler?

John Stoll: We've got an annual bid based on linear feet of the different structural members in the bridge, and that's basically what his annual bid is. We take his annual bid and apply it to whatever bridge, last year it was Mann and Bixler, this year, County Line seems to be most appropriate.

Commissioner Mourdock: Okay, I wasn't aware of it until now.

Commissioner Tuley: I move that it be approved.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

John Stoll: That's all that I have.

President Borries: Thank you, John.

RE: ALAN KISSINGER - COUNTY ATTORNEY

President Borries: Next, we have Alan Kissinger, who mediated a dispute, I think. Apparently, this was not a complaint, or was it?

Alan Kissinger: It was a pre-appeal type of thing. Without going into any details, because it was not right for appeal and not appropriate to go before the Commissioners. I think the situation has been worked out. I think that there will not be any additional complaint in the future in reference to this particular case. We have two bids on the county tax sale properties for title searches. The first bidder was Hoosier Abstract and the amount bid was \$200 per parcel, the other bidder was Evansville Titles Corporation and the amount bid was \$225 per parcel. I don't know if it's necessary to take these under advisement or not. I suppose I'll leave that up to the Auditor.

President Borries: Do they both appear to be in order and identical?

Alan Kissinger: Quite frankly, I think that perhaps the Auditor ought to talk with Lynn Ellis in Purchasing about the Hoosier Abstract bid and whether or not it's in proper form. But other than that, I think it's pretty obvious.

Commissioner Tuley: Why don't you take it under advisement?

Alan Kissinger: Take it under advisement for a week?

Suzanne Crouch: Okay.

President Borries: May I have a motion to do that?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Cindy Mayo: I might just ask, we've not yet advertised anything for, we are going to have to have title searches run on the county surplus properties. Would we be able to use that same, or would we have to advertise?

Alan Kissinger: Separately.

Cindy Mayo: Okay.

Alan Kissinger: But the bids will be the same. I have nothing further to report.

President Borries: Thank you, Alan.

RE: CONSENT ITEMS

President Borries: Under the consent items, we have travel requests and I see Andy Davidson here. Andy, you are here for one from the Auditorium? Do we have it included with our consent agenda here?

Andy Davidson: Yes.

President Borries: Okay. One point of clarification, I think Commissioner Tuley had asked about that one, that will come from your own budget, is that correct?

Andy Davidson: No, there was money budgeted in the marketing fund for that, so it will come out of the Auditorium budget.

President Borries: Yes.

Commissioner Tuley: That's what we're trying to clarify, in case it's coming out of the Commissioner's travel.

Andy Davidson: No, it's coming out of the Auditorium budget. I'll tell you a little bit about it. This is the annual conference in Denver. One reason that we're going, or would like approval to go to this, Mr. Spindler and myself will be attending, also. With the renovation and expansion of the Auditorium going on, it's very important to be able to contact a lot of the vendors to make sure that we're getting as much information as we can on HVAC electrical seats and everything available out there. One interesting note, the city of Denver has 11.8% occupancy tax on their hotel rooms.

President Borries: Man!

Commissioner Mourdock: Is that a proposal?

Andy Davidson: That was just a point of clarification.

President Borries: And you are requesting this for Ms. Toton, is that correct?

Andy Davidson: Yes, Ms. Toton only.

President Borries: Okay. You and Mr. Spindler will travel through

your private operational (inaudible).

Andy Davidson: Right.

President Borries: Okay. Thank you for that clarification. I didn't want you to have to sit there without having the opportunity to speak if you wanted to.

Andy Davidson: Thank you.

President Borries: Are there other items here? Any comments on the consent agenda?

Commissioner Tuley: I want to withhold approval of these two requests for travel from the Assessor's Office pending further clarification. Other than that, at this time I recommend approval of the consent items.

Commissioner Mourdock: And I'll second.

President Borries: I will so order. Okay, you will seek the information that you need?

Commissioner Tuley: I sure will.

President Borries: Okay. The consent agenda then is approved. Employment changes, we have a series of employment changes. I did, by the way, add one item to the list: we regretfully acknowledge the resignation of Cyndi Spear-Duncan who will be moving to a different job at the Area Plan Commission. She has given a two week notice and has recommended the appointment of Sunny Titzer in her position, effective when she moves to the other position.

Commissioner Mourdock: I think we're at the point unless I missed it there, with the exception that Pat stated, I'll move that we accept the consent items and employment changes as you just mentioned.

Commissioner Tuley: Second.

President Borries: So ordered.

RE: SCHEDULED MEETINGS

President Borries: There is a list attached for review of everyone.

RE: OLD BUSINESS

President Borries: Old business?

Commissioner Tuley: Suzanne, I'm reading this letter of explanation to my question last week. Does Joanna have your authority to sign the 17T's and the 133's and those things as the Auditor?

Suzanne Crouch: No.

Commissioner Tuley: Okay. And the only reason that I'm asking the question, this talks about the assessing end of it, and if I understand her position, hers is to process the 17T's which are the tax refunds or the 133's that create the tax refund or an Auditor's assessment. She's not really one of the assessing officials, so I guess I'd be less inclined to disagree with this request if your name was on there requesting, since you are one of the assessing officials, and you're the one that signs the things affected by this education process. So I was hoping maybe you'd say, yes, she signs them for me.

Suzanne Crouch: No, but she does provide assistance and advisement

concerning the more technical matters.

Commissioner Tuley: To you, you mean? As to whether you should or should not maybe sign some of these forms?

Suzanne Crouch: Her opinion, after talking to the other involved individuals, a lot of times I depend upon her for advice.

Commissioner Tuley: Okay. Let me go back to your original request, then. Is this just a one day seminar? Requires only one overnight travel?

Suzanne Crouch: No., it's the 10th, 11th and 12th of July in Fort Wayne.

Commissioner Tuley: Okay. Since you are a new Auditor, and probably do, and this is not to be taken the other way, probably do need some opinions and time to get your feet wet on some of these issues. I'll recommend that we go ahead and approve the request. Here's the actual request here.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

Commissioner Tuley: That was the only old business that I had.

President Borries: Under old business, I did receive another little mailing, this time from the Indiana Human Resource Investment Council. I'm not sure who they are, but they mailed to me at my home, again, a little letter telling what the \$5,000 cash grant is for. Let me read this and see if you can figure out what we're going to do with this money.

Cindy Mayo: I did run a copy of all of that information.

President Borries: Good! For the other Commissioners?

Cindy Mayo: Yes, they were on the Commissioner's desks this afternoon.

President Borries: Now, I don't know who the Indiana Human Resource Investment Council is, but they wrote and said that:

Recently, you received a \$5,000 cash grant from Family and Social Services to assist you in convening your local planning council, as prescribed in Senate Bill 478. As an additional aid, we have assembled an information packet that we hope will clarify your responsibilities and assist us in gathering important information.

It includes planning council responsibilities, a suggested timeline, flow charts, inventory, impact information, welfare reform comparisons and a response sheet.

Please return the response sheet with the names of the individuals appointed to the local council by July 7, 1995. In the coming weeks, we will follow-up with an Assessment Kit for each county to assist you in the planning process. The Human Resource Investment Council (HRIC) is in collaboration with the FSSA, and committed to working with each county in the development of a comprehensive welfare-to-work design.

Should you have questions...

Oh, I am sure that we're going to. There are three persons here that we can contact, and this is from Timothy Kelly, who is the Executive Director of the Indiana Human Resource Investment Coun-

cil. What we're going to have to do is to fill out this local planning council response sheet which, basically, gives the appointments or profile, and I guess we return this back to the local council. I will not be here for a few weeks and with your permission, if we could as a Board, ask Mrs. Cindy Mayo to work with your suggestions, if you would give suggestions to members who would fill this Board. I have made some preliminary contacts. I'm familiar with some of the school people, there are some rather clear-cut folks who have to, for example, a school teacher, school administrator, vocational education. Those people I have some direct contacts and familiarity with. Others, businesses and labor, social service organizations, Private Industry Council, others, and there's a profile here that we can put in. We also have a teacher who is working with us in what's called a Faculty at the Factory Program. We had a person last year and this year Mrs. Nancy Roberts, who is a teacher at Reitz High School, is doing that and she could also assist if that's agreeable. So, if you could provide these names, we'll get that moving. We have to have a meeting by August 1 and again, I will get this information. Mrs. Mayo, as she has pointed out, will give you all of this information that I just received in the mail today at home. Any other old business or new business items at this point?

Commissioner Mourdock: None for me.

Commissioner Tuley: I can't think of any.

President Borries: I wish both of you well. I am going to be out of the country for a few weeks and I know that you all will do a fine job, and probably much better than if I were here. So, I'll wish you a pleasant few weeks, and if there's no further business then, we will adjourn at this time.

Commissioner Tuley: Have a safe trip.

President Borries: Thank you. Again, for the record, there were no rezonings submitted for this evening, so there will be no rezonings heard at 7:00 p.m. since nothing was resolved at Area Plan. So if there's nothing else, we're adjourned.

Meeting adjourned at 6:28 p.m.

THOSE IN ATTENDANCE

Richard J. Borries
Richard E. Mourdock
Suzanne Crouch
Teri Lukeman
John Stoll

Patrick Tuley
Alan Kissinger
Cindy Mayo
Bill Morphew
Andy Davidson

**VANDEBURGH COUNTY BOARD OF
COMMISSIONERS**

Richard J. Borries, President

Patrick Tuley, Vice President

Richard E. Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

JUNE 26, 1995

TABLE OF CONTENTS

Introductions and Pledge of Allegiance	1
Action Items	1
Kenneth Fields - Tony Thacker	1
Acceptance of Wright Drive as a county road	
Cheryl Musgrave - Assessor	7
Request to serve on Data Board	
Travel request	
MCI Representative	9
Present an AIC endorsed program	
Lynn Ellis - Purchasing	10
Award bid APA036-95 to Bassemier's Transportation	
Ordinance to amend Chapter 72, Schedule II of the Code of County Ordinances - First reading	11
Alan Kissinger - County Attorney	12
Award bid of title search services for '92 & '93 tax sale properties	
Cindy Mayo - Superintendent of County Buildings	14
Transfer of \$100,000 to bond & insurance account	
Request from Emergency Management to adopt a reso- lution to designate another to act on behalf of someone unable to attend.	
Bill Morphey - County Garage	15
Paving update	
County Highway & Bridge Crew Progress Report June 16 through June 22, 1995	
Consent Items	16
Travel requests	
Employment changes	
May reports from Auditorium, Treasurer & Sheriff	
Scheduled Meetings	16
Old Business	16
Alfred Bauer - Permission to advertise vacation of easement	
New Business	17
Request from Shane Thread to use county roads for the River City Duathlon	
Resignation of Mike Holmes and appointment of James Shade to the Pigeon Creek Board	
John Stoll - County Engineer	17
Takeover agreement with bond company for W. E. Limited on Mann Road Bridge project	
Permission to authorize Ameritech to move an underground cable at Green River & Theater Dr.	
Acceptance of Royal Avenue extension plan	
Warranty Deed for 18.48 acre parcel transfer to Parks Department	
Adjournment	21

The Vanderburgh County Board of Commissioners met in session at 5:45 p.m. on Monday, June 26, 1995 in the Commissioner's Hearing Room.

RE: INTRODUCTION & PLEDGE OF ALLEGIANCE

Commissioner Tuley: I call the meeting to order for the County Commissioner's for June 26. To my far right in the point of introductions are:

Cindy Mayo, Superintendent of County Buildings & Office Manager
Alan Kissinger, County Attorney
Pat Tuley, Commissioner
Richard Borries, Commissioner - out of the country
Richard Mourdock, Commissioner
Suzanne Crouch, County Auditor
Teri Lukeman, Official Recording Secretary

If you would, please stand with us and face the flag and say along with us the Pledge of Allegiance.

RE: ACTION ITEMS

Commissioner Tuley: The next item is approval of minutes which we have from the June 19, 1995 meeting.

Commissioner Mourdock: I'll move approval of the minutes (inaudible).

Commissioner Tuley: I will second and so order. Item 4B, now is the time for anybody who does not find their name or their subject for discussion listed on the published agenda, now is the time for you to come forward. I know I was approached by some gentlemen that...okay, you aren't on there anywhere? One or all of you that would like to come forward to the podium. The minutes are recorded, so if you would, please state your name and your address for the record, please.

Kenneth Fields: It's Kenneth E. Fields of 7116 Wright Road. Do we just present what we're here for?

Commissioner Tuley: Right, you can just, we're very informal. Just go ahead if you've got a --

Kenneth Fields: Do we just tell you now and then later, do you want me to hand these out to you or are we going to get called up again?

Commissioner Tuley: No, you're up here now, go ahead and do whatever you need to do.

Kenneth Fields: Some of you might be familiar with what we're presenting here on Wright Road. It was paved a few years ago and is badly in need of repairs now. To my understanding, last year it was on the paving list and the county ran out of money and they promised us this spring it would be paved. Well, they made a schedule date and something came up where the road has never been accepted by the county. Now, ever since probably the last month, I've been doing a lot of research, Mr. Thacker has and I've talked with Bill back here and it's just been going back and forth on the different things we've been hearing about the road never having been approved. The first thing I want to bring up is that back on September 9 of 1968, the acceptance of Wright Drive by the other Commissioners back then, it was accepted then. Of course, there's different stories that I've heard about this is not validated and so that's why we're here today. We want to present our case as far as why the road should be paved and also the width of it. We've been told where they can't pave under a certain width now. That's another thing we would like to present.

Alan Kissinger: Has it been explained to you by anyone that you have talked to that the hang up on this thing is, it says here

below this list of names:

Commissioner Gelhausen, upon the recommendation of the County Engineer, Sam Biggerstaff, made the motion that Wright Drive be accepted as a County Road and maintained in the present condition subject to the granting of the 40 ft. right-of-way by property owners.

That, at the present time, hasn't been done as I understand it. That needs to be done and that will trigger the maintenance.

Kenneth Fields: What we were wondering is the first sentence here at the top, it was presented to the County Commissioners along with a signed affidavit requesting maintenance of Wright Drive. This is where the property owners back in '68 had this signed affidavit of this first paragraph of what they were wanting. Now after that, I don't know if the County never did follow up on it, they didn't write anything up. Again, I've got deeds. I looked up all the deeds and there were just three of them that I've got. Most of them say that the strip is sixteen feet off the easterly...of their property. One of them says, for a public road. To me, that means for a public road here on their warranty deed, and on most of them, subject to sixteen foot roadway. I understand now, they can't come and pave it unless it's a certain feet. But, I didn't know what this signed affidavit means, if it's written right here in the minutes.

Commissioner Mourdock: The letter is simply saying that there was a signed affidavit requesting maintenance of Wright Drive and they were just, the way that reads to me, it was basically a petition of sorts requesting that it be maintained. John Stoll, the County Engineer, has been working on this. And John, if you have some comments here, you might want to jump in. Are the successors and interests of the properties listed here presently agreeable to granting the easements to provide us that forty foot right-of-way?

Kenneth Fields: From my understanding, there are two residents that do not want the forty foot right-of-way.

Alan Kissinger: Do those residents understand that they're granting a forty foot right-of-way, but not that they're going to have a forty foot road?

Kenneth Fields: We've tried to explain to them and they're really negative against the paving of that road.

Alan Kissinger: Oh, they don't want the road paved?

Commissioner Tuley: They live on it and they don't want it paved?

Kenneth Fields: Their part is up on the top of the drive. It's about a half mile road and we're down the lane and up the lane. From where they come into the drive they don't have a problem, so they don't want the county to come in and take any more of their land.

Alan Kissinger: Is the county paving that drive?

Kenneth Fields: The county came back...they've been maintaining it for, I know twelve years is what Tony said. They come through, they cut the trees and the branches back, they've been maintaining it for snow removal, they paved it, I guess, four or five years ago with --

Tony Thacker: (Inaudible - comments not made from microphone).

Commissioner Mourdock: You'll need to come to the microphone.

Kenneth Fields: Tony has been living there for twelve years or so.

Tony Thacker: My name is Tony Thacker. I live at 7200 Wright Road. Our problem is, like Kenneth has expressed, the first two homeowners or first three, that part of the road is paved enough that they have no problem. It is done with good paving. What we have is called chip and seal and the problem with that is, it is all gone. It has turned into gravel. We have spent, and Bill has been very generous to talk to us about it, but we're at wits end right now because we have property owners in the front that are taken care of at the present time and they don't want to widen anything. They don't want anything done and we've also brought a tape tonight, if that would be feasible to see for four minutes, at somebody's convenience or your convenience, to see the tape and see what we're talking about. We've been told that the widening part of it, that can create a lot of problems, first of all, for the taxpayers and it's an enormous fee to take all the Sigeco lines out and take all of the trees down, and fences. We'd have to add up near his home, we'd have to add some fill to it in order to get it to a certain width, and just from common sense it looks like it could really be an expensive fee to go widen it. Ourselves, we're asking the Commissioners if you would see fit to, after seeing it, maybe the road, the film, whatever, that maybe you can accept it in the current condition because they've paved it. I would say probably six to seven years ago was the last paving we've had and they've actually in the last year, they have actually come in and patched it. They patched some areas and it's no longer patchable, it's just too far gone. We have on Wright Road, this was even before me, but I know the guy, our postal service, Dwayn Bittner, has been complaining about the road and maybe he hasn't complained to the right people, but we were told, I was told by the neighbors, they can't be here tonight, but the postal service would only come down that road after it first initially got taken care of by the county. We have two school bus drivers that actually live on this Wright Road and one of them is a special ed bus. It's very important that we have that at least in some condition where they can get it in and out. We currently have seven children living on this road and I'm assuming that in the near future we'll have a few more. Like I said, I've lived there twelve years, the county has done an excellent job. Just up to this last year, we thought we were going to get paved. We were promised, and some things have changed and that's why we're here to see what we need to do. We just have had no luck with a couple of the homeowners up at the front of this Wright Road. We have no luck.

Commissioner Tuley: John, is there an intersection, is there anything that says, or have we ever accepted part of a road, an intersection with such and such?

John Stoll: We could accept portions but it has to tie in to another accepted portion.

Commissioner Tuley: So there's no way to do that right now, the way the configuration of the property owners --?

John Stoll: Are the property owners that are causing the problem at the dead end or are they at the front end?

Tony Thacker: They're at the front end.

John Stoll: So we wouldn't be able to do it that way.

Alan Kissinger: I'm thinking out loud, but I'm trying to look at this from the legal point of view. Do you think that those other two property owners might look at this differently if they understood that in the future, their portion of the road would not be paved either?

John Stoll: Yes, because once their's goes bad, it's not a county accepted road --

Tony Thacker: It's not going to get fixed either.

John Stoll: Right.

Commissioner Tuley: Do any of them have something that's in that right-of-way that they don't want to, like a fence or something, that they're afraid of moving?

Tony Thacker: The very first driveway, on the film it also shows that, the first one is Tom Savage. He actually has his driveway next to his home. His home doesn't even go out maybe five feet from one edge of it to the roadway. So I know that he is, without even talking anymore about him, he would be dead set against (inaudible). We don't understand why we can't get the current conditions paved. It's in great condition by those first three homes, it's in pretty good condition. But after that, it's just unbelievable. I've seen a lot of roads.

Commissioner Tuley: Basically, it boils down to because it's private property. It does not belong to the county and that's why, even though we did this in the past, that was done in error and shouldn't have been done.

Tony Thacker: But doing it in error, isn't there some liability, because the chip and seal is really what's come apart. If we'd had gravel there, you know, we wouldn't have the problem that we have today. I think anybody that sees that can realize what we have.

Alan Kissinger: It comes simply down to this: we do not have, by state law, the authority to make improvements on private property with county money. This is still private property based on even the documents that you have presented to this Board. Now, understood, perhaps the county caused the problem by not following up on this, perhaps the property owners caused the problem by not following up and getting the rights-of-way to us, but what we're confronted with now is, we know, our County Engineer has pointed out to us and I have acknowledged that this is correct, we do not under the law, have a right to pave that road. If we go out and pave it now with the knowledge that we have, we are actually committing what could be a criminal offense under the law. We are not allowed to do it and I see your dilemma. I understand your problem and the fact that we made a mistake and paved it before, but no, I don't think there's any liability as far as that is concerned, because it is ultimately now your responsibility, the property owner's responsibility, to make sure that the road is maintained in the condition that it would be safe for other travelers. It seems that the only solution to this problem is if the condition that was required back in 1968, that condition being the granting of the 40 foot right-of-way. If there is a point of compromise that we can reach...John, are we talking about widening the road for some specific reason from what it is now?

John Stoll: I'm not sure what width Bill was proposing, but it would be wider because we try and make sure it's passable for two cars whenever roads are paved.

Alan Kissinger: And sixteen feet just doesn't get the job done?

Bill Morpew: The road is anywhere from eight to ten feet wide. It's actually a cold mix road that's falling apart and it is going back to gravel, complete with ruts. There is a fence bordering the east side of the road with a pole line and a tree line. I think there's a pole line actually on both sides of the road. All of the houses are on the west side of the road. The first one that you pull into off of Meier onto Wright Drive is the Savage property and his house does sit relatively close to the road, but his garage is even closer. It is within five feet from the edge of the road. I don't doubt that the wall of the garage, the garage door is right at the edge of the right-of-way. The road could be widened. It

does have several hills. If it was paved in its present condition, it would be extremely hazardous, it would be the Schissler Road thing all over again. What we were going to do, we weren't going to pave the full width of the road, but we were going to try to get sixteen foot width out of it so two cars could pass, and that was our total objective.

Commissioner Tuley: That was before we realized that we don't have the right-of-way.

Bill Morphey: Yes, our road book shows forty feet of right-of-way and that was based on this from the Commission meeting in 1968, but being as it was actually never approved, there's nothing, my hands are tied.

Commissioner Mourdock: Were any of those properties ever dedicated over, the easements to grant that road?

John Stoll: Everything that Tom Goodman in my office tracked down showed just the sixteen feet, so it doesn't appear that anybody dedicated anything additional.

Commissioner Mourdock: Okay. Going back to Commissioner Tuley's earlier comment or question, is there any way that you could have access to this other than the direction that it currently goes? In other words, might one of these property owners have some acreage that would adjoin a county accepted road?

Tony Thacker: No. If somehow we could get the others to agree on it somehow, how wide do we need to have it as far as the land and to get you guys to possibly approve that as a public road? How many feet would you need for the right-of-way?

Commissioner Mourdock: Actual footage from the center line, I presume you're asking how much would each property owner have to grant that they've not already --

John Stoll: It's sixteen feet on the east side right now, right? So, if it was going to be down the center like most of them are, it would be four feet on one and twenty on the other, but we do have roads that are offset in the right-of-way elsewhere. It depends whether something along those lines could be worked out.

Commissioner Tuley: So since this never took place, we wouldn't have to specify the forty foot, we could spell out exactly what each property owner would have to give in order for us to try to give them some way to negotiate?

Commissioner Mourdock: I don't know that the forty foot is necessarily a hang up from this 1968 document, the forty foot is a hang up to you, John, because that's simply what your specs are?

John Stoll: Right. That's the minimum right-of-way. If you come in and want to do a road today, that's the minimum acceptable right-of-way for a cul-de-sac road. It goes up from there, fifty feet if it's a through street, sixty feet (inaudible).

Commissioner Tuley: So we can't back off the forty foot requirement.

John Stoll: I don't know if its been done before on any street.

Alan Kissinger: In order to do it legally, we must start anew with a new petition from the property owners that the road be accepted for maintenance. We would have to start there and then if we were going to vary from it --

Commissioner Tuley: Don't misunderstand my question, I'm not asking to vary from it, I just want to know exactly what the rule

is. If it's forty feet, it's forty feet and there's nothing that you can do about that.

Tony Thacker: And once you get that forty feet, either side is going to (inaudible) that becomes the county's then?

Alan Kissinger: No, no, no. The county then has a right to use that property for a roadway or for the maintenance of the roadway. But no, it does not belong to the county.

Commissioner Tuley: Most people misunderstand that right-of-way. All that does is give us access to public, in this case, roadway.

Commissioner Mourdock: With the forty feet you would have between here and here, as John was saying earlier, now ideally, your sixteen foot road is right in the middle, but there are certainly cases where for the forty foot, you could have four or five feet, perhaps, over here and then wider on the other side.

Tony Thacker: So the property owners would own up to the road, let's say the other side of the road which is --

Alan Kissinger: No, the property owners would own to the middle of the road --

Commissioner Mourdock: Middle of the easement.

Alan Kissinger: To the middle of the right-of-way. So that you will have a better understanding and what the County Garage Superintendent was referring to, another Schissler Road, the County some years back, paved a very narrow gravel road and ultimately, suffered a lawsuit because of that paving because someone got killed on that road. The theory was that the paving encouraged higher speed and thus, the death. We might do the same thing on your road. We have to look back at that and say no, we can't do it that way this time, otherwise, we're irresponsible at this point. But I can safely tell you as to those other property owners who are now getting their road paved, or whose road is now in good condition, if the County Engineer or the Superintendent of the County Garage comes to me when it's time to repave that and says, can we repave it, I'm going to say no, you cannot repave it. And it will not be paved again in the future until this 1968 agreement is honored.

Kenneth Fields: Do you know who is going to send the letters out to these homeowners? I was under the understanding (inaudible) and I was wanting to just try to explain (inaudible) something in mind (inaudible).

John Stoll: I've got a draft written, but I didn't have a list of all of the property owner's names and addresses, so that's why it hasn't gone out as of yet.

Commissioner Tuley: This is one of those things. Mr. Fields, I didn't realize who you were until a few minutes ago, I know who you are. You fall in the same category we do a lot of times, we don't necessarily agree, personally, with some of the laws that we have to enforce, but if they're the laws, we have to work within them. And that's basically what we're confronted with here. We can't legally do this unless that land is dedicated to the county, and at that time you can petition the Commissioners, and if the Commissioners so desire, can accept the road and then we would be responsible for maintaining and upgrading and what have you.

John Stoll: If there is any way to make it work where, if we can get one property owner to donate the right of way but not the other side of the street, do you have a problem with accepting an offset in the right-of-way?

Commissioner Tuley: Basically, that's what's on the table. If there's a way that we can legally do this, you know, work it somehow that we can get connected up and have the footage that we need, I'm very open to it. I'll try to help them work out their problem.

Commissioner Mourdock: I think I heard you say that we have a precedent of that.

John Stoll: We've got too many of those. At least this one will be documented.

Commissioner Tuley: Do you have time to try to maybe be a liaison and work with these two guys to work with those neighbors so they understand what we're trying to do?

John Stoll: Yes. Like I said, I've got a draft of the letter already written and I'll run it past anybody and let them take a look at it and see if I'm covering all the bases as far as you know, what you've dealt with on the --

Commissioner Tuley: Why don't one of you guys kind of be, one of you be the lead person, the other person is a backup, if he can't get hold of you that way, then you get John's name. You've already dealt with John, so you know how to get hold of John. Let him stay in contact and see if we can't help you resolve it.

Tony Thacker: Okay. We appreciate it.

RE: CHERYL MUSGRAVE - ASSESSOR

Cheryl Musgrave: I really don't have anything further to say than what's in the letter that I see you have copies of. Do you have any questions?

Commissioner Tuley: I'm going to turn this over to you, Richard, since you've had some conversation --

Commissioner Mourdock: Just very briefly having gotten a look at this before, I guess the real question as I understand it, Cheryl, is how the Data Board is appointed. Is that right, because it seems that it's pretty specific right now as far as who is on that Board if I'm reading this correctly, and what you're wanting to do is to change the make up of the board?

Cheryl Musgrave: Right. And from what I understand from talking to Art Gann, who is the president of the Data Board, you would actually have to amend this entire resolution to allow me to be on it. But I think that the reasons why I'm asking to be on it are pretty important. We have eight assessing officials, nine including me, and we use a tremendous amount of the staff time in the Data Processing Center and they are really overseen by the Data Board. We've had some decisions that needed to be made lately which I think it would serve the whole county and city well if we were on the board and being part of the larger decision making process as well, especially as we move into GIS Systems, things that we'll all be plugging into the same system. I know the Assessors are beginning to get very excited about that, but we need to learn more.

Commissioner Tuley: I'm reading through here now, it says there are two members appointed by the Board of County Commissioners. Do you know who they are at this time?

Cheryl Musgrave: No. The most I know, really, about the composition of the current board is that Chief Gann is the president, Steve Bagbey serves as the City Council appointee, I'm not even sure who the County Council has appointed. I think it might be Bettye Lou Jerrel, but I'm not positive.

Commissioner Tuley: Do you know who all the board members are, by chance, Cindy?

Cindy Mayo: (Inaudible)

Commissioner Tuley: As a Commissioner's appointment, or representing the Sheriff's Department, or do you know?

Cindy Mayo: (Inaudible)

Commissioner Tuley: None of the Assessors, none of the Township Assessors?

Cheryl Musgrave: None. Not to my knowledge.

Commissioner Tuley: If we tried, if we wanted to change, if the Commissioners have to appoint them, if they so desire to change those appointments, there's not (inaudible), then we don't have to come back and amend this --

Alan Kissinger: I would think not. I don't know who --

Commissioner Tuley: I don't even know who we have serving quite honestly, I don't know who our appointees are.

Commissioner Mourdock: If there are appointments made in that way, are they considered just a term-type appointment, it's a two year term and then has to be reappointed?

Cheryl Musgrave: The term of office of each member of the board shall be two years.

Commissioner Tuley: I'll tell you what. It merits discussion and I'm willing to look to see what our appointments are and see if there's not some way to --

Commissioner Mourdock: The best we can do, I think, is take this under advisement and see. Obviously, the city is involved with this as well.

Commissioner Tuley: I'm not really inclined to want to go back and completely rewrite the ordinance because it would take too many boards agreeing to do that but I want to look at the Commissioners appointments and see who they are and see if there is room to look at it. Okay?

Cheryl Musgrave: Alright. That'll be fine.

Commissioner Tuley: While you are up here, do you want to go ahead and since you and I have talked since last week about the travel, do you --

Cheryl Musgrave: Right. I've withdrawn the one request in August and I'll resubmit that when I come back. The two employees who were planning to car pool to the Ft. Wayne conference, but they hadn't decided when I submitted it to you, they've chosen one and so it was resubmitted with one of them asking for travel. I asked Cindy Mayo if the county was going to get together a van of any kind to go up there because I know there are several assessing officials going, but she didn't get back to me. I assume --

Cindy Mayo: No, and I have not had a chance to speak with you. I told her I didn't know, liability wise, if that would be something that we would be able to do that would require the county renting a vehicle which would...I just --

Commissioner Tuley: When we get to that point we find the (inaudible) beyond the (inaudible).

Cheryl Musgrave: You and I had talked that you were amenable to one way mileage for me coming back since I intend to fly, I never intended to ride back.

Commissioner Tuley: Yes, there's just some (inaudible) made an issue. On the trip to Indianapolis there were a couple of people going up who will not be residing in a hotel because they have family members who live in adjoining counties, so I thought it was agreeable to pay mileage for those two individuals to drive and not pay hotel bills for them. The county will still come out ahead, I think. The other two people, one of those two people will drive and stay, I assume, both of them will ask for the rooms --

Cheryl Musgrave: Well actually, they're each going up on separate days. They can't both be gone from the office on the same day, so one is going up on one day and one is going up on the other and that's why they were all traveling separately. We, all three of us, are responsible --

Commissioner Tuley: So there will be four people going to Indianapolis?

Cheryl Musgrave: Right, but two of them will not be there on the same day.

Commissioner Tuley: Okay, and that's unavoidable, we can't --

Cheryl Musgrave: Well, the only way I could avoid it is not to send one of them and I think that this is important.

Commissioner Tuley: No. Okay. Alright, I'll agree with that.

Cheryl Musgrave: And the only other way is to keep them both there, and not only would that increase the cost by hotels, but there would be no one here to do inheritance tax and I just can't do that.

Commissioner Tuley: Okay. Just, in the future, if you can --

Cheryl Musgrave: Attach a memo?

Commissioner Tuley: Yes, just a little further explanation, and like with your deal with your not requiring a hotel room, maybe you didn't mark hotel room on it, maybe I just missed it, I think that we're understanding what you're going to do and don't have any problem with what you're requesting.

Cheryl Musgrave: Okay. Is there anything else? Back to the Data Board, are you going to contact me or should I just come back next week?

Commissioner Tuley: First off, I'm going to ask Cindy to find me a list and find out who our appointments are. I'll coordinate through Cindy and she can...I will not be available much between now and the end of the week.

Cheryl Musgrave: Okay. In fact, I won't even be here next week, I'll be in Boston. It would have to be three weeks from now.

Cindy Mayo: That will give me plenty of time.

Commissioner Tuley: Okay.

RE: REPRESENTATIVE FROM MCI - PRESENT AN AIC ENDORSED PROGRAM

Commissioner Tuley: Okay, item 6, representative from MCI? No phone call this --?

Cindy Mayo: Well, they were supposed to send a local person this

week because they were having trouble getting in here, but apparently, not (inaudible).

Commissioner Tuley: Okay, well, we'll just keep waiting.

RE: LYNN ELLIS - PURCHASING

Lynn Ellis: I would recommend that the bid for the transportation services for the Vanderburgh County Office of Family & Children be awarded to Bassemier's Transportation Services as the low responsive and responsible bidder.

Commissioner Mourdock: Anything special about it that you want to say?

Lynn Ellis: Do you know how much it is going to run based on these prices, because I don't know the number of transportations that --

John Schroder: (Inaudible - comments not made from the microphone)

Lynn Ellis: \$20,000 to \$25,000? The bids were very close, I mean, they were very competitive.

Commissioner Tuley: Yes, I noticed a couple of them were really within a matter of just a few cents. The only one that bothers me is the additional fee for out of county trips. Does that mean that his is zero?

Commissioner Mourdock: Or does that mean that he's not going to do any?

Lynn Ellis: He is not going to charge anything.

Commissioner Tuley: He will provide the service but won't charge?

Lynn Ellis: Additional fee, he won't charge an additional fee for that. The fee would be as if it were an in county route.

Commissioner Mourdock: Okay, it's just a charge per mile then.

John Schroder: I'm John Schroder, Assistant Director of the Vanderburgh County Office of Family & Children. We left that in there because sometimes when, for instance, the other bidder would commit a vehicle, not only did they want a mileage charge, but they wanted a per trip additional charge for that, as you might note on the other bid and that has been a matter of (inaudible) in the past and they did not want an additional. We will be paying mileage on that --

Commissioner Tuley: Right, it's not a freebie, but it's not additional.

John Schroder: No additional charges.

Commissioner Tuley: Okay. So you two have gotten together and I'm assuming you're agreeable on this?

Commissioner Mourdock: Mr. President, I'll move that we accept Lynn Ellis' recommendation regarding bid APA036-95.

Commissioner Tuley: I will second and so order.

Lynn Ellis: I have one question for the Attorney, does Mr. Bassemier need to file a second conflict --

Alan Kissinger: I don't think so. I believe his acknowledgement or his, I can't think of the magic word, nonetheless, he has filed the necessary documents previously and it is of record. To my knowledge, he does not have to file another one each time he bids

on another contract.

Commissioner Mourdock: I think the magic word is disclosure.

Alan Kissinger: Disclosure, yes. Disclosure of a conflict of interest. The short answer is no. Lynn, while you are up there, you can help me with my report, even though it's not my turn. Where you leaving?

Lynn Ellis: I was going to wait because I was requested to do so by the Auditor.

Alan Kissinger: Oh, in reference to this?

Lynn Ellis: Yes, sir.

Alan Kissinger: Well then, I'll do you a favor by getting you out of here earlier.

Lynn Ellis: Thank you, bless you!

Alan Kissinger: You have discussed the Evansville Titles Corporation and the Hoosier Abstracts bids for the tax sale title searches and we had only two bids. The bid of Hoosier Abstract was the low bid, but, am I correct that it is not considered under the statute to be responsive?

Lynn Ellis: That's correct. They failed to respond to all of the bid requirements.

Alan Kissinger: And do you consider that to be critical to the acceptance of the bid?

Lynn Ellis: Yes, the Auditor's Office reviewed the bids and I reviewed them and they found that some of the information that was missing would be crucial to a proper abstract being performed. Based on the bid that was submitted by Hoosier Abstracts, it was difficult to determine whether or not a complete abstract would be performed and the quality of that abstract.

Alan Kissinger: Therefore, am I correct that the Commissioners will have the choice now of rejecting all bids or accepting the next lowest responsible and responsive bid?

Lynn Ellis: Yes, that would be correct.

Alan Kissinger: Thank you. You've helped me get to that point now, when I get to my report, the Commissioners will know what I'm talking about.

Lynn Ellis: Right, and I did, I don't know if it was part of your agenda package or not, but I did a memo to Bill Fluty, the Deputy Auditor, regarding that and we've discussed it. I would concur with their recommendation.

Alan Kissinger: Thank you. I'm sorry to get that out of sequence but that will permit Ms. Ellis to leave the room.

Commissioner Tuley: Thanks.

**RE: ORDINANCE TO AMEND CHAPTER 72, SCHEDULE II OF THE CODE OF
COUNTY ORDINANCES**

Cindy Mayo: This is first hearing and all we have is a copy of the legal ad, so --

Commissioner Tuley: Okay, so we just need to pass it on the first reading. It's for stop signs, county traffic signs, for:

Beringer Drive
Remington Drive
Kelli Lane
Elpers Road
Elmridge Drive
Clover Drive
Kristopher Court
Cross Pointe Blvd.
Virginia Street
Nicole Drive
Old State Court
Wyngate Court
King George Road

These intersections are so noted here. Do we actually need to approve on first reading?

Alan Kissinger: No, there is some misunderstanding about that. It is required that it be advertised twice, it is not required that it be read twice. It is required to be advertised twice because, in this particular case, it contains a penalty provision.

Commissioner Tuley: Okay.

Alan Kissinger: But I think this is probably just acknowledgement of the first advertisement.

Commissioner Tuley: Okay. Here it is, first reading, June 26, second and final reading, Monday, July 3. Okay. So done, then.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: The only thing that I have to report is that the Commissioners need to make a decision on the County Auditor's bid on the tax sale title searches. As indicated in the record previously, we have a bid from Hoosier Abstract for \$200 for each parcel, we have a bid from Evansville Titles for \$225 per parcel. The problem is that Hoosier Abstract, even though it is the lowest, it is not responsive because it does not contain a significant amount of information that is required with the bid. So, the Commissioners need to make a decision if they're going to accept the second bid which is the only other bid for the amount of \$225 per parcel, or if you wish, to reject all bids and re-invite new bids and advise Evansville Titles why their bid was not accepted at this time.

Commissioner Tuley: Did they call and ask for any kind of verification?

Alan Kissinger: I'm sorry, Hoosier Abstract.

Commissioner Tuley: They didn't call you?

Alan Kissinger: No, as a matter of fact, these are under advisement at the present time and tonight we were supposed to make a decision to either award the contract or, we would have awarded the contract and probably it would have gone to Hoosier Abstract because they were the lowest, but then we were advised that their bid was not responsive. Now our choice is either accept Evansville Titles at \$225 or reject them all, send them back, tell Evansville Titles and Hoosier Abstract why all bids were rejected.

Commissioner Tuley: Was the RFP or whatever it was that we sent for advertising the request, was it pretty clear?

Alan Kissinger: Positively.

Commissioner Tuley: So there's no real reason why they should not have been responsive to the request?

Alan Kissinger: No, there is not.

Commissioner Tuley: I'm inclined to give it to the higher bid because they are the most responsive. And correct me if I'm wrong but this is for the title search that actually the county themselves is not paying for, the purchaser of the tax sale property will actually be paying this fee? Correct? This title search is for us as well.

Alan Kissinger: The county has to pay it up front. Now, we may get it back in the future, but there's no guarantee.

Commissioner Tuley: There's no way...let's talk about this. The law changed a few years ago where we used to pay it up front. Then it changed to where the county would only do it after the sale, then it was changed to where the county actually had a choice. If we want to do it or put that burden on the taxpayer and inform the Auditor and the Treasurer in which the laws says that they can get together and make that determination if they agree. So I'm wondering if these are not laws that we have already actually collected a sum for at the beginning of the sale.

Alan Kissinger: I don't know, but I will tell you this, that as the owner of the real estate, it is our responsibility --

Commissioner Tuley: Then we would pay for those --

Alan Kissinger: To show proof of clear title.

Commissioner Tuley: Right.

Alan Kissinger: Now if there is a device that we have been using in the past that passed it on to the purchaser, then I'm certain that we can do that, but up front, we're responsible for the title searches.

Commissioner Tuley: Yes. If I remember, Cindy, maybe you remember, too? The day of the sale, because the way it was advertised, we didn't know what that cost was going to be. I think it advertised the minimum bid as this amount plus the cost of doing this service which was going to be determined at a later date.

Alan Kissinger: And this will allow us to tell them.

Commissioner Tuley: Tell them, we're going to have this contract but you owe the county X amount of dollars. The person that lost their home, if they want to redeem, and if not, the person that got the property in the sale owes the county that money.

Cindy Mayo: But won't we have to have title searches run on all property now because if the --

Commissioner Tuley: We will on the only ones that did not sell that we take a certificate to. We will do a title search and then the county will pay this.

Alan Kissinger: If we take a certificate to it and then ultimately decide that we will convey this, when we get to the point that we're going to convey (inaudible). No, I beg your pardon.

Commissioner Tuley: No.

Alan Kissinger: I beg your pardon, we've got to file a petition with the court.

Commissioner Tuley: Right.

Alan Kissinger: That is the county's expense.

Commissioner Tuley: So at least some of it is going to be at the county's expense. So it's \$25 a parcel difference. Although I'm inclined to think, number one: no one else is going to bid, if they didn't already bid, and number two: that's the same bid we did on the equipment. Some people, for whatever reason, didn't respond properly to the request and we rejected it and went ahead and awarded it.

Commissioner Mourdock: It's a one year contract?

Suzanne Crouch: '92 and '93.

Alan Kissinger: Okay.

Commissioner Mourdock: So two years?

Commissioner Tuley: Two tax sale years.

Commissioner Mourdock: Yes, I agree, I wouldn't rebid it for \$25. Would you like that as a motion?

Commissioner Tuley: After all of the discussion, I don't even remember who was the \$225 bidder, but yes, I'd like it as a motion since they were the most responsive.

Commissioner Mourdock: Right. Mr. President, I'll move that in response to the bids for title work on behalf of the county, that we follow the recommendation of Lynn Ellis and pass the bid by the lowest bidder which was unresponsive to the second place bidder.

Commissioner Tuley: Second and so ordered. So it will go to Evansville Titles for the \$225 per rate.

Alan Kissinger: I have nothing further to report.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: Dennis Feldhaus called today and at budget time there was an additional \$100,000 put in the bond and insurance account because of pending litigation. He has requested that this be transferred into the self insurance account, the 428.1, because it was put in there for that specific reason and the transfer has not yet been made. So I have the blue claim that needs to be signed.

Commissioner Tuley: I guess this takes permission for me to sign this?

Cindy Mayo: You need to sign as office holder on the back. I have a letter from Emergency Management that they're sending out to people that helped in the June 8 emergency. They brought this up Friday afternoon and did not realize that Mr. Borries was going to be out of town. They have already had the Mayor sign this and Mr. Sherman Greer, the director of the Emergency Management sign, and they have a place for Mr. Borries to sign. I don't know if you want me to sign his name or stamp his name, I just wanted to see what you wanted me to do with this so that this can be sent out to the people that helped Emergency Management.

Commissioner Tuley: I think you can go ahead and sign his name, put your initials next to it.

Cindy Mayo: I have from Emergency Management, also, and I'll just hand this to you so that you can look at it and we'll put it on next weeks' agenda, but they would like for you to adopt a resolution that you may designate another person to act on someone's behalf. They're having a problem getting a quorum for their board meetings that they have and they would like to have, the city has adopted a resolution where someone can be appointed in case someone can not attend and they've attached this, so I just

will let you look at it and see if you would like to adopt a similar resolution. They would like for you to, they had to cancel last month's meeting because they could not get a quorum. I believe that was prepared by Mr. Winternheimer for the city. The only other thing that I have is I would like your permission to advertise for title searches for the '93 surplus properties. I asked last week if we could go on the Auditor's and we could not because it was specifically for the tax sale. I did speak with Mr. Kissinger this evening and if I take part of the wording out on this that says, subject to delinquent tax liens and just state that it is holding a surplus property sale of real estate which is in Vanderburgh County, that I can use the same specifications as the Auditor's Office. So, with that change, I would like to request permission to advertise and this be put in the paper June 30 and July 7 with the bids being brought in and opened Monday, July 17.

Commissioner Tuley: Okay, a question or comment: does it spell out that the bids on the first go around must, do we have a clause or anything? My understanding of the law is that we have to on the first sale of the surplus property is, we're talking about the ones that we did not give away but somebody, are we talking about real estate?

Cindy Mayo: Yes.

Commissioner Tuley: We do not need to have those appraised by the County Assessor or Township Assessor, and the minimum bid is 90% for go around one and then if that doesn't happen, I think --

Cindy Mayo: But we still have to have the title searches done because we --

Commissioner Tuley: Okay, you're just advertising for the title search.

Cindy Mayo: Right.

Commissioner Mourdock: I'll move that we begin the process to get the title searches done for the '93 properties.

Commissioner Tuley: I will second and so order. But we need to find out about having them appraised.

Cindy Mayo: I will be, right now I'm working on the list for the '94 properties since there is not a problem with those and we have had the sale to the non-profit organizations. I'm now working on getting that list so that we can advertise and sell the '94 properties. So, I do need to find out that procedure.

Commissioner Tuley: Yes. Get with me after the meeting and I'll tell you someone or you can get with Alan, but if I can give you somebody else to get the information (inaudible).

Alan Kissinger: Not at all.

RE: BILL MORPHEW - COUNTY GARAGE

Commissioner Tuley: This weather has not been real cooperative in the sense of trying to pave and --

Bill Morpew: No, it hasn't. We've finished putting the base material on Koressel, St. Joe and New Harmony Roads. We'll start to surface tomorrow provided it's not raining.

Commissioner Tuley: You've got most of the trees up and the roads cleared off, haven't you?

Bill Morpew: They're all away from the road, but there's quite a few of them yet that need to be mulched up and we are running a

tree crew each day just mulching up limbs and debris. As a matter of fact, they worked a little bit late this afternoon. We had a tree fall at a city lot, a county lot in the city, it fell next to a new car and --

Commissioner Mourdock: How close is next to a new car?

Bill Morpew: I don't know, I wouldn't have been wanting to be standing there. We need to get that up. It's out in the road or was. It's up now. We finished that one this afternoon.

Commissioner Tuley: (Inaudible)

Bill Morpew: County lot in the city.

Commissioner Tuley: So it is up, or it is out of the way?

Bill Morpew: It is out of the way, well it's gone. We removed it this afternoon. The tree crew was working overtime to finish that one up today.

Commissioner Tuley: Any questions?

Commissioner Mourdock: No, that's pretty straightforward.

Commissioner Tuley: Have you got anything for us?

Bill Morpew: No.

Commissioner Tuley: Thanks.

Bill Morpew: Thank you.

RE: CONSENT ITEMS

Commissioner Tuley: Consent items, there's quite a few on here, but most of them look like reports and employment changes, that's about it.

Commissioner Mourdock: I'll move acceptance of the consent items as submitted.

Commissioner Tuley: I will second and so order.

RE: SCHEDULED MEETINGS

Commissioner Mourdock: Just a question, is Monday, the first of July, a holiday? Or I'm sorry, the third of July. So we will meet on the third?

Commissioner Tuley: We will meet on the third, and everybody will be off on the fourth. We've already discussed old business in terms of the request for travel by Ms. Musgrave.

RE: OLD BUSINESS

Suzanne Crouch: We need to, remember this came up about Buddy Bauer. Have you gotten there yet? That needs to be brought up under old business.

Commissioner Tuley: I forgot what the deal was with Buddy Bauer.

Suzanne Crouch: He had requested permission to advertise hearing dates and we weren't sure if he should be present and in checking, we discovered that we need to advertise one time and then there will be one hearing. He will be present at the hearing to address whatever concerns or questions that the Commissioners have.

Commissioner Tuley: Okay, so in other words, basically, what

you're saying is, it's okay to go ahead and advertise --

Suzanne Crouch: We just need permission to advertise and we'll advertise either the 27th or 28th of this month and then have the hearing July 10.

Commissioner Mourdock: I'll move that we so advertise the vacation of easement as submitted by Alfred H. Bauer, Jr.

Commissioner Tuley: Second and so ordered.

RE: NEW BUSINESS

Commissioner Tuley: One other item, I think, under new business and then we'll come back to John. I have a letter here from Shane Thread.

The purpose of this letter is to once again seek your approval for the use of county roads to carry out the sixth annual River City Duathlon, scheduled for July 29, 1995 at 8 am. I have enclosed a copy of the of the course map for your review. As usual, upon your approval, I intend to inform the Sheriff's Department about the race and seek their assistance in monitoring the course during the event. I will also ask the local R.E.A.C.T. to assist race volunteers monitoring the course.

The race will be insured through Tri-Fed USA, the national governing body for multi-sport endurance races.

Commissioner Mourdock: I think in the past, it's my understanding we've done this type of thing, have we not?

Commissioner Tuley: Right, I think what we normally do is forward this to the Sheriff's Department and ask them to provide assistance as necessary.

Commissioner Mourdock: And with the request that we send to Sheriff Hamner, I would also ask that somehow we make sure that we get a copy of their insurance certificate.

Commissioner Tuley: Good idea. Would you do that Cindy? Mike Holmes, the appointment from George S. Olive is moving and has submitted his resignation. This is in reference to the Pigeon Creek Board. He also recommended that James Shade, this is a memo...Mike Holmes recommended this James Shade, Cindy?

Cindy Mayo: Yes, and he did speak with Shirley James on the Board about it and Mr. Shade is with George Olive. They did want to have a CPA on there and they're pleased with that and don't have a problem with it.

Commissioner Tuley: Okay.

Commissioner Mourdock: I'll move that we accept the appointment of James Shade of George S. Olive to the Pigeon Creek Board.

Commissioner Tuley: Second and so ordered.

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: On the Mann Road Bridge project, I got a letter last week that said that the contractor that we had on that job, W. E. Limited, is financially unable to complete the job and his bonding company is taking the project over. I have an agreement here that needs to be signed that, basically, assigns the remainder of the payments on the project over to the bonding company and they, in turn, will have another contractor finish the job. The other

contractor that they've got doing the job is J. H. Rudolph and they're going to start the job, well they actually did start the job today. This just says that our payments are going to go to the bonding company and then they'll handle paying the contractor rather than us having any more dealings with W. E. Limited. Alan has reviewed the document and he said it's okay and I'd like to recommend that it be signed so we can get this project over with.

Commissioner Mourdock: Which job was that?

John Stoll: Mann Road.

Commissioner Mourdock: Okay. I would suggest, too, that we make sure Lynn Ellis is aware if she's not that these people fell down so that they get put on her list or whatever, so if they do bid something. I'll move that we act on the County Engineer's request for the replacement of W. E. Limited, the handling of the Mann Road project and pass that on to the bonding company.

Commissioner Tuley: Second and so ordered.

John Stoll: The next thing that I have is on the Green River Road project, there was an underground telephone cable that was supposed to be moved in order to clear one parcel of right-of-way that was going to be transferred to a property owner at the corner of Theater and Green River. The property was transferred but the telephone line was never moved. Alan and I met with Gary Price a week or so ago concerning this and after that meeting, I contacted Ameritech and they submitted a price quote of \$2,072.62 to relocate the cable and I'd like your authorization for me to be able to go ahead and sign this so we can clear this piece of property as was called for in the original right-of-way acquisition.

Alan Kissinger: Ultimately, what John is outlining for you here has to be done.

Commissioner Mourdock: Makes it easy, doesn't it! I move we accept the request as submitted by the County Engineer.

Commissioner Tuley: Second and so ordered.

John Stoll: The plans you have there in front of you are for an extension of Royal Avenue between Vogel Road and the current dead end of Royal Avenue adjacent to the American General building there at the corner of Virginia and Royal. I've reviewed the plans and I'd recommend that they be approved.

Commissioner Mourdock: I'll move acceptance of the Royal Avenue extension plan as submitted by the County Engineer.

Tape inaudible. Motion carries.

John Stoll: The last item I've got is a deed that is for an 18.48 acre parcel at the southwest corner of the Lynch Road Bridge over Pigeon Creek. As a part of the permits that were issued back when this project was originally proposed, in order to address some concerns about mitigating some possible wetlands, and I guess there was a dispute on whether or not there was actually going to be some adverse effects to the wetlands, but in order to get all of the necessary permits for that project, the county had agreed to transfer this 18.48 acre parcel of land. They had agreed to buy it and then transfer it over to Wesselman Park for Wesselman Park to make it a nature habitat. Now I've talked to Jim Haddan of the Parks Department and he said the proper way to do that would be for us to transfer it to the Department of Parks and Recreation rather than specifically to Wesselman Park. Kevin Winterheimer has reviewed the documents and he thought it was fine. I'd like to recommend that the deed be signed and then we can go ahead and transfer the property.

Commissioner Mourdock: So the county bought it specifically for the Lynch Road project.

John Stoll: Yes. Looking back in the documentation from '91, it appeared that the property owner who did own the property was going to use it as a borrow pit. Since there were concerns about the project affecting wetlands, it was basically agreed that the county would buy that property and keep it as is rather than allowing it to become a borrow pit.

Commissioner Mourdock: I'll move that we act to issue the warranty deed for the 18.48 acres to the city of Evansville Department of Parks and Recreation as submitted by the County Engineer.

Commissioner Tuley: Second and so ordered.

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

Commissioner Tuley: Bill has already gone. I asked about Mt. Pleasant or (inaudible).

John Stoll: Road cut.

Commissioner Tuley: Do you know if they got that corrected?

John Stoll: They've put more rock in it to temporarily fill it in but I don't think it's been patched permanently as of yet. I know they were trying to get to it, but they just hadn't gotten to that as of yet. They're definitely aware of it, though.

Commissioner Tuley: Alright, that way, if I get a call I can (inaudible). Did you guys need to come back before the Commissioner, I assume, since you're still here?

Kenneth Fields: We have more paperwork for the adopted list, the master list, and we have another list of the county maintained and accepted roads that was adopted back in 1972 by all of the Commissioners. I guess you're familiar with this.

Commissioner Tuley: I'm familiar with that type of document, I'm not sure on that particular one.

Kenneth Fields: Again, I don't know how much more proof we need, or is this not validated for the past fifteen years or --

Alan Kissinger: The problem is...I see what you're saying, but this was in error as well. We just continued to compound errors as we went along with this thing.

Commissioner Mourdock: Is that document then, Alan, not having it in front of me, is it basically just referring to what was done previously? It's saying, since we accepted...now I can't find the mystery word...this document is basically 100% based on the 1968 --

Alan Kissinger: Yes. This anticipates that the roads named were legally accepted prior to this action.

Commissioner Mourdock: Okay.

Alan Kissinger: We don't want to keep throwing roadblocks at you, but it's just --

Kenneth Fields: I understand.

Alan Kissinger: In other words, yes, this would be fine had the other commitment of the right-of-way been granted and had been complied with prior to this. It was not and, therefore, this document does not (inaudible).

Kenneth Fields: So these Commissioners made the mistake of accepting this in '72, but now it's not accepted.

Alan Kissinger: Yes.

Commissioner Mourdock: I think the question, and when I just read the title to this, Resolution of Vanderburgh County adopting master list of county maintained roads. This wasn't a resolution adopting a list of roads.

Kenneth Fields: Right.

Commissioner Mourdock: I thought maybe that was causing the confusion.

Commissioner Tuley: You guys are between a rock and a hard spot. You're approaching a board that can't do anything for you and on the other end of the spectrum, you're approaching somebody that for personal reasons are not going to. I think the best approach is what we left with a little bit earlier. Just see if there's not some way to work it out, somehow if you can put us in a position where we can accept it.

Kenneth Fields: What about all these property owners who, like myself, just purchased this house last year. When I got that list of it being accepted, and now I'm at the very end of the lane, now that value is shot as far as if I'm wanting to resell, because of the mistakes that have been made with the past County Commissioners. That's another reason why I bought that land, because it was accepted. I went back and I researched all of this last year again. I had it written up in my contract, that it was accepted and now it's not.

Alan Kissinger: The problem is the condition and the mistake that was made was not necessarily the mistake of the previous County Commissioners, although this 1972 action was based on the mistake. The mistake is that somehow this road made it on to the list of accepted roads and we just...you know, I understand your problem and it's not that I'm not sympathetic to your problem, but I can't tell the County Commissioners to pave the road when the condition for accepting the road has not even been met. I understand your frustration with it, but it's frustrating for us as well because, obviously, both of these Commissioners, right now, would like for me to tell them a way that they could do this, and I can't unless the property owners comply with the previous condition that was set out.

Commissioner Tuley: The three at the top probably are not on that original list of people that agreed to do that? It's changed hands since '69, I assume?

Kenneth Fields: Right.

Alan Kissinger: I can assure you, although it doesn't solve your immediate problem, it may not even solve your long term problem, those portions of the road serving those people who now refuse to give the right-of-way will not be maintained in the future unless they do convey the right-of-way.

Commissioner Tuley: Quite honestly, they'll probably be the ones leading the charge when that road falls apart.

Alan Kissinger: Oh, I have no doubt. One bad winter...

Kenneth Fields: Okay then.

Commissioner Mourdock: Sorry we can't do more.

Commissioner Tuley: Any other business?

COMMISSIONERS MEETING
JUNE 26, 1995

21

Commissioner Mourdock: I'll move for adjournment.

Commissioner Tuley: I'll second and so order.

Meeting adjourned at 7:01 p.m.

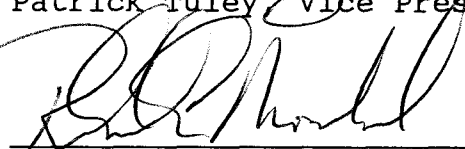
THOSE IN ATTENDANCE:

Patrick Tuley
Alan Kissinger
Cindy Mayo
Kenneth Fields
John Stoll
Cheryl Musgrave
John Schroder

Richard E. Mourdock
Suzanne Crouch
Teri Lukeman
Tony Thacker
Bill Morpew
Lynn Ellis

**VANDERBURGH COUNTY BOARD OF
COMMISSIONERS**


Patrick Tuley, Vice President


Richard E. Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

JULY 3, 1995

TABLE OF CONTENTS

Introductions & Pledge of Allegiance	1
Action Items	1
Approval of Minutes	1
Joe Ream	2
Request to landscape portion of frontage road on Lloyd Expressway	
Stop Sign Ordinance	4
Amend Chapter 72, Schedule II of the Code of County Ordinances - Final Reading	
Jane Snelling - EMA Director	5
Adopt Resolution C-95-38: To designate another person to act on behalf of someone that is on the board	
Cumulative Bridge Fund	6
Final Reading of Ordinance to Re-establish	
Rose Zigenfus - EUTS	6
June Progress Update	
Alan Kissinger - County Attorney	6
Sale of property leased for Sheriff's Training Center	
Request from Treasurer to hire attorney for collection of delinquent property taxes	
Collective bargaining agreement for Community Corrections Employees	
Cindy Mayo - Superintendent of County Buildings	12
Personnel Policy	
Bill Morphew - County Highway	12
Paving update	
County Highway & Bridge Crew Progress Report June 23 through June 29, 1995	
John Stoll - County Engineer	13
Consent Agenda for July 3, 1995	
Heartland Ridge street plans	
Joe Elpers Subdivision II street plans	
Street acceptance for North Greens Phase 2	
Storm sewer acceptance for North Greens Phase 2	
Consent Items	15
Travel, education & employment changes	
Scheduled Meetings	16
Old Business	16
Welfare Study Committee	
Quit claim deeds for non-profit agencies	
New Business	17
Adjournment	17

The Vanderburgh County Board of Commissioners met in session at 5:40 p.m. on Monday, July 3, 1995 in the Commissioner's Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

Commissioner Tuley: We'll call to order the Commissioner's Meeting for July 3, 1995. As a matter of introduction, we have to my far right:

Cindy Mayo, Superintendent of County Buildings & Office Manager
Alan Kissinger, County Attorney
Pat Tuley, Commissioner
Richard Mourdock, Commissioner
Bill Fluty, Chief Deputy Auditor
Teri Lukeman, Official Recording Secretary

If you will please stand with us and face the flag as we all say the Pledge of Allegiance, please.

RE: ACTION ITEMS

Commissioner Tuley: Under action items, item A is the approval of the minutes from the June 26, 1995 meeting, last weeks' meeting.

Commissioner Mourdock: Do you have the minutes?

Commissioner Tuley: I have the original.

Commissioner Mourdock: Okay, I do not have a copy. Have you reviewed them?

Commissioner Tuley: Just real briefly. I didn't read them as close as I normally would like to read them.

Cindy Mayo: Were those the ones that were brought up this morning, Teri?

Teri Lukeman: I brought up the permanent set when I met with Sunny. Were you not provided with copies on Friday?

Commissioner Tuley: I don't remember seeing anything over the weekend, well I was in Thursday, though.

Cindy Mayo: They're normally put in your folder so that when you do come in over the weekend --

Commissioner Tuley: See I was here Thursday night, so I didn't get back in after Thursday, so if it did, I didn't get a chance to tell.

Commissioner Mourdock: Yes, and I haven't been in since Friday noon.

Commissioner Tuley: Why don't we just hang on to them until next week?

Commissioner Mourdock: Yes, and did we not last week have the previous weeks that we had deferred also, or there was a correction, yeah, there was one set that we had some corrections being made to from..., it was the Drainage Board.

Commissioner Tuley: It was the Drainage Board that needed corrections. Okay, why don't we just defer this then and that will give both of us a chance to read a little closer and we'll do it next week. Okay, for item B, the time is now for any group or individual wishing to address the Commission who does not find either their topic for discussion or their name listed on the agenda. Joe, I think I don't see your name on here.

**RE: JOE REAM - REQUEST TO LANDSCAPE AND ADD SIGN TO FRONTAGE ROAD
AT LLOYD EXPRESSWAY AND CROSS POINTE**

Joe Ream: My name is Joe Ream. I'm the developer for the Hartmann Family Land Trust, it's for the property north of the Lloyd Expressway in between Builder's Square and Interstate 164. The reason I'm here is, you may or may not recall, but on the frontage road, we moved it away north so traffic could get in there easier. What we have left is a twenty-eight foot strip for some distance, a couple hundred feet on the south side of Division and I've got a picture of it if you'd like to see it. To make a long story short, we've got permission from the county to maintain it, and since this is Evansville's front door what we'd really like to do, after looking the situation over, the traffic and just the area around it, we'd like to landscape it, light it and put a monument sign there, something that people can see. Instead of being maybe a little less decisive when they come in there, they'll see cross roads and if they want to go that way, they can go that way and not hesitate. We're trying to improve the area and this sign would be outside the normal width of the right-of-way, but it is within the right-of-way, because, again, we moved the road north about fifteen or twenty feet, so we've got this twenty-eight foot strip which I've got a drawing of it if you'd like to see it.

Commissioner Tuley: What I'd like to do, and unless you've got some other things I haven't thought of, the only thing that scares me is, I know we just did this somewhere off of 41, where someone wanted to put up a brick retaining wall or abutment or something, I was a little concerned about a liability problem. If you've got some drawings or something that you wouldn't mind leaving, if we could leave those for Alan to review from a liability standpoint, I'd like to do that.

Alan Kissinger: I have discussed this previously with John Stoll and John is basically in agreement with what Mr. Ream says. This particular structure is going to be off the traveled portion of the roadway and it's going to be in an area where it is very unlikely that there is ever going to be an incident of a vehicle or anything else colliding with this structure. However, as I told Mr. Ream just a few minutes ago, I think that any time the county does this, we have to get an agreement that the party who erects the structure will indemnify the county and hold the county harmless of any liability if anything should occur. I think that I would still like, and Joe, I don't want to make you come back, but I'd still like to get John Stoll's recommendation on this before the Commissioners actually make a decision as to what they do.

Joe Ream: We're willing to do that, by the way, we're willing to, you know, whatever, buy an insurance policy or whatever, plus, if it's a problem, we're willing to take it out because we don't want it to be a problem, and we don't think it will be a problem. We're willing to do both of those things.

Commissioner Tuley: The idea seems to be sound, what you're trying to do and I know what you're saying, people are going to pull in there and they're not really going to know where they're going. It would help clarify that, so...

Commissioner Mourdock: Yes, I'm with Pat. I'd like to see what you've got, if you've got an artist's concept of what the sign is going to look like, or whatever.

Joe Ream: This is a drawing of Division. Here's Cross Pointe Boulevard, and here's the sign. You've got to really look. This is it and it's all to scale. This is that area. Of course, people are going to be coming in this way.

Commissioner Mourdock: Okay, so the actual limit of the road is --

Joe Ream: (Inaudible - comments not made from microphone) Here's the big sign here, this sign would have the same look, it would be a lot smaller, but it would, you know, if you saw this and this, you would say, well, you'd be (inaudible)

Commissioner Mourdock: Both of these signs are the subject of your discussion here, it isn't just --

Joe Ream: Well no, that one is okay.

Commissioner Tuley: That one is okay. It's just this one right here.

Joe Ream: But just so you know, this is to scale. This is what this sign looks like down here and then this is what this one looks like.

Commissioner Mourdock: I see.

Joe Ream: Down here it's a little monument sign and this is a big sign. This is like Cross Pointe's big sign and this is more like a little sign, limestone cap, so it's nice looking. We're willing to spend the money for, like, bollard lighting, like at the boulevard, we're willing to landscape it, we want it to look good and direct traffic.

Commissioner Mourdock: Okay. And you'd be maintaining the landscaping and you're willing to indemnify?

Joe Ream: Yes.

Commissioner Mourdock: John Stoll is out of town, right?

Commissioner Tuley: Right, John's gone. I had a discussion with him, too, and I think he had said, after we heard what Joe had to say and what you had to say, I think he still would like for a week to review it and get with Alan to make sure everything is okay.

Joe Ream: Sure. Should I give this --

Commissioner Tuley: Why don't you give it to Alan, if you don't...or give it to Tim.

Alan Kissinger: If you would, give it to Tim, it would get more quickly to John. I can read the law but I can't read those things.

Tim Spurling: He has a copy, he's already seen it.

Commissioner Tuley: Oh, he has a copy of them, too. Well, you don't need to give him another set then if he's got a set. Joe, rather than have you come back, you meet with John. Tim, is John gone for the rest of this week or just --

Tim Spurling: He'll be back Monday. He's looked at these. He never really told me one way or the other (inaudible - comments not made from the microphone)

Commissioner Tuley: Yes, and that's all he told me at that time. He really didn't, he just said --

Tim Spurling: (Inaudible)

Commissioner Tuley: Joe, just for the record, you said you guys would maintain it and you would be willing to provide us with Alan's request in terms of indemnification so that we don't have --

Joe Ream: Right.

Commissioner Tuley: I'm trying to save you another trip back up

here.

Joe Ream: Plus, we're willing to take it down if it's a problem, because we don't want it to be a problem either.

Alan Kissinger: I think, Joe, after you've talked with John Stoll, if John can tell the Commissioners what his recommendation is, and I'd just say, if you're going to approve it, please do this first. I think John's recommendation will really have the effect on the Commissioners, or it will convince the Commissioners one way or the other. So, if you talk with John and John says I'm going to do this, that or the other, we'd certainly take his word for it and it wouldn't be necessary for you to make another trip.

Joe Ream: Okay.

Commissioner Tuley: Yes, that's what I was trying to avoid unless we just had to have you come back up here.

Commissioner Mourdock: In making me aware of it, John's primary comments and, I guess, concerns is the right word, was simply what would the precedent be and are we following previous precedents. I know that was something you wanted to check on. My personal feeling is, you need to look at each one of these on an individual basis because, obviously, that situation of having the wider than normal easement and all that, I think has to be taken into consideration.

Commissioner Tuley: Okay.

Alan Kissinger: And, obviously, this will not establish a precedent, although I do know that other people are going to come back and say, you let them do it, but this will not be a legal precedent.

Commissioner Mourdock: I understand.

Commissioner Tuley: Okay, anybody else who is not on the agenda?

**RE: ORDINANCE TO AMEND CHAPTER 72, SCHEDULE II OF THE CODE OF
COUNTY ORDINANCE - SECOND AND FINAL READING**

Commissioner Tuley: This is in regard to the stop intersections, I think we read these off last week, there's a list of them here rather than go through all of them. This is just an amendment to agree to put these stop signs in.

Commissioner Mourdock: And as a second reading, I'll move acceptance of the Ordinance to Amend Chapter 72, Schedule II.

Commissioner Tuley: Okay, I believe this will be second and final reading if we get it.

Alan Kissinger: It is.

Commissioner Tuley: Okay, second and final reading. I will second and, because it is an ordinance or amendment to the ordinance, we'll take a roll call vote. Commissioner Mourdock?

Commissioner Mourdock: Yes.

Commissioner Tuley: And I vote yes as well. The ordinance passes. This has got a signature on here for Commissioner Borries.

Alan Kissinger: Regardless of that signature, it is only necessary that the president or acting president sign it after it has been adopted.

Commissioner Tuley: Okay. I don't want somebody to look at this

and say, boy, that writing is a lot worse than I thought. It's got Richard Borries here but it sure don't look like that in the signature!

RE: JANE SNELLING - EMA ASST. DIRECTOR

Commissioner Tuley: Item 6, Jane Snelling, Emergency Management Assistance Director, Resolution C-95-38.

Cindy Mayo: This is the one that I presented last week that they wanted to have the Commissioners look at. It does say on the cover letter that the Emergency Management Advisory Council would like approval of the County Commissioners for the above resolution. Kevin Winternheimer, City Attorney, prepared the resolution with the understanding that the resolution cannot be recorded unless the County Commissioners approve also. And this basically states that you may designate in writing another person to act on behalf of someone that is on the board. They're having a problem getting a quorum, and I think really what they're wanting is someone to be designated in writing that's here in the building, so if they don't have a quorum, they can call and that person can attend those meetings.

Commissioner Mourdock: I'll move approval of the amendment, and again, I'll read it here formally, but it would be for,

"A member of the Council may designate in writing another person to act on his or her behalf including, but not limited to the power to vote on any issue, when that member is unable to attend a meeting of the Council."

And by the Council, it means the Emergency Management Agency Council and, obviously, this was the language used for the City Council and we would be looking at that as the Board of County Commissioners. Having said that, I'll move approval.

Commissioner Tuley: I will second. At this point in time, do we want to name Cindy as that designated representative?

Commissioner Mourdock: I was going to suggest that since she's in the building.

Cindy Mayo: Why thank you.

Commissioner Tuley: I will second and so order.

Cindy Mayo: I don't know, Pat, I don't see a place for you to sign on this, so maybe we need to put a signature...make up a signature sheet that can be signed. Is there a place for you to sign?

Commissioner Tuley: No, I don't see...basically, quite honestly, what I --

Cindy Mayo: Or do they just need to act on it? Alan, do you know?

Alan Kissinger: Is this a resolution?

Cindy Mayo: Yes.

Commissioner Tuley: Yes, the resolution. What I'm looking at is a copy of the one that was adopted by the city and --

Alan Kissinger: If you show that the resolution, on the record, has been adopted and a copy of the record is maintained or, I beg your pardon, if a copy of the resolution is maintained for the record, then that would be sufficient for the resolution.

Commissioner Tuley: Okay. I'll pass that on down, then.

RE: CUMULATIVE BRIDGE FUND - FINAL READING OF ORDINANCE TO RE-ESTABLISH

Commissioner Tuley: Item 7 is final reading of the Ordinance to Re-Establish the Cumulative Bridge Fund. This is Alan's request...to have this heard, it's not his request to --

Alan Kissinger: Right. I believe that all of the necessary notice procedures have been followed, or I shouldn't say I believe that they have, I'm sure that they have. And I want to advise the Commissioners that it is the opinion of some who have read the amended statute that was amended by our most recent legislature, that it is not necessary to adopt an ordinance to continue this bridge fund. And those people with that opinion may very well be correct. My concern is that there was a procedure that was followed three years ago to establish the Cumulative Bridge Fund. The new statute indicates that it is not necessary to go back through the procedure of re-establishment. There was quite a lengthy procedure, it was quite involved. There had to be public hearings, there had to be affidavits sent to the State Board of Tax Commissioners, etc, etc., and it was a burdensome process. I agree that the amended legislation does not require us to go through that procedure again to re-establish. But, there is nothing in that new legislation that says we do not have to re-adopt an ordinance to continue. Now, at very worst, this is an unnecessary effort. At very best, it will save our Cumulative Bridge Fund. I recommend that the Commissioners give favorable consideration to approval and adoption of this ordinance.

Commissioner Tuley: Okay.

Cindy Mayo: So at worst, it's an insurance policy.

Alan Kissinger: Correct.

Commissioner Mourdock: Since we certainly don't want to lose funding here, I'll move the acceptance as provided to us by the County Attorney of the Ordinance/Resolution Continuing the Cumulative Bridge Fund pursuant to I.C. 8-16-3 Et Sequence?

Alan Kissinger: Et Sequitur.

Commissioner Mourdock: Et Sequitur, I'm sorry.

Commissioner Tuley: I will second, and again, because we have an Ordinance, we'll take a roll call vote. Commissioner Mourdock?

Commissioner Mourdock: I'll vote yes.

Commissioner Tuley: And I'll vote yes.

RE: ROSE ZIGENFUS - EUTS

Commissioner Tuley: Rose Zigenfus, the Director for the Evansville Urban Transportation Study is on vacation, however, let the record show she did submit an update of ongoing projects in the city of Evansville, Warrick County projects, state projects, congestion mitigation and air quality, city of Evansville railroad projects, Vanderburgh County railroad projects at Boonville-New Harmony, the construction project to install automatic signals and gates and improve the crossings surface has been completed with the placement of pavement markings. So that's Boonville-New Harmony. That's the only mention for Vanderburgh County, itself. I would just like to enter this into the record and make it part of the minutes.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: The first matter that I have is the Vanderburgh

County Sheriff has advised us that the real estate which is presently being leased by the county to accommodate the Sheriff's Training Center is going up for sale. This property originally belonged to the party that we leased it from and a part of that lease was that if anyone purchased the property from that party, it would be subject to our lease. Also, that if any successor in title should decide that they were going to sell the real estate, the Sheriff or Vanderburgh County would have the option first of purchasing the real estate at fair market value. The Sheriff has indicated to us that he has been told a specific price for which this real estate could be purchased by the county. But, as you are aware, in order for us to start that procedure, the first thing that we must do is adopt a resolution indicating that the county has an interest in purchasing the real estate and actually naming two appraisers to do an appraisal for us as quickly as possible. Then once those appraisals are returned, we can purchase the real estate for a price no greater than the average of those two appraisals. I think time is of the essence here because I believe the present owner of the property, after having made the offer, wants to see a gesture on our part that we do have an interest in purchasing the real estate so that we can forestall any efforts of theirs to sell it to some other party. We have made significant improvements on that real estate, there are actually two parcels. One is a twenty acre parcel and the other is an eight and a half acre parcel. This eight and a half acre parcel is where the improvements have been made: the shooting range, the Sheriff's meeting room, the buildings that have been erected on that real estate significantly increasing the value. Obviously, we put those improvements on leased property subject to the lease and subject to the owner's right to sell in the future, so if that property is sold, we would lose the value of those improvements. I think it would be appropriate if the Commissioners believe that we do have an interest in purchasing this real estate tonight, to adopt a resolution which would indicate that the county does have an interest in purchasing this real estate and naming two appraisers to return appraisals for us so that final decision can be made as to purchasing the real estate.

Commissioner Mourdock: Do you know, Alan, I guess maybe this is...the assumption is that if we do this process, that this is going to start a clock somehow with the present owners? I guess we just need to clarify that anything we would do, in other words, if we, I'm going to reach here, but let's say we appoint two appraisers tonight and they can't get the appraisals back to us in thirty days, we're not going to pass some window of opportunity that the sellers are offering out there, so that we're not throwing our money away for the appraisals?

Alan Kissinger: I don't think so. What I want to do is recommend to you two appraisers who are experienced: Bill Bartlett and David Matthews. Both are experienced with these types of appraisals, they understand that there is a thirty day time limit on the return of these appraisals and they have accommodated us in the past by putting other work aside to make sure that this does get done within thirty days. I don't think that it's going to be a problem with the present owner if we say, okay, we'll start this purchase process, because anyone who is going to purchase that real estate is going to want an appraisal, a title opinion, etc. So I think that this will be a sufficient gesture on the county's part to assure the present owner that we do intend to purchase the real estate.

Commissioner Mourdock: At this point, we don't have any knowledge of any title irregularities?

Alan Kissinger: My understanding is that there was a title opinion done years ago when the lease was entered into, and it showed good title at that time. My understanding is that owner sold both parcels to the present owner, so there should not be a problem with

title.

Commissioner Mourdock: Any other comments?

Commissioner Tuley: No, I just think that it's important, I mean, you pointed out that the Sheriff's Department has put quite a bit of money into that facility out there, quite a bit of money as a matter of fact. It's a very useful piece of real estate to the community, i.e. the Sheriff's Department, so I think it's wise and prudent that we act accordingly.

Commissioner Mourdock: I'll move then that we act to appoint the appraisers of Matthews and Bartlett, and those are two separate appraisers, not one company, to appraise those properties pursuant to the request of the County Attorney.

Commissioner Tuley: I will second and so order.

Alan Kissinger: I'll prepare a letter to go out to the appraisers Wednesday.

Commissioner Mourdock: And I guess that I would request, too, since they won't routinely see the record, that the owners get a letter notifying them that we're starting this.

Alan Kissinger: I'll advise the Sheriff. Yes.

Commissioner Tuley: Is that the only thing that we need to do on that?

Alan Kissinger: Yes, that's the only thing that the County needs to do at the present time. The next matter that I have, and the last matter that I have, is the County Treasurer has requested authority to enter into a contract with a private attorney for the purpose of collecting delinquent property taxes, and my understanding is that the primary term of the contract would be that the attorney would receive 33 1/3% or one third of all of those amounts that are actually collected for the Auditor. I think that the Commissioners actually approved this agreement previously, but I don't think that we ever actually entered into the agreement. Since this is a transaction that is going to be handled totally by the Treasurer in the future, I recommend that the Commissioners authorize the Treasurer to enter into this agreement for a one year period with the understanding that the Treasurer report back to the Commissioners in the future as to the collections on the contract and requesting permission to enter into a new contract.

Commissioner Tuley: I think it just should be pointed out that, based on my experience as Treasurer and the current Treasurer was my Chief Deputy, that those accounts aren't turned over until every effort has been made by the Treasurer's staff to attempt to collect them, so it's not like it's going to be every single account that comes up delinquent, but they make every effort to collect it first. And on those that they can't because they either can't locate the people, or the people just don't respond, then they'll turn those over.

Commissioner Mourdock: What, as a ballpark percentage, what percentage of the total end up in that category, 5%, 20%, I have no idea.

Commissioner Tuley: You know, I'm trying to think, because it was an election issue in '92 when I ran for Commissioner. There were about \$1,500,000 to \$2,000,000 that were showing as delinquent personal property. The total taxes collected for the year, about \$30,000,000. Does that sound right, for real estate taxes, \$40,000,000, I forget what it is. How soon they forget! But it's a small percentage. By and large, it's a small percentage, unlike real estate where they know if you don't pay it, I'm going to sell

your property and I'm going to get it, it is, basically it's more people that go out of business and are struggling to pay, and they're having trouble paying all of their bills not just their taxes.

Commissioner Mourdock: And that's the crux of it, unlike the real estate where the county has an asset to seize, in this case we don't have anything to do but chase.

Commissioner Tuley: Yes.

Commissioner Mourdock: Chase and catch.

Commissioner Tuley: So yes, it's a small percent of the total amount of billing, but nonetheless, unless we take some kind of aggressive action, if the Treasurer can't collect it through their own efforts, they're not going to collect it.

Commissioner Mourdock: I'll move then that we direct the county treasurer to employ an attorney to seek on a one third basis the collection of the delinquent past personal property taxes.

Commissioner Tuley: I will second and so order.

Alan Kissinger: I said that was the last item, it isn't the last item. The last item that I have is the collective bargaining agreement between Vanderburgh County and the Teamsters for the Vanderburgh County Community Corrections Complex. This has been in the process of being negotiated for, literally, months.

Commissioner Tuley: Almost a year, I think.

Alan Kissinger: I think we started, yes, it probably has been nearly a year. What we have here is what appears to be the finished product, although I will tell you that there are some minor changes that need to be made. I have talked with Mr. Chuck Whobrey, with whom I have been negotiating along with others on this agreement and they want to introduce this to their membership this coming Saturday for a vote as to whether or not it would be accepted. I shouldn't say their membership, to their prospective members. There are some minor changes that need to be made here and those are the changes that I discussed with each of you in Executive Session. They are basically a matter of filling in the blanks and also, I have been advised that the Teamsters people are not absolutely certain that the wage rates which are listed on Exhibit A are absolutely correct and they want the opportunity to check with the County Council to make certain that these are the correct wage rates and, obviously, they cannot, just by putting on a piece of paper, change these wage rates if they are not, in fact, accurate. And so that may also have to be changed. What the Teamsters have asked is that the Commissioners vote on this with the understanding that there are specific changes that will be made in the final form of the contract. They're asking that you vote on it tonight and, assuming that the Commissioners do, in fact, approve the contract in it's present form subject to changes being made, they will take it to their membership this Saturday and then their next area of negotiation, I guess I'll call it, would be with the Vanderburgh County Council because, one of the provisos in this contract is that everything agreed to is subject to approval by the Vanderburgh County Council based on the necessity of appropriating funds to honor the contract.

Commissioner Mourdock: What I'm hearing you say then, subject to minor changes, what you're asking us to vote on isn't final approval of this, because in fact , they have to ratify it before we can make final approval. Is that accurate?

Alan Kissinger: They want something that they can take to their

membership and say the Vanderburgh County Commissioners have approved this package in this form, and then if their members vote on it and say, or the majority of their members vote to accept this agreement, then it will be up to the Teamsters to get the County Council to accept the agreement based on some appropriations that are going to have to be made in order for the contract to be complied with as far as wages, uniform allowances, etc. If the Commissioners approve this, it is not the type of thing that we could then go back to them later and say, no, we have a lot of big changes we want to make. If we approve it tonight, we are saying, yes, we approve it in it's present form. Subject to minor changes, take this to your people. If they will accept it, then this is the agreement that you can represent as approved by the County Commissioners to the County Council.

Commissioner Mourdock: I guess my concern is, one man's minor is another man's major. I just want to make sure that we're not doing something here that --

Alan Kissinger: I understand and I can assure you, I do assure you that if the spoken agreement between Mr. Whobrey and myself is, in my opinion, violated, I will tell the Commissioners that this is not a good contract, and that we are not bound by the contract because you are voting on this with the representation that those minor changes will be made and that it will be made with their cooperation and assistance.

Commissioner Tuley: If I might add, I talked to Mr. Whobrey last Thursday or Friday, particularly about Exhibit A the wage upgrades, and there is an understanding just like what Alan said, whereby they agree that if they've got this in error, be it high or be it low, it will be corrected to the rate set by the Council. So they're willing to say if it's under, they want it brought up to what is the correct rate, but if it's listed in here over and above that, they agree it will come back down. So they're not trying to slide anybody in at a higher rate or anything. It's just, I'm not sure why there's a problem with getting the proper rate to begin with, but basically, he's agreed at least to me and it sounds like he's expressed the same to Alan, that they'll move it up or down whichever way it's in error.

Alan Kissinger: There are some other areas, specifically longevity pay is supposed to go only to corrections officers and not other employees for the reason that they are dealing directly with prisoners, stress days are to go only to corrections officers and not other employees who do not deal directly with prisoners, uniforms are already set up the way...the uniform allowances go only to people who are required to wear uniforms and I think that covers everything.

Commissioner Mourdock: Just for the record here, Alan, since you've obviously negotiated this and you're very familiar with what's in the jail, do you see these things as being consistent? As you've heard me say here on other issues before, personally, I view this job as one of the biggest things we have to do as Commissioners, is be consistent. Since you know this thing inside out, answer that question, are we consistent here with what we've done elsewhere?

Alan Kissinger: Yes, as a matter of fact, in these negotiations, there were some additional considerations asked for corrections officers at the Community Correction Center and I just refused them and told them that we would not negotiate anything that wasn't in the jail corrections officers contract.

Commissioner Mourdock: Okay. Are we ready for a motion?

Commissioner Tuley: I'm ready for a motion if you have satisfied your mind.

Commissioner Mourdock: As much as possible.

Alan Kissinger: Excuse me, I believe that this agreement also recognizes Chauffeurs, Teamsters and Helpers Local Union No. 215 as the bargaining agent, so if you approve the agreement, you will be in the process recognizing the Teamsters as the bargaining agent for the Vanderburgh County Community Corrections Officers.

Commissioner Mourdock: I guess this is a legal question, then, just as a matter of law and precedent, have we not already done that through this negotiating process?

Alan Kissinger: No, basically, we've just agreed to negotiate with them. We've never officially recognized them, you don't really have to at that point.

Commissioner Mourdock: Did they have an open membership drive when all this started a year - year and a half ago?

Alan Kissinger: Oh, this started more than a year and a half ago, yes.

Commissioner Mourdock: Card signing?

Alan Kissinger: Yes.

Commissioner Mourdock: And do you know offhand what percentage of cards were signed?

Alan Kissinger: The representation was made that more than the required percentage, but I quite honestly don't know because I think that actually happened before I was even with the County Commissioners.

Commissioner Mourdock: Do you have any reason to doubt that it was more than the required percentage?

Commissioner Tuley: I've attended some meetings with them, I think they're (inaudible). They've got a lot of signatures.

Commissioner Mourdock: More than the percentage?

Commissioner Tuley: Yes.

Alan Kissinger: I don't know. No, I don't have any specific reason to doubt it, however, I can't say yes, that's accurate, because I haven't seen (inaudible).

Commissioner Tuley: I've been to several meetings over there with the employees trying to get this ironed out and they filled the room, so there's quite a few of them.

Alan Kissinger: Yes.

Commissioner Mourdock: Okay. I understand your hesitancy to answer that question, but okay, having heard that, if I may, let me make, I guess, two motions. Maybe that would be the proper way. The first would be the motion that it be clearly stated that longevity pay, since it's not specifically worded in this agreement, that longevity pay only apply to the corrections officers. If you'll accept that as a motion...

Commissioner Tuley: I'll accept that as a motion and second it. So ordered.

Commissioner Mourdock: And with that then accepted, I would move the motion to accept the contract that the collective bargaining agreement between the Board of Commissioners of Vanderburgh County Corrections Complex and Chauffeurs Teamsters and Helpers Local

Union No. 215 to be effective July 10, 1995 through December 31, 1997, be accepted.

Commissioner Tuley: I will second and so order. Now, basically, all we've done is agree to say this is our package we're presenting you. If the membership accepts it, then next Monday we would formally in a meeting recognize Local 215 as the bargaining agent under this agreement?

Alan Kissinger: Yes.

Commissioner Mourdock: That's my understanding in making the motion, yes.

Commissioner Tuley: Okay. How many copies do we need?

Alan Kissinger: I don't know. Well, quite frankly, they can copy the signature page, if you just want to sign a couple more, I'll make sure that I have one. That's all I have to report.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: I just have one item and I really just need to get this clarified. I know that there was some mention of the new personnel policy being adopted in August. I do understand that does amend the Code of Ordinances?

Alan Kissinger: Yes.

Cindy Mayo: So it will need to be advertised. The Auditor's Office will, I assume, will need to do that and rather than the whole thing be advertised since it is quite lengthy, say that there is a copy on file in the Commissioner's Office?

Alan Kissinger: Yes, we will advertise the amendment to the ordinance, whatever the ordinance is designated by number and then we can actually post, we can make copies available and post them and that will comply with the notice requirement. My understanding is that enough copies are going to be developed for department heads, office holders, etc.

Cindy Mayo: I believe that was going to be heard for final reading August 7, is that correct?

Commissioner Tuley: Yes, that's what the intent was.

Cindy Mayo: Okay.

Alan Kissinger: I will prepare the ordinance amendment for advertisement and it does have to be advertised twice: one time, ten days before the meeting - at least ten days before the meeting, the second time, at least three days before the meeting.

Commissioner Mourdock: So if you prepare that and submit it next week, then we'll have plenty of time.

Alan Kissinger: It should be enough time, should it not?

Commissioner Tuley: You're talking August 8.

Alan Kissinger: It would give you about three weeks - three and a half weeks.

Cindy Mayo: That was all I had.

RE: BILL MORPHEW - COUNTY HIGHWAY

Commissioner Tuley: Still cutting up all those limbs and stuff?

Bill Morpew: Right now, the truck that pulls the mulcher is down. We had to put a new clutch in it Friday and a two-speed motor today, so it should be back on the road Wednesday. I expect we're probably going to be mulching limbs for another month. There's quite a few of them down.

Commissioner Tuley: I see you're paving.

Bill Morpew: We finished the surface on New Harmony Road, Wednesday we'll do St. Joe Road and we'll start on Koressel. We should have Koressel finished by Friday evening.

Commissioner Tuley: Okay. Questions?

Commissioner Mourdock: No.

Commissioner Tuley: Got any for us?

Bill Morpew: No, that's it.

Commissioner Tuley: Okay. Thanks, Bill.

Bill Morpew: Thank you.

RE: JOHN STOLL - COUNTY ENGINEER

Commissioner Tuley: John Stoll, as you heard earlier is on vacation so we have his trustworthy assistant, Tim Spurling here.

Tim Spurling: The first thing that I have for you tonight is street plans at Heartland Ridge and John has looked over all of this stuff (inaudible - comments not made from the microphone) he wanted me to recommend that you approve.

Commissioner Tuley: Do you want to see the actual plans since you read blueprints?

Commissioner Mourdock: Anything special about them, Tim?

Commissioner Tuley: Curb and gutter and all that, or road curb, or what do we have? Is there curbs and gutters?

Bill Nicholson: Yes, asphalt with curbs and gutters. In the letter, we requested a sidewalk waiver (Inaudible - comments not made from the microphone)

Commissioner Mourdock: And what are you seeking? That the county take these over, just preliminary approval or...

Bill Nicholson: Approval of the street plan ready for construction. This came before the Drainage Board at the last meeting --

Commissioner Tuley: The subdivision did put a drainage --

Bill Nicholson: Yes.

Commissioner Mourdock: As I recall, Bill had a particular --

Commissioner Tuley: Let's look back at this location here. We're way out in the county, aren't we?

Bill Nicholson: Peerless Road and St. Michael's Church is right here on the corner.

Commissioner Tuley: Do you know where the busses and, that's always kind of, since they're all cul-de-sacs, do the busses just come in? Does anybody have any idea if we're picking up those kids?

Bill Nicholson: I would imagine that they pick them up.

Commissioner Tuley: I would think they would pick them up down here at Hogue Road, wouldn't you? I don't see how they could come up in here with all these cul-de-sacs for them to turn around in, to back up in something like that.

Bill Nicholson: That would be the only alternative, down the road is (inaudible)

Commissioner Tuley: Did John say anything to you, Tim, about the request for waiver of the sidewalks?

Tim Spurling: No, (inaudible)

Commissioner Tuley: Bill, why don't we look at, just go ahead and give an approval on the street plans and John will be back next Monday. We can address the sidewalk waiver then, because I'd like to have his input. Normally what he does is have contact with the school corporation for busses and stuff like that and I need to know, I don't know about the other developments around there. Do you know, are there sidewalk requirements on them, Bill?

Bill Nicholson: Woodward Place is over here, Glenn Nurrenbern is down next to West Terrace School. They did ask that sidewalks be put on one side of the street for West Terrace coming from Eickhoff Road and then north on Key West Drive to where West Terrace comes out to Peerless Road. The rest of the subdivision --

Commissioner Tuley: And that's the reason that I want to talk to John about it. That's kind of my thinking. If we could get it maybe down one side and up this side like this or something, so that if we are going to have a lot of kids walking through here, if we could just get partial sidewalks, it would give them someplace to walk to go out and catch the bus. That is just my thought, it doesn't mean that's the way it will come out, but I'd like to hear John's input on that as well, particularly if we've done it in new subdivisions close by, where we've asked for at least partial sidewalks. I'm willing to entertain a motion to approve the road plans based on the recommendation of John, and let's address the sidewalk request next week. Is that agreeable to you?

Commissioner Mourdock: That's agreeable. I'll make that as a motion.

Commissioner Tuley: Okay, I'll second and so order.

Commissioner Mourdock: Just to clarify that for the record, I don't know when you said it and then I made a motion, I was referring to Heartland Ridge.

Commissioner Tuley: I'm sorry, I did not.

Tim Spurling: The second thing I have is Joe Elpers Subdivision II street plans. This one, Joe's Drive is going to be eighteen foot gravel and it's not going to be county accepted and this one will want county acceptance on this one.

Commissioner Mourdock: What's the width of that?

Bill Nicholson: Twenty-nine foot, I believe it is. Concrete and curb.

Commissioner Mourdock: And I see on it, John has already put on his approval as of 6/30/95. I'll move acceptance of the Joe Elpers Subdivision plan as submitted to us and recommended for approval by the County Engineer.

Commissioner Tuley: I want to make one correction there. It says

Joe Elpers Subdivision II, just to clarify. You have "I" there.

Commissioner Mourdock: Yes, I started to say that and then I saw this.

Commissioner Tuley: That says "I" over there on ours, maybe this is a typo on ours.

Bill Nicholson: This was the Joe Elpers I development along Henze Road. It lies immediately east --

Commissioner Tuley: So that is here?

Bill Nicholson: That's Joe Elpers II.

Commissioner Tuley: Okay.

Commissioner Mourdock: Okay, then I'll move acceptance of the Joe Elpers II Subdivision as submitted and recommended by the County Engineer.

Commissioner Tuley: I will second and so order.

Tim Spurling: Next, I have the street acceptance for North Greens Phase 2 which consists of six hundred and seventy-three feet of Forest Green and 170 feet of Meadow Green.

Commissioner Tuley: John has already signed off on this.

Commissioner Mourdock: I'll just read the first paragraph here into the record, this Acceptance of Street/Road Improvements:

"The undersigned have made an inspection of the subject street and storm drainage (included in the street right-of-way) improvements on June 29, 1995. These improvements were constructed/finished on/by June 9, 1995. All streets were constructed with H.A.C. in accordance with the approved plans."

Having read that, I'll move acceptance of the street and road improvements for North Greens Phase 2.

Commissioner Tuley: I will second and so order.

Tim Spurling: Finally, I have the storm sewer acceptance for the North Greens Phase 2. It's one hundred and nineteen linear feet of reinforced concrete pipe at \$2.00/ft. John has also signed off on this.

Commissioner Mourdock: I'll move acceptance for maintenance and storm sewers under Subdivision Drainage Ordinance for Vanderburgh County in the North Greens Phase 2 Development as recommended by the County Engineer.

Commissioner Tuley: Second and so ordered. Is that all you have, Tim?

Tim Spurling: That's all I have. Thanks.

Commissioner Tuley: Thank you.

RE: CONSENT ITEMS

Commissioner Tuley: There are consent items which include travel, education and employment changes.

Commissioner Mourdock: To be honest, I haven't had a chance to look at them previously. Did we need to do anything for Sunny that was not done previously since she officially started with us today?

Cindy Mayo: It has already gone through.

Commissioner Tuley: Yes, that was the same night that we accepted the resignation of the other Cindy.

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

Commissioner Tuley: I will second and so order.

RE: SCHEDULED MEETINGS

Commissioner Tuley: We have a County Council meeting set for July 5. It looks like we have a 9 a.m. Insurance Committee meeting on July 6 and then the next Monday there's a Job Study Committee meeting at 3:30, at 4:30 we have a Solid Waste meeting and at 5:30 Commissioner's meeting. And the rest of it is spelled out for the rest of the month.

Alan Kissinger: Just as a footnote to my report, I plan to be on vacation Monday, July 31 and Monday, August 7, so I won't be here either one of those days, but whomever I send over to cover for me will know what's going to be (inaudible)

Commissioner Tuley: Okay, thank you.

RE: OLD BUSINESS

Commissioner Mourdock: I'm not sure if this is old or possibly new, it occurs to me that in reviewing some of the information crossing my desk in the last few days, we need to appoint the Welfare Study Committee. Is the date on that July 7, in which case we do not have another meeting before then. I know I have not seen your list and you haven't seen mine, and probably for the same reason, because I haven't finished mine.

Commissioner Tuley: Is that July 7 or 17th?

Commissioner Mourdock: You may be right, it may be August 7, we have to have the first meeting.

Cindy Mayo: I believe that your first meeting has to be by August 7.

Commissioner Mourdock: Right, but at some point we have to have a list of names.

Commissioner Tuley: Right.

Alan Kissinger: I don't know, I'd have to go back through --

Commissioner Tuley: I don't believe we have to have them by July. I hope we don't have to have them by July 7.

Commissioner Mourdock: I guess in bringing the point up, regardless and obviously, life will not end as we know it if we don't have it done by this evening, but I guess I would just, as a reminder to myself and to you, we need to swap lists because we need to get that done for next week.

Commissioner Tuley: Okay, let's just plan on bringing it to the table next week, then.

Commissioner Mourdock: Okay, I do have several names to submit and I know Rick had put some names down.

Commissioner Tuley: Right. That's kind of old and new business.

Cindy Mayo: I think I had an old/new business, also. The United

Caring Shelters quit claim deed needs to...it's been typed up and it does need to be signed. They would like to file a rezoning petition on this. That's for 109 W. Maryland, 111 W. Maryland, that's one of the ones that were sold to non-profit agencies. I do have some others from the Black Coalition and the New Hope Baptist Church where they've purchased those, also. If you'd like to go ahead and act on these tonight, but the United Caring needs to be acted on tonight because they can't file any rezonings until it is in their name.

Commissioner Tuley: Alan, did you get to review or do you need to review them? Are they okay?

Alan Kissinger: The one that needed to be reviewed has been (inaudible)

Cindy Mayo: No, and the others were the very simple fill in the blank type quit claims.

Commissioner Tuley: Okay, motion to sign the quit claim deeds?

Commissioner Mourdock: So moved.

Commissioner Tuley: I will second and so order.

RE: NEW BUSINESS

Commissioner Tuley: Is there any new business? Hearing none, I'd like to wish everybody a happy and safe holiday tomorrow and this meeting is adjourned.

Meeting adjourned at 6:40 p.m.

THOSE IN ATTENDANCE:

Patrick Tuley
Alan Kissinger
Cindy Mayo
Joe Ream
Tim Spurling

Richard E. Mourdock
Bill Fluty
Teri Lukeman
Bill Morpew
Bill Nicholson

**VANDEBURGH COUNTY BOARD OF
COMMISSIONERS**


Patrick Tuley, Vice President


Richard E. Mourdock, Member

**MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS**

JULY 10, 1995

TABLE OF CONTENTS

Introductions & Pledge of Allegiance	1
Action Items	1
Approval of Minutes	1
Joe Profaizer - Director of Computer Services	1
1996 Agreement for Computer Services Split Between the City and the County	
Michael Robling - Deputy Executive Director DMD	2
Infrastructure Application and Adoption of Resolution regarding grant for the Daylight Sanitary Sewer Project	
EUTS - Railroad Agreement	5
Alfred Bauer, Jr.	6
Petition to Vacate an Easement in Oak Meadow Subdivision	
Lynn Ellis - Purchasing	9
APA037-95 Advertise bids for annual contract for soil testing	
APA022-95 Award bid for computer and copy paper	
Request for engineering quotes for retubing boiler in the Auditorium	
Permit 29125-B1 for Bassemiers' operating motor vehicles for the handicapped and elderly	
Alan Kissinger - County Attorney	12
County Personnel Policy Ordinance and Handbook Sheriff's Training Center on Kansas Road	
Richelle Richmond - Johnson Controls	13
Senate Act 516 - Guaranteed energy savings contract for school corporations	
Cindy Mayo - Superintendent of County Buildings	14
Rescind emergency declaration for placement of yard waste at BFI Laubscher Meadows Landfill	
Bill Morphey - County Highway	15
County Highway & Bridge Crew Progress Report June 30 through July 6, 1995	
Time change due to heat	
Paving update	
Extend leave of absence for County Garage Employee	
John Stoll - County Engineer	16
Request for sign at Cross Roads Subdivision	
Consent Items	17
Travel Requests	
Employment Changes	
Approval of Vendor Claims	
Scheduled Meetings	17
Old Business	17
Request from County Recorder for ordinance to set \$3.00 recording fee per HEA 1297	

New Business	18
Appointment of Sunny Titzer as ADA coordinator	
Appointments to Welfare Council	
Adjournment	20

The Vanderburgh County Board of Commissioners met in session at 5:45 p.m. on Monday, July 10, 1995 in the Commissioner's Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

Commissioner Tuley: I'd like to bring this meeting to order for July 10, 1995. At the point of introductions, to my far right is:

Cindy Mayo, Superintendent of County Buildings and Office Manager
Alan Kissinger, County Attorney
Pat Tuley, County Commissioner
Richard Borries, President County Commissioners - absent
Richard Mourdock, County Commissioner
Suzanne Crouch, County Auditor
Teri Lukeman, Official Recording Secretary

As a reminder, we'd just like to ask you, if you are making a presentation, to please step to the microphone, state your name and address for the record as the minutes are being recorded. If you will, please stand with us and face the flag as we say the Pledge of Allegiance, please.

RE: ACTION ITEMS

Commissioner Tuley: Under the action items, item A is approval of the minutes which we have, I believe, two sets here, June 26 and July 3.

Commissioner Mourdock: As you will recall, last week we had not had a chance to review the ones from June 26, which we've since done, and July 3rd I've reviewed and I will move approval of the minutes for both sets.

Commissioner Tuley: I will second and so order. The minutes were here last week on time as requested, however, we did not have a chance to review them and that's why they were brought back to this week's meeting. Item B is for any group or individual wishing to address the Commission who does not find their name or their topic for discussion listed on the agenda for tonight's meeting. Now is the time to come forward. Okay, I don't guess there is anybody. Alfred "Buddy" Bauer, Jr. has a petition to vacate an easement. Mr. Bauer is overseeing the Habitat Program this year, he serves as president of the Area Plan or chairman of the Area Plan Board. He instructed me the other night, he would probably be late. I told him that's fine, we'll skip over him and come back to him when he gets here. So at this point in time, I'd just like to skip over item C and come back to it.

RE: JOE PROFAIZER - DIRECTOR OF COMPUTER SERVICES

Commissioner Tuley: Item D, Joe Profaizer, this is the 1996 Agreement for Computer Services Split Between the City and the County.

Joe Profaizer: My name is Joe Profaizer, I'm Director of Computer Services in Room 205 in the Civic Center Complex. I am requesting signatures by the County Commissioners for the 1996 Split Agreement Between the City and the County. Last year, the split agreement was 33.1% for city and 66.9% for county. That has been modified due to county charge back purposes that Computer Services undertakes and the city split now is 33.93% and the county is 66.07%. That is effective January 1 of '96. I'll be glad to entertain any questions.

Commissioner Mourdock: Are those ratios, Joe, is that actually based on some time-share allotment --?

Joe Profaizer: That is based on our counting charge back principals, CPU utilization, device allocation, I/O time, disk time, all based on --

Commissioner Mourdock: So it isn't a formula that's out there other than whatever it is, it is? Whatever the usage works out to, it is?

Joe Profaizer: Correct.

Commissioner Tuley: Okay, motion to approve?

Commissioner Mourdock: I'll move acceptance of the Agreement as submitted by Mr. Profaizer.

Commissioner Tuley: I will second and so order. Have you heard from Cap, everything going well?

Joe Profaizer: Everything is going well with Cap. He's the new Executive Director up in Peoria County at our site up there and he's got a bigger site up there and he's really goal oriented, so he's moving up.

Alan Kissinger: Mr. Profaizer, may I ask you a question? There was, Mr. Cappelletti, before he left, had done some preliminary work on a contract that Vanderburgh County would have a contract with various law offices, real estate abstractors, etc., etc., for use of the county, or access to the county's computer system. Are you familiar with that? Did you and Cap discuss any of that before he left?

Joe Profaizer: Not thoroughly. I know there were some initial talks with outside access with realtors and bankers and such, but I can get with him and --

Alan Kissinger: I would appreciate it if you would, because there is still a significant interest in that and I think that, to a degree, it would be profitable for the county and I also think it would cut down some traffic within the building if we can get that thing on line.

Joe Profaizer: Okay.

Alan Kissinger: Thank you.

Joe Profaizer: No problem.

Commissioner Tuley: Thanks, Joe.

RE: MICHAEL ROBLING - DEPUTY EXECUTIVE DIRECTOR METROPOLITAN DEVELOPMENT

Commissioner Tuley: Item E, Mike, you are here. Okay. Infrastructure Application and Adoption of Resolution concerning the infrastructure grant for the Daylight Sanitary Sewer Project.

Mike Robling: I'm Mike Robling with the Department of Metropolitan Development. The Indiana Department of Commerce has been meeting with a group of businessmen in the Daylight area for a couple of years. Their initial thrust was to work through a private sewer company to install a sewer that would serve the Daylight area. In fact, they even had a couple of agreements with the water and sewer utility that have lapsed. The Department of Commerce, working with the businesses in the area, has projected the creation of upwards of one hundred new jobs in the area which would likely qualify the project for an infrastructure grant from the state ranging from \$125,000 to \$150,000. The state has invited the county to submit an application and, under the terms of our inter-local agreement, action by the Commissioners is required for DMD to proceed with such an application.

Commissioner Tuley: Mike, I'm reading your cover letter. I did not have, I was invited but I did not get the opportunity to attend

that meeting the other day, but apparently, you did have some Councilmembers who --

Mike Robling: Right, there were three Councilmembers there as well as Commissioner Mourdock. The three Councilmen were very supportive of the project and indicated that they thought they could find the votes to appropriate the balance of the money that might be needed.

Commissioner Mourdock: I had to leave a few minutes, at least, I presume, it seemed like it was winding up about the time I had to leave. Did it go more than a few minutes? Did I miss much?

Mike Robling: I don't think so. It was about 11:45 when we wrapped it up.

Commissioner Mourdock: Okay. Just to bring you up to date, then Pat, as far as what some of the options are here, and also, to maybe better explain the letter, what Chuck Martindale was saying was that they had looked at some preliminary numbers to determine this one hundred new jobs. They have a formula based on the number of new jobs that are created as to how much they can spend and that formula is also affected by the wage rate for those jobs. He thought, given the wage rates that were being presented to him by some of the business people out there, particularly Ken Alvey, with Alvey Signs, Ed Schmidt, with the Hornet's Nest and some others, and by the way, the jobs have to be something other than service industry jobs, they have to be true manufacturing jobs, he thought it likely, and there's the key adverb, that somewhere between \$125,000 and \$150,000 would be allocated. The engineer had presented an estimate that I think was \$611,000.

Mike Robling: Yes. There were two estimates. One was \$611,000 and one was \$690,000. The \$611,000 was for a three phase project and the \$690,000 was for a two phase project. I'm not quite sure how that worked out.

Commissioner Mourdock: Okay. So at any rate, up to \$125,000 to \$150,000 of that, roughly \$600,000 to \$700,000 could be covered by the Department of Commerce grant. The key part of the questions as they developed out there, and I think there was certainly some, I won't say differences of opinion because I don't know that any of us were well informed enough to have an opinion at that point, but Mike brought up the idea that one way to do this would be through a bonding effort of a separate sewer district.

Mike Robling: Regional sewer district.

Commissioner Mourdock: Yes, and at least during my term of the meeting, the Councilmembers who were there did not seem to be thinking that was the proper way to go which brings me to the question, is your application being submitted simply in the name of the Commissioners if we opted to go, at some point, with the sewer district? Would a new application have to be filed?

Mike Robling: I don't think so.

Commissioner Mourdock: That would be transferable? One other thing, even though this was originally looked at as sort of a private enterprise, Mr. Alvey is obviously seeing his business potential hurt by the fact that he doesn't have sewer service. Mr. Schmidt also faces a time crunch to get service to his restaurant, they were desperate enough, if you will, to try to put this all together on a private basis. The funding that's available through the DOC is only available if it's applied for by a public entity, so that's obviously a key to this.

Commissioner Tuley: Let's go over these numbers a little bit, if I could just for the sake of discussion, and let's take this the

way these things often work. We'll take the high engineering estimate and take the low contribution from the state and the balance is what we've got to come up with.

Mike Robling: There would be some offset because the city utility department would likely rebate up to 45% of the tap in fees back to the county as a cost recovery mechanism. That's the percentage that they had agreed to, these private sewer developers that they had the earlier agreement with, so that would help offset the county's expense --

Commissioner Tuley: Okay, let's just say somewhere in the neighborhood of what, \$300,000, that eventually the county would have to --?

Mike Robling: Well, at the front end, it's --

Commissioner Mourdock: Yes, say the difference between \$600,000 and \$125,000 --

Commissioner Tuley: It would be \$565,000 on the front end, yeah. So we'd have to come up with \$565,000.

Commissioner Mourdock: And Mike, you might explain your sewer district concept as to how that would work.

Mike Robling: Okay, a regional sewer district is a separate unit of government in essence, that set up their petition process, has to be approved by the fiscal bodies of any jurisdictions that are included in it and it has the power, it could be set up for sewer water or solid waste in any combination. It has the power to enforce sewer regulations and make people tap in and go within three hundred feet and things like that. It can issue bonds, revenue bonds only, that would be paid for from the revenues generated from user fees in the district. I spoke with our financial bond consultant and he's dealt with several of these throughout the state and, because they're usually smaller bond issues, they can go through the Indiana Bond Bank process which is simpler than trying to get it on the open market.

Commissioner Mourdock: How do they define small?

Commissioner Tuley: Less than a million?

Mike Robling: Probably less than a million.

Commissioner Tuley: That is a benefit, then, by paying the sewer fees and tap in fees, basically, in essence, would be paying for the cost of having it ran out there to them, if you did that.

Mike Robling: Right, it would just be the people who are using it, though, would be the ones paying for it.

Commissioner Tuley: Right.

Mike Robling: The Council seemed to be concerned about establishing another body that had bonding power and I don't think they quite understood the difference between revenue bonds and general obligation bonds because the tax rate would not be affected by a revenue bond.

Commissioner Mourdock: I think the comment was made by Mr. Martindale, and Suzanne, you might want to respond to this, but I believe he said that if it were done through a district with the bond, that bond would not count against the county's cumulative rate.

Mike Robling: Right.

Commissioner Mourdock: Does that sound right to you? Okay.

Commissioner Tuley: Well, I know those people out there have been trying and they've made a lot of effort on their own to try to get sewers brought out there, because I've met with them in the past and had several meetings with them myself in the past. So I know they are of good will in their attempt to try and get it, and I think we ought to do whatever is necessary --

Mike Robling: They have apparently spent, collectively, about \$25,000 in getting things done that never came to fruition.

Commissioner Mourdock: One last thing I would add is, I see this as...well, several things. Number one, I think folks out there want to see a good faith effort that we're trying to do something about the problem. I think this does address it. Number two, with the Department of Commerce, with any kind of funding that's out there, there is obviously a lot of paperwork to do and I see this as a positive step in that direction. Number three, though, is this is sort of an interim step in a way, because we still have a lot of things to get done as far as how it's going to be done, be it through a district. If some other way, if we're not going to do a district and do a bonding, where is the county going to get the money? It's the age old question, and also, to see if somehow, in working with the Evansville Utility Board, that 45%, again, that adverb, likely, the Utility Board would most likely allow the recapture of up to 45%, and I think I would certainly strong arm as much as possible to get the best rates we can there. I think the area out there on 57 does have the potential for more development and more jobs, and we need to develop an infrastructure.

Commissioner Tuley: I don't have a problem with that. I think this is the avenue and it sounds like at least we're going to get some participation from the state. An avenue, basically, to just about fund itself. I think we need to move with it.

Commissioner Mourdock: Having made my four points there, I will move that we approve the resolution to begin the initiation for the funding request from the Indiana Department of Commerce.

Commissioner Tuley: I will second. Alan, this doesn't take a roll call, does it, a resolution?

Alan Kissinger: No.

Commissioner Tuley: Okay. I will so order as well.

Mike Robling: Thank you.

Commissioner Tuley: Thanks, Mike.

RE: EUTS - RAILROAD AGREEMENT

Commissioner Tuley: Item F, is EUTS Railroad Agreement. According to my notes it says, Railroad Agreement for signature, the agreement will be brought to the meeting. Is that you, John?

John Stoll: Rose gave me these agreements late this afternoon. It's for an agreement between the county and CSX Railroad for the installation of gates and signals at the crossing on Mt. Pleasant Road. The total cost, I believe it's \$79,000, if I can find it in here, again, of which 10% is our cost. It will be a federal aid project and we only have to pay 10% there.

Commissioner Mourdock: It is just for the one crossing?

John Stoll: Yes, the one crossing there, right next to 41.

Commissioner Mourdock: It begs the question, if we're going to do

one there, why don't we do one at Hillsdale, just north of there?

John Stoll: These are based on the accident histories and traffic counts and all that. There's a formula that is established that rates the crossings according to accident hazard potential and things like that, so this one was rated to where it justified it, where Hillsdale, I don't know for certain, but I doubt it did based on there's quite a bit more traffic on Mt. Pleasant than there is on Hillsdale. The total estimated cost here, I found that figure, it's \$79,339.41.

Commissioner Mourdock: Of which we do \$7,900?

John Stoll: Right.

Commissioner Mourdock: What budget does that come from?

John Stoll: That comes out of the road and street budget and it's already been budgeted back when the project was initiated. This is just the agreement between the county and the railroad that, basically, says the county does agree to pay our share and I recommend that they be signed. There's three copies there that need to be signed by the Commissioners, Auditor and Attorney.

Commissioner Tuley: Have you had a chance to look at this or have we done this enough that this is standard?

Alan Kissinger: We've done it in the past and John is quite familiar with it. If John says it's in order, I'm certainly prepared to take his word for it.

John Stoll: It's pretty much a boiler plate agreement.

Commissioner Mourdock: Boiler plate in that we take all the liability and the railroad sheds them? Is there any question of liability on this, Alan?

Alan Kissinger: Not that I am aware of.

John Stoll: If you want to hold off on it, there's no deadline on submitting that back to INDOT that I'm aware of.

Commissioner Mourdock: If I may suggest then, why don't we take that under advisement?

Commissioner Tuley: Yeah, I don't think it hurts anything to take it under advisement for a week and then we can come back and address that next week.

RE: ALFRED BAUER, JR. - PETITION TO VACATE AN EASEMENT

Alfred Bauer: My name is Al Bauer, and do you have the Petition for Vacation in front of you? I'll be happy to explain that to you.

Commissioner Mourdock: Please do.

Alfred Bauer: Okay. I own some property in Oak Meadow which is on the north side of Evansville and we're building some condominiums in this area. I think when the plat was first executed, I guess might be the word, maybe twenty or so years ago, there was a piece of property known as Outlot B, I believe, that had a utility easement which kind of ran curvilinear through this particular piece of property and was used to, at that time, to run the sanitary sewer for some of Oak Meadow down to a lift station and then out, I believe, to Browning Road and then out. Since we purchased this piece of property, we needed to relocate that sanitary sewer in order to accommodate a building which we wanted to build, which we had not yet started. So since that time, we

have relocated and have given a new easement to the utility department. I think it's actually designated as a public utility easement, but it's really for the sanitary sewer and we have since dedicated that. In fact, have already installed a new sewer line and it's already been accepted and approved for maintenance by the utility department. That still left us with the old easement which we're going to be running right through the center of a new building, and so instead of just asking for permission to close that line down with the utility itself, we just decided that it would be just as easy to talk to all the utilities and get their signatures and agreements to letting us vacate that particular easement. So really what it is, it's a vacation of an easement that's in lieu of a new easement and a new line which we had given just immediately to the north of this particular easement. Kind of, in summary, that's what we're doing. And it takes an act of the County Commissioners to do these vacations. We were required to notify, well, this easement was totally within our own property, it doesn't really affect, it's inside and doesn't really border or touch anyone else, but we went ahead and notified adjoining property owners which I'm not surprised that there's no one here on that, because --

Commissioner Tuley: I think there's someone here.

Alfred Bauer: Oh, there is somebody here? It doesn't really affect them. Are these the Beards? I hadn't had a chance to meet you. Okay, I think they own the property immediately to the west and so, there still is, like I said, this is totally within our property and we just have moved the sewer line. If they would have any questions, I'd be happy to let them speak and then maybe I could answer them for you.

Commissioner Tuley: Yes, I saw them come in, I wasn't sure until now why you were here.

Commissioner Mourdock: If you would, please come to the microphone.

Commissioner Tuley: Your voice carries very well, John, but can we go ahead and have you come up to the podium?

Commissioner Mourdock: Our sound system is less than adequate and we need to get your remarks here on tape.

John Beard: I'm John Beard, I reside at 11707 Browning Road. We have a covenant with Oak Meadow on that ground for the possibility of access to sewers and my question is, will that affect that in any sense for future development?

Alfred Bauer: Is that the only question you have?

John Beard: Yes.

Aldred Bauer: I don't see how that could affect that in the least because this particular easement is located totally within my property and I believe there is an easement that runs right down our property lines that runs north and south. In fact, Sigeco now has electric lines that are also in that, so it should not affect, if you have access I'm not sure where exactly you touch a sewer easement at, but this particular easement is fully within mine, so if you're touching it somewhere else, I'm sure you have access. I hope that answers your question.

Commissioner Mourdock: If I may, we have a plat in the package and perhaps both of you can come up here and show us exactly where it's at. It might be helpful.

Alfred Bauer: And see, we needed to color that in for you. The easement which we're talking about tonight is located right here to

here. And what we've done is relocated that and have moved it about like that.

Commissioner Mourdock: And that easement has been dedicated?

Alfred Bauer: And that easement has been dedicated and should be, you should --

John Beard: And is there a sewer line that runs along there?

Alfred Bauer: I'm not, I think the sewer line then runs up in this direction and then I'm not sure where it goes, but I think it also runs this way. So you on this property, you should be able to get into it at any --

Commissioner Mourdock: Where are you, Mr. Beard, on here?

Alfred Bauer: He's right here.

Commissioner Mourdock: Okay, this whole piece?

Alfred Bauer: So this is the easement that we're talking about tonight, from here to here.

Commissioner Tuley: You've already dedicated this easement here and you're asking for a vacation of this easement?

Alfred Bauer: That's correct.

Commissioner Tuley: Mr. Beard, you're located here and your concern was, would you be cut off from access? Yeah. No, it's just a question.

John Beard: (Inaudible)

Commissioner Mourdock: And is this easement, Mr. Bauer, clear up against the property line?

Alfred Bauer: This one that, this is what I was referring to. There is an easement that I am aware of that runs totally down the length of this property right here and so, and there's a manhole that is located in that easement, so I'm assuming they have access to it.

Commissioner Mourdock: So, the new easement that you've just granted ties into that, then, which is already there, which is on the property line?

Alfred Bauer: Yeah, in other words, we just, there was a manhole right here and so we just came in this direction and went over and made a new manhole instead of here and going under the street. It's actually better because there was no legal description for this and there is a legal one for this now. So yes, you --

John Beard: Well, my concern was I didn't know where the sewer ran, here or where.

Alfred Bauer: Yeah, I kind of found it for everybody. Nobody really knew where it was curved underneath the road, but I believe it follows this basic easement and then comes here, and now the new line is here and goes across the street and down under here.

John Beard: Thank you.

Commissioner Mourdock: They should all be developed that easily.

Commissioner Tuley: Yes.

Alfred Bauer: Is there anything else that I could answer about

that?

Commissioner Tuley: I think you've answered to my, and I think you've answered to Mr. Beard. I guess, at this point in time, what we need to do then is address his request in the form of a motion.

Commissioner Mourdock: I will move that we accept the petition of Mr. Alfred Bauer for the vacation of an easement in Outlot B, in Oak Meadow and begin the process for public hearings to formally vacate the easement, I think we do need a couple hearings.

Commissioner Tuley: Do we need more hearings or is this the hearing?

Alan Kissinger: I beg your pardon, what are we on here?

Commissioner Tuley: The vacation of an easement.

Alan Kissinger: No, you do not have to have another hearing.

Commissioner Tuley: This is it, this is the public hearing?

Commissioner Mourdock: That being the case, you have several adjacent property owners on here. Were there letters sent out to all of those folks?

Alfred Bauer: Yes, and we turned those green receipts in to the Auditor's Office today.

Commissioner Mourdock: You did, okay. And just, officially, the Beards did get their notice from the registered letter or certified letter?

John Beard: Yes, we got it.

Commissioner Mourdock: Okay.

Alfred Bauer: And we also had letters on file from the other utilities that basically are saying that they think it's fine. Obviously, if there was a problem with the Sewer Department, they would not have corresponded in the affirmative, because they were really the only utility that was affected.

Commissioner Mourdock: Okay.

Commissioner Tuley: Then you will amend your motion, then, to approve the request?

Commissioner Mourdock: I'll amend my motion to approve the request.

Commissioner Tuley: Okay, and I will second. Is this another roll call or just, it's only an ordinance that's a roll call, correct? Okay, motion is granted.

RE: LYNN ELLIS - PURCHASING

Lynn Ellis: Okay, we have all kinds of goodies tonight. The first one is to approve advertising for bids for annual contract for soil tests. The first, because we're more than halfway through the year, the first part would extend through December 31, 1995 and then if the Commission so desires, we could extend it for an additional year since we can't obligate beyond the fiscal year. This first part would be after the bid award to the end of '95 and I'm working with John Stoll on specifications and he will have approved it before it goes out, but it will be advertised Thursday and the following Thursday, the 13th and the 20th, with bids to be opened July 31.

Commissioner Mourdock: Historically, is this done just kind of as a basic order agreement where we agree so much per foot for soil testing, or how have you done that?

Lynn Ellis: This is the first time like a lot of the ones that I've been bringing. Because of the amount of hours that employees spend obtaining quotes and getting this kind of information, I've been trying to do annual contracts and I've asked for ideas and suggestions as to other ones. John's office suggested this one as a --

Commissioner Mourdock: The soil testing that we do, is that typically foundation type testing, John, or...it is?

John Stoll: It's typically, like I said, foundation testing, and there's also, anytime we need a proctor for anything, action testing --

Commissioner Mourdock: Okay, we don't know as we put this bid out how much soil testing we're going to do. We're basically going to determine some troxler or whatever we're going to do, right? Whatever the rate is?

John Stoll: Right. I was talking to Lynn about that earlier, I don't know how to write that up yet, but it's hard to say. I mean, we'll typically get a couple of soil borings for each bridge, but the number of bridges or box culverts or whatever vary so much that to make a ballpark guess at it...

Lynn Ellis: It may prove, I did a bid for cleaning supplies that proved to not be a good idea initially, because I didn't have good enough specs, and this may be one that we get the bid and find out that we really can't do anything with them, but we won't know that until we test it and see. But it is just very time consuming for the various offices to get those quotes and do that kind of work.

Commissioner Mourdock: I'll move acceptance of the package for soil testing APA037-95.

Commissioner Tuley: Second, and so ordered.

Lynn Ellis: The second item is to approve the award of bid #APA022-95 for computer and copy paper. This is an estimated annual usage, and if we purchase the recycled paper it would be \$84,202.87 for the year. If we go with the virgin paper, it's \$79,529.84. The goal is to purchase more recycled paper, that's the goal of all government agencies as directed by our U.S. government, so that is where we are heading. As you can see, there is a cost difference. So what we will probably do, is do both. In some instances, some printers we need virgin paper and we can't use the recycled paper, and in others it doesn't matter, so we will probably have a little bit of both.

Commissioner Mourdock: But as presented, these numbers are if you did all of one or all of the other?

Lynn Ellis: Yes, sir.

Commissioner Mourdock: Okay. I'll move acceptance of the award of bid number APA022-95 to Source One.

Lynn Ellis: We only got one bid and that was because of the amount. I mean, we buy thousands of cases of paper a year. It's ridiculous. You have to purchase directly from the mill in order to be able to get this amount of paper and you have to be able to stock it, because we get in a hundred plus cases every month.

Commissioner Mourdock: Is Source One a mill?

Lynn Ellis: No, they purchase directly from the mill and then they stock it and they can deliver to us within a day of our order.

Commissioner Tuley: All right, I will second and so order.

Lynn Ellis: The third item, and I wish that a rep from the Auditorium was here. Sandy and I talked about this earlier today. I've been working with her per your instructions a month ago to do the retubing of the boiler at the Auditorium. Based on the information that I was given, I feel very uncomfortable putting a bid out with the specs. I think it would entail too much liability for the county. Without a seal from an engineer stating that it's acceptable, that the specs are okay, I personally feel, dealing with the utilities like I have, that we would take on too much liability if one of the tubes blew, then it would be our problem. If someone were to get hurt, and you're not going to find that out until you blow it, charge it up for the cold months and then something could blow, and she said she didn't want to be in the building if that happens. It would take out half of the area downtown so --

Commissioner Tuley: Well, do you want this sent back then to have this rewritten?

Lynn Ellis: Well, what my request is turning in to, is a request to allow us to get quotes or something for an engineer. I know of two, and there are probably more in town that do a lot of work with the utility companies to do retubing. My husband is the engineering manager at Gibson Station, so he's with the utility plant and I asked him to look at this and he said, "I wouldn't bid that". So, I would request that we be allowed to get an engineer. Now, according to the statute, we don't have to do bids or quotes or anything for that because it's a professional service, but if you would like, I could contact those two companies to give us a quote on it and then bring it back next week. We need to get the work done and I don't feel like, I know we don't have time to do a formal RFP. The ballpark estimate, without actually seeing what documents I have, said that it wouldn't cost any more than \$3,000 for the engineering services. So, I'm relying that it would be less than that based on the information that we have.

Commissioner Mourdock: Which are the two firms that you feel are qualified to do the engineering work? Did I misunderstand you? I thought you said contact the two firms.

Lynn Ellis: Yes, Gott Engineering is one, they do a lot of work with the utilities and...American Process Design, is that right? I think it's American something. They do a lot of work with the utilities as well, so either one of those firms --

Commissioner Mourdock: I would add a third name to it just because I know the name, Sterling Boiler. You might check with them.

Lynn Ellis: I wasn't sure if they did engineering or if they did the actual tubing work.

Commissioner Mourdock: You might give them a call.

Lynn Ellis: Okay.

Commissioner Mourdock: I guess you don't need a motion, but I will suggest that we take this under advisement until we do hear back from Lynn on the status, because I think you're right, the liability side of something like that is, even taking aside the personal injury part of it, it could shut you down and put the Auditorium out of commission for awhile.

Commissioner Tuley: I agree with you. I think we trust your judgement on this, and you run with it and come back to us when

you're ready to go bid.

Lynn Ellis: Okay, now next week would you like to see the quotes on the engineering services? It'll take them a week or so to put the bid together.

Commissioner Mourdock: Find out what's reasonable, and if it's next week or two weeks, whatever.

Commissioner Tuley: Whatever time frame works out where they can do it, and you're ready to come forward with it, that's fine.

Lynn Ellis: Okay. The final item is a permit. The permit number is 29125-B1. It was issued to Bassemiers' for operating the motor vehicles, that's for the handicapped and elderly. Attorney Kissinger recommended that we delay voting on this until the August 7 meeting so that, if that's your preference --

Alan Kissinger: The reason that I recommended that is, Mr. Mourdock, I'm not certain that you know that, but you may, we have continued this contract on a month to month basis as opposed to awarding a one year contract for the reason that there was litigation in reference to this company that we had contracted with. We wanted to make absolutely certain that the county stayed clear of any inference or any implication that it may be assisting this individual as far as any wrongful acts were concerned, or any violations of the Indiana Department of Revenue was concerned. They have now received a certificate or a permit to operate and they are, apparently, clear with the Indiana Department of Revenue, but I think it is appropriate in consideration of the litigation that we defer acting on this until we have had an opportunity to discuss it at an Executive Session, since it does involve litigation.

Commissioner Mourdock: We'll take that under advisement as well.

Commissioner Tuley: That's fine.

Lynn Ellis: Okay. Then I'm done.

Commissioner Tuley: Thank you, Lynn.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: The County Personnel Policy Ordinance has been prepared. We are not in a position yet to advertise it and we're going almost on a day by day basis. We're expecting that Waggoner, Irwin and Scheele will provide us with a completed copy of the personnel policy handbook, properly identified and codified, to fit our system of codification or our system of identifying ordinances so that it will blend with, and be compatible with, the proposed codification of our county ordinances. We don't have that yet, and I have indicated in the advertisement that I have prepared for the Auditor's Office that copies of the handbook will be available for public inspection at the Auditor's Office, the Clerk's Office and the Commissioner's Office and we cannot advertise that until we actually have those things in hand. So, if it appears that it's going to become necessary to delay or to reset the date for voting on this, hopefully, I'll give you enough advance notice. It just depends on when we get those policies with those finished copies in here so we can distribute and display them.

Commissioner Mourdock: The handbook and the policy are the same thing?

Alan Kissinger: Yes, I have prepared an ordinance which basically introduces the handbook as the amendment to the present policy and it's the handbook that isn't ready.

Commissioner Mourdock: Right.

Alan Kissinger: The letters notifying William Bartlett and David Matthews of their appointment as appraisers for the Kansas Road real estate and the Sheriff's Training Center have been sent out and my understanding is that the County Council did pass the resolution indicating the county has an interest in purchasing that real estate. I have made contact with Ziegler, the present owner of the real estate. They appear to be very cooperative. Their interest at this point is not in making a significant amount of money on this property, it's just they don't want to lose any money. For some reason, for business reasons or whatever, they are selling all of their real estate. But they're not pushing us, the July 31st closing date is not going to be a problem and we are dealing with them. I don't anticipate any problems with this. That's all I have to report.

RE: RICHELLE RICHMOND - JOHNSON CONTROLS

Commissioner Tuley: Okay. Let me defer, I don't know if you were sitting in here when we first started the meeting or, do you have...?

Richelle Richmond: (Inaudible - comments not made from the microphone)

Commissioner Mourdock: You'll need to state your name and address for the record.

Richelle Richmond: My name is Richelle Richmond and I'm at 831 Greengate Court, Evansville. I sent copies to you, I don't know if you remember them or not, it'll just be easier for me to give you another copy.

Commissioner Tuley: Probably be more fast if you did.

Richelle Richmond: Well, I sent --

Commissioner Tuley: I may not remember, Richard I'm sure, did, but...

Richelle Richmond: It's an extension of Senate Act 516 which was enacted for guaranteed energy savings contract for the school corporations and it's been extended to include energy saving contract provisions available for the school corporation to all political subdivisions. It was just enacted July 1, so it's brand new and I'm just trying to get out there. I represent Johnson Controls. Evansville-Vanderburgh School Corporation has been looking into this. Senate Bill 516 was actually enacted two years ago, in June of '93, and it took two years to try to get in there and determine some energy savings, operational savings, for them. My responsibility is to try to get this word out sooner so that different counties and cities can take advantage of them earlier, instead of waiting two years. I don't know what the exact amount is for EVSC, but it's set between \$75,000 to maybe \$125,000 per year. That's a lot of money to waste. If we could go ahead and do something about it now, and I really would like to know if there would be a certain group that I should call on or a person that maybe we could get some objectives down of what we could accomplish, getting some of the utility information, getting the number of buildings that the city/county share, or the county owns themselves so that we can look into seeing what kind of advantages you all could make with this.

Commissioner Tuley: From the standpoint of the county, I think Cindy down here is the Superintendent of County Buildings. So I would recommend you contact Cindy, set up an appointment and sit down and talk to her in terms of those county buildings. As far as the city goes, I'd start in the Mayor's Office and let them get you

to whoever it is you need to talk to.

Commissioner Mourdock: As far as EVSC, it's just a matter of --

Richelle Richmond: I know Mr. Borries had a little bit of experience with it and that's why I was hoping that he would be here, actually. This legislation, since it has just been passed in Indiana, I actually work out of the Louisville, Kentucky office. There is an office here, locally, too, but just because of that, I was going to wait. I'll give you a copy of this. Thank you.

Commissioner Tuley: Okay, thank you. I wish I hadn't had you sit there all that time, I would have brought you up earlier.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: The only thing that I have to report is Mr. Leidolf from BFI, Erv?

Commissioner Tuley: Yes, Erv Leidolf, I think.

Cindy Mayo: He called this afternoon and said that, at the time this was passed, that Mr. Borries did ask for an update. They do not need the thirty day emergency exemption extended for the yard waste. They used it for three days and they do not need an extension.

Commissioner Tuley: They used it for three days out of thirty? Is that the only thing you have to report?

Cindy Mayo: That's the only thing I have.

Commissioner Tuley: Do you want to tackle that now, since --

Commissioner Mourdock: Sure, let me formally make the motion that we rescind the emergency declaration of June 14, declaring an emergency situation for the placement of yard waste in the BFI Laubscher Meadows Landfill.

Commissioner Tuley: I will second and so order. So we will go back to the routine of separating trees and limbs and clippings and everything, just as we were doing in the past. Okay, Cindy, that was all you had?

Cindy Mayo: Yes.

RE: BILL MORPHEW - COUNTY HIGHWAY

Commissioner Tuley: Have you guys switched your times now? I know a lot of times in the summer time, once it finally heats up, we go to an earlier schedule so we get them out of the sun by mid-afternoon.

Bill Morpew: Several times in the past, we went from 6:00 to 2:00. We haven't done that yet.

Commissioner Tuley: It hasn't been extremely bad, but I know, like today and tomorrow and Wednesday, and I don't know if we're getting into that season, I know I was out this afternoon and I wasn't working and it was miserable.

Bill Morpew: They're talking about it getting over 100° next week, 103° I think is forecast for Tuesday or Wednesday, so it's going to be...we need to take a look at that and consider it, especially on that paving.

Commissioner Tuley: Do you have a problem allowing him discretion in determining when they need to switch those hours? It's been a practice in the past to bring them in at 6:00 and get them out of

there at 2:00.

Commissioner Mourdock: I have no problem with that. Obviously, I think if we do that, it needs to be recorded for more than payroll reasons, and that is just the liability point of view. If it's 105° out there in the air, working on asphalt it's a whole lot worse than that. Been there, done that, got the T-shirt, it's no fun!

Commissioner Tuley: Basically, we're just agreeing to give you the authority to make that determination. When you need to do it, just let us know at the next meeting, or even before then, if you'd just call us and say, hey,...It's too late to do it tomorrow, but I think as early as Wednesday, if you need to.

Bill Morpew: I've been watching the weather. As a matter of fact, I watched it right before I came up here tonight, and it's supposed to be in excess of 100° next week.

Commissioner Mourdock: Next week, as well?

Bill Morpew: Tuesday and Wednesday, 103°, that's what they're talking about. I sure hope it doesn't happen.

Commissioner Tuley: That humidity is just so bad today, that's what it was. The closest thing I did to work, I had to get a ladder and climb up on the building and take a picture of the damaged sign today. My back was soaked when I got down and that's the closest thing I did to real work, so I can imagine what it's like standing on that hot asphalt.

Commissioner Mourdock: But it goes down well...the asphalt.

Commissioner Tuley: The asphalt, yeah, it makes it easier, I guess. Have you got any questions?

Commissioner Mourdock: No.

Commissioner Tuley: I keep asking this every week. I'm not getting continued phone calls, but since we're in that season now and everything, that cut across...since Mt. Pleasant came up again tonight, on 41, has that all been patched and everything been taken care of?

Bill Morpew: Mt. Pleasant has all been patched. I've got a couple of them we're going to have to do tomorrow on Old Petersburg Road that need to be patched. That's a bridge that's just west of Schlensker. The way those roads run out there, they're kind of curvy, that section would be west of Schlensker, or south. There's one thing I do have to ask for. Approximately six weeks ago, I asked for a leave of absence, a medical leave of absence, for one of the guys at the garage and, from his medical standpoint of view, I'm going to have to ask for a continuation of that leave of absence. In the contract, according to the contract, we could go with the medical leave through the Family Leave Act, Medical Leave Act, and it grants them up to twelve weeks with your permission.

Commissioner Tuley: He's been off six and you think he needs another six?

Bill Morpew: Yes sir, I do. As a matter of fact, I don't think this fellow is coming back to work. I don't think he's capable of coming back.

Commissioner Mourdock: This prior six weeks has been under FMLA, also?

Bill Morpew: Yes. I think he is making up his mind to file for social security.

Commissioner Tuley: If you need approval tonight, I guess we can give approval, but we need to send the pink slip to that effect, if it's not in here.

Bill Morpew: Yes sir.

Commissioner Tuley: Is the six weeks up tomorrow?

Bill Morpew: Yes.

Commissioner Tuley: If we can give approval tonight, and then we can act on it next week in the form of the pink slip. Do you agree?

Commissioner Mourdock: Yeah, that's fine. We don't have a lot of choice anyway --

Commissioner Tuley: No, it don't sound like it.

Bill Morpew: I don't think he's coming back.

Commissioner Tuley: Okay.

Bill Morpew: That's all I have.

Commissioner Tuley: Thank's, Bill.

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: The only thing I have is, I didn't know if there was any additional action that needed to be taken on the sign request for Joe Ream that he made last week regarding putting his subdivision sign in.

Commissioner Tuley: Oh, you weren't here. Basically, I think Al had some points that he wanted to cover, which Joe agreed to in the meeting, was hold us harmless and to provide insurance, wasn't it?

Alan Kissinger: Yes, and also, John and I discussed this previously. What it comes down to is, this has to be done on a case by case basis and John, I think it was your opinion on this that they were far enough off the right of way that it was not going to present a hazard.

John Stoll: It's within the right-of-way, but it's far enough off the edge of the pavement, and with the curve going to the north at that point, I think it's unlikely that somebody would hit that sign, not to say that somebody won't eventually, but --

Alan Kissinger: Either way, there is a hold harmless in the indemnification clause in this provision, but there's a point at which John and I are going to have to get together and talk with the rest of the Commissioners on these various signs and how we ought to deal with them because the requests, I think it's because of the nature of subdivisions and the way they're being constructed by private industries, etc. We're going to have more and more of these requests in the future and we need to probably deal with them up front and just let the developers know, either you do it this way or it won't be approved, or don't even consider it.

Commissioner Tuley: Did Mr. Ream provide you with something this week --

John Stoll: No. What Tim Spurling told me was that it was his impression that it had been taken under advisement for a week and that everything had basically been okayed to this point...

Commissioner Tuley: Subject to your approval, basically, is what it boiled down to last week. We got Alan's with those recommen-

dations that if you were, as an engineer, comfortable with it, which it sounds like you are on this particular case --

John Stoll: Right, my main concern was to make sure the county was protected in the event somebody did hit the sign and what Alan has proposed to Joe, if Joe is willing to provide the insurance that protects the county, then I don't have a problem with it.

Commissioner Tuley: We could formally approve it subject to you receiving that documentation.

Alan Kissinger: Yes, just request proof of insurance be forwarded to the Vanderburgh County Engineer.

Commissioner Mourdock: Would you like a motion?

Commissioner Tuley: I would.

Commissioner Mourdock: I move acceptance of the petition of Joe Ream for a sign at the Cross Roads Subdivision, pursuant to and subject to a waiver of liability, and also insurance coverage protecting the county, and having those last two documents acceptable to our County Attorney.

Commissioner Tuley: I will second and so order.

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

Commissioner Tuley: I don't have any for you this week. Thanks, John.

RE: CONSENT ITEMS

Commissioner Tuley: Next is consent items. There's not much, it doesn't look like. One request for travel out of our...to the AIC.

Commissioner Mourdock: Pretty straightforward.

Commissioner Tuley: Yeah, there's nothing there. They're going to travel together. The one that's coming out of our budget, they're staying in the same room, I believe.

Commissioner Mourdock: I'll move acceptance of the consent items as submitted to us.

Commissioner Tuley: I will second and so order.

RE: SCHEDULED MEETINGS

Commissioner Tuley: Scheduled meetings...

Commissioner Mourdock: Just for the record, it shows the Job Study Committee Meeting at 3:30 today, that was delayed until, I think, 3:00 next Monday.

Commissioner Tuley: Okay. Are you a member of the Job Study Committee?

Commissioner Mourdock: (Inaudible)

Commissioner Tuley: It appears to be the only meeting this week, there will be an Executive Session next week.

RE: OLD BUSINESS

Commissioner Mourdock: I have one item of old business, call it continuing business. I was again contacted by the County Recorder regarding the need for an ordinance to set a \$3.00 fee for recording a single document. The state legislature passed that

this past year and, I guess this is pursuant to House Enrolled Act #1297. The Recorder furnished me with a copy of a similar ordinance that's required in Vanderburgh County. She gave me a sample, that one being from Lake County and I'll pass this on to Alan to see if we could, to get that done next week. She's very anxious to get that.

Alan Kissinger: Have these actually gone into effect now?

Commissioner Mourdock: I don't believe so, I think there is a date coming up. It may even be in there, Alan, but there is a date that a number of counties are looking at to enact on the same day and apparently, there is a lead time for the Recorder's Office in getting mailings out to all of the financial institutions and such who are regular users.

Commissioner Tuley: So you are turning that over to him, then, for advisement?

Alan Kissinger: I'll probably have these prepared, hopefully, for next weeks' meeting.

Commissioner Mourdock: Okay.

RE: NEW BUSINESS

Commissioner Tuley: Under new business, there's a couple items. The appointment of an ADA coordinator. I think there's been some discussion that Sunny Titzer, with her background, in this particular case might be more suitable for that position with her construction background.

Cindy Mayo: Mark Abell did hold that position in the Commissioner's Office and since Mark has gone, there hasn't been an appointment made.

Commissioner Mourdock: Obviously, legally, we are required, maybe not required, but it certainly --

Commissioner Tuley: We are required.

Commissioner Mourdock: Okay, in keeping with Pat's past practice with the person in that position doing it, and given her background, I certainly have no problem with that. Does it need to be in a motion?

Commissioner Tuley: I think so and then that way, we're covered --

Commissioner Mourdock: Okay, I'll move the appointment of Sunny Titzer to be the county's ADA coordinator.

Commissioner Tuley: I will second and so order. The next item under new business is the appointment of the Welfare Council. Commissioner Borries, before he left, left some names, you added some names tonight, I added some names, and then I went back just a few minutes ago and compared it to the guidelines that we were given to work within in terms of membership and added four more names to fulfill some of these slots here that we have not covered.

Commissioner Mourdock: Have you confirmed with those people their willingness to serve?

Commissioner Tuley: My understanding is, if they were on this list, either they had contacted --

Cindy Mayo: The lady that was here that worked from the Faculty At The Factory, the teacher that worked here for a week, this is what she did exclusively for the week. She contacted and talked to, some of the people had called and expressed their interest in being

on the council and then those that had not called us, she did contact all of them. So she did speak with everyone on the big list personally.

Commissioner Mourdock: The last four names on the list that I submitted, I have spoken with those folks personally, well, I (inaudible) and know they are all committed to working with the group.

Commissioner Tuley: What I added, since it's not on your list, in order to meet, under membership - item 9, was at least five representatives from business and labor in the county. I went back and added Peggy Forbes, who is a manager for Kelly Temporary Services, Daniel Leach as CEO of American General, Steve Folz from Labor, and then one other that I noticed we didn't have was someone from the, who was referred to as WIC.

Commissioner Mourdock: Yeah, that's a mandatory position.

Commissioner Tuley: That's a mandatory position and I added from the list, Diane Bissonette's name to that list. That was a mandatory position, right, and I didn't see anything on there from that list that we had submitted, anybody fitting that description. I guess the only other thing we have to do at this point, I did ask Cindy to take the guidelines, which basically outlines the purpose, the membership, the work product and the suggested Welfare to Work Planning Timeline, the schedule here, along with the Welfare to Work Inventory, I asked her to copy this and mail that package to each of these individuals listed on the list. The other thing that has to happen, if you remember, is they have to convene a meeting prior to August 1, due to the fact that there's a lot of people interested in doing this and the fact that, obviously, not all of them could, and the time it's going to take her to do this, I would recommend, maybe two weeks from today or something, that the first meeting be called for.

Commissioner Mourdock: I don't know that there was any provision in the statute that a member of the Commission be an ex-officio member or an actual member, but, and I don't know that such status is necessarily required, but I'll just state here, formally, my intentions on at least sitting in on some of the meetings.

Commissioner Tuley: Yeah, it basically, item 13 could be a catchall. Other individuals as solely determined by the County Commissioners, and if you would like to attend as an ex-officio or have the time to do so --

Commissioner Mourdock: I certainly want to be aware of what they're doing and have the minutes and that type of thing routinely received --

Commissioner Tuley: Okay, do you want to be added to the list to be a regular attendee, or would you rather be able to come as your schedule permits?

Commissioner Mourdock: Which to me is what the words ex-officio, I think, mean. If we can do it that way, that's fine.

Commissioner Tuley: Okay. I guess, then, it's up to us to determine the first meeting.

Commissioner Mourdock: Probably so, yeah.

Commissioner Tuley: I would recommend that we have it, then, two weeks from today, which is the 24th. Apparently, Rick has talked to Gary Heck and asked him to temporarily chair it. He is available, I noticed in a memo that I had, from the 24th through the 27th any day that week to conduct a meeting. It's safe to assume we also need to provide them with a place?

Cindy Mayo: I'm sure that is safe to assume.

Commissioner Tuley: I would suggest, Cindy, if you can verify that the dates available --

Cindy Mayo: I'll talk to Mr. Hinton tomorrow and find out what rooms are available.

Commissioner Tuley: For Monday the 24th, and see if we can go ahead and convene the first meeting and let them determine from that point when they want to meeting afterward, bearing in mind you need to be notified.

Commissioner Mourdock: Right, and I guess in setting that first meeting, looking at this list of people and knowing they're all busy people, I presume that would be an evening meeting?

Commissioner Tuley: You know, I'd almost think...

Commissioner Mourdock: There's school administrators --

Commissioner Tuley: There's school administrators, there's vocational administrator's, there's labor, there's attorney's, I'd almost rather we call the first meeting for an evening meeting to get the benefit of the doubt, and then let them determine if they can also meet in the day after that. I'm sure they don't want to meet every, you know, all their meetings at night, but they've got a short timetable to act on this. They'll have to determine how often and when they want to meet.

Cindy Mayo: Would you like me to get in touch with Mr. Heck tomorrow and see what he thinks would be, maybe, a good time?

Commissioner Tuley: Yeah, why don't we leave it in your hands and his hands. If you were to fax him this list of the people that were appointed to it, and he may ask you to survey them, you know, contact them, you could contact them by phone as opposed to, maybe, a letter, if you think that --

Commissioner Mourdock: Yeah, or if nothing else, we can get a form out to them so we know what their office phone numbers are --

Commissioner Tuley: Right, we'll put it in your hands and let you handle it. Any other business, new, old? Motion to adjourn, then.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second and so ordered.

Meeting adjourned at 7:00 p.m.

THOSE IN ATTENDANCE:

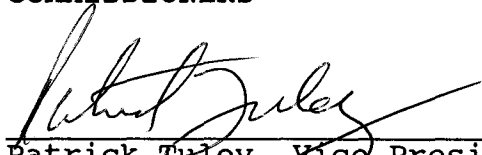
Patrick Tuley
Alan Kissinger
Cindy Mayo
Joe Profaizer
John Stoll
John Beard
Richelle Richmond
Members of the Media

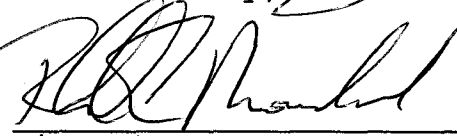
Richard E. Mourdock
Suzanne Crouch
Teri Lukeman
Mike Robling
Alfred Bauer, Jr.
Lynn Ellis
Bill Morphew

COMMISSIONERS MEETING
JULY 10, 1995

21

VANDERBURGH COUNTY BOARD OF
COMMISSIONERS



Patrick Tuley, Vice President

Richard E. Mourdock, Member

NEWS RELEASE

VANDERBURGH

COUNTY COMMISSION OFFICE

THE JULY 17 COUNTY COMMISSION
MEETING SCHEDULED FOR 5:30
HAS BEEN CANCELED DUE TO THE FACT
THAT THERE WILL NOT BE A QUORUM.
THE NEXT MEETING WILL BE MONDAY,
JULY 24 AT 5:30 P.M.

THE REZONINGS WILL BE HEARD ON
AUGUST 21 AT 7:00 P.M.

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

JULY 24, 1995

TABLE OF CONTENTS

Introductions & Pledge of Allegiance.....	1
Approval of Minutes.....	1
Action Items.....	1
Stephen Myers - 1993 Tax Sale property at 922 S. Craig.....	1
Presentation of IT Network Services.....	8
Addendum to contract with CSS Associates to extend service until October 1, 1995.....	8
Permission for County Attorney to open bids for the 1993 Tax Sale properties title search services.....	8
Request from McCurdy Residential Center to use the Auditorium marquee for Alzheimer Walk-A-Thon.....	9
Postpone Awarding bid for Auditorium boiler.....	10
Permission to advertise the Revised Personnel Policy Ordinance.....	10
Alan Kissinger - County Attorney.....	10
Bid recap on title search services for 1993 Tax Sale properties CSX Transportation Contract Ordinance establishing a supplemental fee for re- cording a document by the Recorder of Vanderburgh County Proposed agreement for management of the Hillcrest Washington Youth Home Final opinion from arbitrator on grievance filed regarding suspension and termination of Roger K. Hall from County Highway/Garage Request for opinion from Assessor's Office regarding access to Township Assessor's databases	
Cindy Mayo - Superintendent of County Buildings.....	13
Quit claim deeds for '94 surplus property re- quested by Habitat PIC 94-95 Unified Local Plan Modification Summary Rate increase from Resource Agency for the Deaf and Hard of Hearing Request to go on Council Call for August	
Bill Morphey - County Highway/Garage.....	14
Highway & Bridge Crew Progress Report July 7 through July 20, 1995 Request to go before Council to transfer money for 1995 distributor Ditch on Beatty Lane Pothole on Millersburg & Green River Rds. Road repair needed after water line work on Rodenberg	
John Stoll - County Engineer.....	22
Council Call requests Change order for Browning Road Bridge Terminate contract with Western Waterproofing for EARC Parking Garage Deck repair Soil testing for Road and Bridge contracts	

Consent Items.....	24
Travel requests	
Approval of 144 Forms	
Employment changes	
Scheduled Meetings.....	24
Indiana Association of County Commissioners	
training seminar regarding SEA 478	
Old Business.....	25
Appointment to Redevelopment Commission	
New Business.....	25
Appointment to Levee Department	
Lease regarding Community Corrections	
Adjournment.....	26

The Vanderburgh County Board of Commissioners met in session at 6:15 p.m. on Monday, July 24, 1995 in the Commissioners Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: I'd like to call the meeting of the Vanderburgh County Board of Commissioners to order. This is July 24, 1995. I want to apologize for the lateness of this meeting, there was an Executive Session held earlier for the purpose of certain matters of pending litigation and personnel matters, and so as a result of some of those personnel matters carrying over here, I apologize again for the lateness of this meeting. We'll try to do our best to move through quickly. It is very nice to be with everybody again, and so I'm not going to take much time other than, as Commissioner Mourdock aptly pointed out, coming back today after having spent some time away and not being able to, in a humbling situation not being able to understand the language or read any of the signs, looking back on that now, it may not have been too bad of a deal considering some of the things that we've had here today. So anyway, it is good to be back. There's nothing like the USA, I'll tell you. Let me give you an introduction of our Board here this evening:

Cindy Mayo, Superintendent of County Buildings & Office Manager
Alan Kissinger, County Attorney
Pat Tuley, County Commissioner
Rick Borries, County Commissioner
Richard Mourdock, County Commissioner
William Fluty, Deputy Auditor
Teri Lukeman, Recording Secretary

Thank you all very much. Would you join us please for the Pledge of Allegiance?

RE: ACTION ITEMS

President Borries: It is my understanding that there was no meeting this past week and so the Board minutes that would be approved, if Commissioners Tuley and Mourdock agree, would be those minutes of July 10, 1995.

Commissioner Tuley: I move that the minutes be approved.

Commissioner Mourdock: I'll second.

Commissioner Tuley: So ordered.

President Borries: Again, apologizing for the lateness of this, is there any group or individual wishing to address this Commission this evening?

Stephen Myers: I'm Stephen Myers. I talked to you about the property at 922 S. Craig. You've got it on tax sale and it's been sitting there for two and a half years. It's rodent infested, the roof is falling in, now a tree has fell through it. It's half on my property and I'll either buy it, tear it down and do something, so I can do something with my property. I've got pictures here I can show you of the house with the trees on it.

Commissioner Tuley: Have you been in contact with Cindy from our staff?

President Borries: Yes, Mrs. Mayo may need to give us a description on it.

Cindy Mayo: To give you a little background, this is one of the properties that we did receive in December of '93, that there are the problems with the title searches on. I did tell Mr. Myers that since part of it was on his property, I certainly could not tell him that he could go on that property, I had no authority but that maybe he could come to you and you would have something that he

would be able to do.

Stephen Myers: That's the flat part of the roof and it's all caved in.

Commissioner Mourdock: The building is part of 922 or the building is yours now?

Stephen Myers: No, it's sitting partly on my lots. The first lot is thirty-eight foot, then there's a forty-four and a forty. It's sitting partially on the forty-four and the forty and over right here is over the bank, so they brought the house this way and built it on part of my property and I own these two lots here. You own this lot and that lot.

President Borries: So you're saying that part of this is on your property?

Stephen Myers: Right, about twelve feet of the house.

President Borries: Gosh, that's a weird one. I don't understand that at all.

Stephen Myers: At one time they bought these two lots here and built on it and then later on they bought these two lots and I bought these two lots from them and then this one and this went on taxes or liens or whatever. So, I don't know how to really explain it to you. As you can see, there's probably six feet of the roof here and four feet here in the roof that water is pouring in it and you wouldn't believe the garbage in that thing. Three semi's won't haul it out of there.

Commissioner Tuley: Have they cited the owners? Where's the owners?

Stephen Myers: You fellows have got complete control of it.

Cindy Mayo: We are the owners.

President Borries: It's part of that infamous '93 property tax...

Commissioner Tuley: Right, but that brings me, are we...

Stephen Myers: There's never been a sewer built or nothing layed on it, they never took the garbage out of it, you can't get in the basement, you can see about two foot of the top of the refrigerator is all you can see in that back --

President Borries: It's all water?

Stephen Myers: Trash. Garbage. Rats have taken me over. I want to do something with it one way or the other.

Cindy Mayo: We've not received anything from Code Enforcement which is normally, when Code Enforcement does do something, and they want more action, that's if we don't do anything within thirty days, they send us a follow-up letter somewhere within ninety to one-hundred twenty days, then they raze the building. He's saying he's going to go in and clear it out but I can't tell him --

Commissioner Tuley: Do we have proper ownership now?

Cindy Mayo: No, that's one that we need the title searches on --

Stephen Myers: You wouldn't believe it if you went in it. I either want to tear it down and build another house or go ahead and buy this and completely remodel it because it needs a new roof and everything --

President Borries: Speaking personally, believe me, I want you to buy it and real quick, but the problem is we've got a problem through the court with the '93 tax sale. Is there any resolution to this, at this point?

Cindy Mayo: We were to open bids last week, and since the meeting was cancelled, there was one bid that came in. Probably, it will be awarded tonight. It does state in there that they have thirty days after they receive the bid to get the title searches run but then, I don't know. Perhaps Alan could answer, once the title search is run, there still has to be a judgement or a court order, or it has to go --

Alan Kissinger: That's correct.

Cindy Mayo: I don't know how much time we might be talking about even after the title searches are run.

Alan Kissinger: When the title searches are run, basically, the order, everything has been prepared. All we have to do is get the affidavit indicating what the title searches told us and that all potential parties and interests have been notified. Then, that order can be bound by the court but it's going to be a matter of how long it takes to get the title searches done and a matter then of taking it all over to court and having them filed with the court.

Stephen Myers: That's what I've been hearing for the last year and half.

Alan Kissinger: And it's going to take, it could very well take another six to eight months to get it done.

Stephen Myers: Might just take a bulldozer and run in to the part that's on me and knock it out of my way.

Alan Kissinger: Well I wouldn't recommend that.

Stephen Myers: The water lines are all froze and busted, it's got a well in it and it froze and busted. This last storm tore the telephone pole down and all the wires out of it, wires laying on the ground.

Commissioner Mourdock: Trying to solve one problem at a time, Mr. Myers, what kind of business are you in? Are you --

Stephen Myers: None. I just own property across the street.

Commissioner Mourdock: I'm just trying to find a way, if there's a practical way that somehow we could get the property cleaned out, which isn't to say knocked down, but get the rubbish cleaned out. I didn't know if you were in the contracting business.

Stephen Myers: No, I'm not no contractor. I've been cutting the grass to keep the mosquitos and stuff down. It's right on the end of the street and there's a big (inaudible) area back behind there. I'd like to just go on and get the damn thing and be done with it and completely remodel it. My daughter wants to move in it if I can get it.

Cindy Mayo: See that's the thing, Mr. Myers is saying that the condition that it's in now, he still can go in and gut it and remodel it, that he can keep the frame and he really doesn't want it to be torn down. He's been looking at it for a year and a half and obviously it has continued to deteriorate in the time that he's...and that's his concern, that it continues to deteriorate now that the tree has come through the roof and --

Stephen Myers: It's just going to completely go to ruin like it

is. In six months it won't be worth salvaging.

Commissioner Tuley: Where are the original owners right now? The last people to live in it, do you have any idea?

Stephen Myers: Moore was their name, Timothy and Jane Moore, and they bought it on a loan through the finance company. They had an attorney here that was supposed to have it taken care of and he didn't do it, and they ended up with a bunch of taxes and sewer liens and stuff, and then you all ended up with it. They used to live on Claremont but God only knows where they're at now. They got throwed out of that house, too.

President Borries: I'm wondering if, is there some way we can secure the building, at least do that in terms of some temporary...I mean, here's our problem --

Stephen Myers: People are going in and out of it all the time.

President Borries: Well, but the title is what they call, cloudy. We don't know at this point, the county, meaning all of us, owns this, we think. But we have to go through this title search. It's cumbersome but that's the law. We can declare an emergency, but if it's not on our property, we're certainly overstepping. We can't do work on private property. Public entities can't do this.

Stephen Myers: You've had it for a year and a half so --

Commissioner Tuley: Taking the soft way around it, yes, our name is on the deed, but there's a question at this point in time because of notice whether or not we actually own it yet. That's what they're trying to get cleared up by opening these bids, tonight of all nights, so we can notify the owner that, yes, we've taken title to it and we are going to apply to the judge to take title to it.

Stephen Myers: The bank knows you all took title to it. I called them, it's ITT. I called them and talked to them and they know that you've got title to it.

Alan Kissinger: Well, they think we do.

Stephen Myers: Whatever.

Commissioner Mourdock: We're not trying to be evasive, because it is our problem.

Stephen Myers: Well, what I'm saying, I want to start getting it cleaned up while it's still warm weather, where I can go in and strip it out. The walls, the studding is still sound in it, I can go tear all of the drywall stuff back out of it, go on and put the city water in it and put the city sewer back in it, put a new roof on it, fascia boards and everything back on it, re-deck it, and save it.

President Borries: What we're trying to do --

Stephen Myers: If it goes to wintertime, it ain't going to be worth saving.

President Borries: That's what we're trying to do. I'm trying to find a way, legally, that at least if we could board it up and get the roof repaired so that it won't be ruined, then when this whole matter is --

Stephen Myers: You're going to run into a bunch of money doing that, it's gabled and on the back side there is, probably twenty feet of it is flat and it's rotting and caved in. You're going to get into a bunch of money trying to do that.

Commissioner Mourdock: If we were to contract with Mr. Myers for \$1.00 to go in a clean this up, and I presume with that, that Mr. Myers would have to provide to us some sort of insurance coverage type thing to make sure that if he hurt himself in the building that it's not going to come back on us. If we were to do that, what do you see as the risk to us that someone shows up later on and raises this title question?

Alan Kissinger: Someone may very well do exactly that because a part of what we have to do after we've done these title searches is notify any party that may have an interest in this real estate. I'm assuming that the previous lien holder, what was the name of the company that --

Stephen Myers: ITT.

Alan Kissinger: ITT is going to be notified and they're going to say, yes, we have a lien interest in the amount of X number of dollars which basically --

Stephen Myers: \$47,000.

Commissioner Tuley: It's not worth \$47.00 is it?

Stephen Myers: Not really.

Alan Kissinger: If the property is in any way rehabilitated --

Commissioner Mourdock: I'm not talking about rehabilitation as much as I am to solve the first problem which I heard you talk about, rodent infestation and that kind of thing. If we can at least solve that problem, maybe in some way minimize the damage that will occur from here on out until this other problem is resolved --

Stephen Myers: Well, I could take a tarp and tarp that back part, but I'm not going to do all that work if I ain't going to be able to get the property.

Alan Kissinger: Well, we certainly can't guarantee you that you're going to be able to get the property. That is a guarantee, we don't even know when we are going to get the property and when we do, there's a procedure that we must follow that does not allow us to favor one purchaser over another --

Commissioner Tuley: Other than abutting property owners.

Alan Kissinger: Yeah, that's true.

Stephen Myers: Part of it's on me anyway.

Commissioner Mourdock: You don't get more abutting than that.

President Borries: Frankly, I don't think that there will be anybody else that would outbid you, I mean, you could get it for as cheap as \$1.00 by just showing up when we have the sale.

Stephen Myers: I'll give you a thousand right now to get it over with.

President Borries: Well, if we could, we would.

Stephen Myers: I'd be worth it to get it over with and get it out of my hair, get it cleaned out and get it on the tax roles and stuff.

President Borries: I keep coming back to this emergency situation or a public nuisance.

Alan Kissinger: Even if it does constitute an emergency or a public nuisance, I believe that property is within the city limits of Evansville, it is not?

Stephen Myers: Yes and no.

President Borries: Do you know where it is? Is it in the county or the city?

Bill Morpew: That's where the city and county line is.

Commissioner Mourdock: Don't tell me his property is the county line?

Bill Morpew: Yes. His area is in the city based on my --

Stephen Myers: Detroy, one side of it's county and one side of it's city. It's a mess all the way around.

Alan Kissinger: So the short answer to the question is, that this particular property we're talking about is in the city.

Stephen Myers: Yeah, I think it is.

Alan Kissinger: So the county does not have any authority to declare an emergency or anything in reference to that particular piece of property.

President Borries: What about Roger Lehman? What can he do on this, the Building Inspector?

Stephen Myers: I've talked to Roger before.

President Borries: You have? What did he say?

Stephen Myers: That he can't do nothing (inaudible)

Alan Kissinger: The only thing we can do is to tell you that we are moving as rapidly as possible and trying to get all of these things settled. I will personally make sure that the attorney who is handling that end of it will make absolutely certain to expedite this title search and notice so that we can get this thing moving as quickly as possible.

Stephen Myers: All I can tell you is, you know I've been mowing it to keep it halfway decent, but they've got signs up that say stay out of it, people's going in it anyway, but --

Alan Kissinger: Who put the signs up? Do you know?

Stephen Myers: You all did.

Alan Kissinger: We did? I don't think anyone is going to complain if you want to go over there and keep it clean.

Stephen Myers: I'm not going to haul it all out - it'd cost \$12,000 to haul that stuff out of there.

Alan Kissinger: I understand that, but you're mowing and so forth.

President Borries: Is there some way our county forces, under an emergency situation, could put a tarp over part of this roof to keep it from raining in? Could we at least get the tree up at all?

Alan Kissinger: I don't think that would constitute a capital improvement. I think that at the very least, if we have a county crew to go out and remove the trees, that certainly makes sense because the possibility exists that under color of title, we could

be found liable for any damage the tree might cause. So, to that extent, I think that we could remove the tree.

Stephen Myers: You better remove two of them then. There's one about that big around that's dead out back.

Alan Kissinger: Remove two trees, three trees, I don't know how many. If they're dead, they're dead.

Stephen Myers: You've got one in the house and you've got one right at the back edge probably two foot in diameter, and it's dead as a mackerel.

Alan Kissinger: It is not a problem without a solution but the solution is going to take a long time, not as long as it already has, but it's going to be some more time before we can --

Stephen Myers: See, it's tying my property up where I can't do nothing --

Alan Kissinger: I fully appreciate that and I am sympathetic to your situation.

Stephen Myers: That lot that I just showed you, that's the thirty-seven foot lot, it had an old house on it, the foundation is there and it's got the old cistern there with the pump lid on top of it.

Alan Kissinger: How long have you known that this was crossing your property line and when did that come to your attention?

Stephen Myers: I've known that for the last four or five years. I'm just trying to get things settled down to where I can either, my daughter wants it, in fact, I gave the two center lots to my daughter --

Alan Kissinger: What's the address on that property?

Stephen Myers: 922 S. Craig.

Alan Kissinger: I give you my word we'll do everything we can to expedite it on that particular piece of property.

Stephen Myers: Appreciate it. You've got my phone number and I think she does too.

Cindy Mayo: Yes, I do.

Stephen Myers: Just give me a call anytime. We'll get something figured out.

President Borries: I'm sorry we don't have a better answer for you. And really, in the long run, having seen what I did in that department store collapse and a few things like that where I've been out of the country, Mr. Myers, even though this is cumbersome and everything else, I think we regard property rights as a big item here and I don't think you'd want the government just to bang on in there and take something that belonged to somebody. Believe me, we don't want it. We'd just as soon let you have it, but there are certain legal things we've got to go through. I'm sorry. If we can come up with some kind of a way to help here before this thing completely deteriorates, we'll do it, but we don't have any answer here.

Stephen Myers: (Inaudible) next month, two months, six weeks?

Cindy Mayo: We started calling Mark Abell a year ago, and he's been calling me. I have him on the list to mail him a notice when this does go up for sale. He's been very patient. He's called several times and, unfortunately, it sounds like we're trying to

put him off and I know he's getting frustrated.

Commissioner Mourdock: You would be more frustrated if we said, yeah, go ahead and do it, and you made some improvements and spent some money cleaning it out, making the improvements and then somebody showed up on the title question and said, it's not yours.

Stephen Myers: I'd watch it burn. Well, thanks.

President Borries: Stay in touch with us. Thank you, Mr. Myers.

RE: PRESENTATION OF IT NETWORK SERVICES

President Borries: Item C, some good news here, will not be done tonight.

RE: ADDENDUM TO CONTRACT WITH CSS ASSOCIATES, INC.

President Borries: There is an addendum to the contract with CSS Associates. I don't know if Cindy or if anyone would want to talk about this. It's my understanding I can briefly make a comment on this. Do you want me to? What this is, it's an addendum, CSS is the vendor for the software for the county in the reassessments. Because, again, well this year anyway, we changed vendors and there have still been some ongoing difficulties so, basically, what this does is extend the addendum of support to where the vendor now says that they will extend the agreement to October 1, 1995. Is that correct?

Cindy Mayo: That's correct. Dennis Brinkmeyer sat in on a meeting that the Auditor had called with the Township Assessors and the County Assessor, and Betty Lou Jerrel brought up that she felt that CSS should extend their support. I think it was maybe June or July that their support was to run out. She asked if they would extend it, and if Dennis would write a letter asking for extension at least through October which they have agreed to do. Otherwise, I think it was going to cost...Bill, I don't know if you were involved in any way, but it was going to cost somewhere around maybe \$1,200 a month or something like that.

Bill Fluty: I think that's correct.

President Borries: This just extends our warranty agreement. It really has no financial impact to the county.

Cindy Mayo: It would have one if they didn't extend it.

President Borries: Right. So we're getting an extended warranty here on this. Would I have approval then for us to sign this?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

RE: PERMISSION FOR COUNTY ATTORNEY TO OPEN BIDS

President Borries: Item E, permission for the County Attorney to open bids. Mrs. Mayo will make mention of that here. This is, again, on this '93?

Cindy Mayo: Yes it is, and there was only one bid received in the office that was brought in. They were to be opened last week, so I think it was brought in the Friday before, July 14, or something like that.

President Borries: May I have a motion to authorize the Attorney to open that bid?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

RE: PERMISSION TO USE THE AUDITORIUM MARQUEE FOR ALZHEIMER WALK-A-THON

President Borries: This is an unusual one, permission to use the Auditorium marquee for the McCurdy Residential Center's Annual Walk-A-Thon for Alzheimer's Disease, it's a charitable thing. This would be on the Auditorium marquee.

Commissioner Mourdock: I have a question, why is that coming to us as opposed to --

Cindy Mayo: Sandra Toton was contacted about this and she told the lady that the Commissioners had to say whether or not it could be used.

Commissioner Tuley: It's a freebie, they charge the --

Commissioner Mourdock: Oh, I see, it's not the use, it's the freebie. Okay, I see these things up there all the time, but we've never had one of these before.

Commissioner Tuley: Yes, it doesn't say that here, but that must be the reason why they've sent it to us.

President Borries: I can't remember having one on the marquee, we get a lot of requests of which, again, it's very difficult because you have so many worthwhile charities and groups to waive certain fees in the Auditorium itself if they use the Auditorium, but the marquee, this is a new one.

Commissioner Tuley: I don't know what that fee normally is. I don't think it's a whole lot.

President Borries: It's not? Okay. Well...

Commissioner Tuley: It's basically just a matter of somebody sitting down to the computer, punching in what the message is, and letting it run. They normally charge, it's a very minor fee is my understanding. My name has been on there a couple of times on birthdays, like thirty and forty and it was \$15.00 - \$20.00, or something like that for the day.

Commissioner Mourdock: You would have paid a little more to keep it on!

Commissioner Tuley: If I'd known about it, I would have paid more to keep it on.

President Borries: I guess at that the risk of being hard-hearted Hannah here, I guess I'd only say that, again, there are just a lot of worthwhile charities here. So, this may not be the end, but again, I'm not saying I'm opposed to it either, so I really don't care.

Commissioner Mourdock: Realizing that it probably will not be the last and we're opening Pandora's Box, for this particular cause, I would make a motion that we allow the free use of the marquee.

Commissioner Tuley: I'll second.

President Borries: So ordered.

RE: POSTPONE AWARDING BID FOR AUDITORIUM BOILER

President Borries: Postpone awarding the bid for Auditorium boiler.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

RE: PERMISSION TO ADVERTISE FOR THE PERSONNEL POLICY ORDINANCE

Cindy Mayo: I'll tell you what has happened. Alan already sent in that and I believe Teri has already sent it in to the paper. It would be in there Tuesday or Wednesday, but it was never formally approved for advertisement so we felt that we needed to cover that.

Commissioner Mourdock: Is that, Cindy, as a result of the non-meeting last week?

Cindy Mayo: Yes.

President Borries: Alright. May I have a motion to approve and to authorize that this revised code of ordinances be advertised?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: The first matter I have is the bid recap on the title searches. The only bid that we have is Evansville Titles Corporation. They have bid \$225.00 for each parcel with the understanding that there are ninety-seven parcels to be searched. I think we had better consider this a unit bid, however, of \$225.00 per parcel in consideration of the fact there may be more or there may be less than ninety-seven parcels. If we consider it a unit bid, then we'll have no problems as far as the bottom line is concerned.

Commissioner Mourdock: Did they bid it considering it a unit bid?

Alan Kissinger: He bid it at \$225.00 per parcel with the assumption and understanding that there were ninety-seven parcels, which there may or may not be. The next matter that I have is --

President Borries: Excuse me, Alan, do you want to take this under advisement or do you want to go ahead and award the bid at this time?

Commissioner Mourdock: There was only one bid?

President Borries: Does it appear to be in order?

Alan Kissinger: Everything seems to be in order, the bond is here, etc. Yes, they've used the standard county forms --

Commissioner Tuley: Why don't we act on it, then.

President Borries: Mr. Myers, and any way we can help here, maybe we ought to get this thing going, so...

Commissioner Tuley: I will so move.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

Alan Kissinger: The next matter that I have is the CSX Transportation Contract which John Stoll provided us with, once again, two weeks ago. We didn't deal with it last week. There was a question as to what the county's liability is on this. Basically, the county's liability, or the county's responsibility, is just as is said in this cover letter. We're responsible for supplying installation of the advance warning signs and pavement markings, and ultimately, we are responsible for maintaining those in the future, but we have no other responsibility on the contract itself. We must be a party to it or they can't proceed with it according to the Indiana Department of Transportation. Based on that, I recommend that you go ahead and sign the contract, approve the contract, as it has been prepared and offered.

President Borries: May I have a motion to sign this contract?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Alan Kissinger: I have prepared an ordinance for establishing a supplemental fee for the recording of a document by the Recorder of Vanderburgh County at the request of the Commissioners. I think it complies with the appropriate statute, the enabling statute. This is supposed to go into effect on October 1, 1995. If the Commissioners want to consider this ordinance, it probably would be appropriate to go ahead and approve the advertising. This should be advertised twice in consideration of the fact that there is a fee involved, advertising for a public hearing on this ordinance.

Commissioner Mourdock: I'll move the advertisement of the ordinance as recommended by the County Attorney.

Commissioner Tuley: Second.

President Borries: So ordered.

Alan Kissinger: I have the proposed agreement for the management of the Hillcrest Washington Youth Home. I have gone through this contract, basically, line by line. There are some changes in this contract, but as it has been explained to me, and as I have confirmed, the Indiana Administrative Code has since we last dealt with this contract, spelled out some of the requirements, guidelines, etc. that must be followed by operators of these youth homes. Most of the changes, I will go so far as to say I believe all of the changes in this contract are due to attempts to comply with the sections of the Indiana Administrative Code, and to update the contract based on conditions that have ceased to exist since the last contract or last amendment were entered into. I don't know how the Commissioners want to act on this. I do know that the people from Southwestern Indiana Mental Health Foundation wanted the Commissioners to take some action on this as quickly as possible so they could get with the County Council for budget consideration. I think that's one reason that perhaps the Commissioners, I made copies of the proposed ordinance for each Commissioner and the proposed contract for each Commissioner so that you can consider the cost on this thing. It's not that the cost has changed or anything such as that, but as the Commissioners may or may not remember, the compensation for this contract is based on the Consumer Price Index for Urban Consumers. As a consequence, the compensation on the contract has increased each year. It will increase this year and it probably will continue to increase during the life of the contract. There may be some point at which someone on the County Council is going to say, how can we justify this. Perhaps all of you would want to take a look at this

before acting on this, with the understanding that the Foundation does want the Commissioners to act on this as quickly as possible, with budget time rolling around and having to address the County Council in reference to this. So, that said, I have made copies for each of you to consider and I feel safe in representing that all of the other changes are either to the county's benefit in consideration of the fact that they assure us that the Foundation is complying with the Indiana Administrative Code, or changes due to passage of time and changes in circumstances. The other changes are going to be monetary changes which the Commissioners may very well want to consider closely before acting on this.

President Borries: What's the feeling of this Board? I serve on the Board, but because I have been away, I have not seen this version. I do want to say in behalf of the Mental Health Foundation as well as the Community Mental Health Center, they do an excellent job in delivering services to children in need in our community at this facility. What I guess my concern is, Alan, in listening to this as we get hit with the information, would you again go back through where that is. The only thing that I worry about is the funding in terms of...is that --

Alan Kissinger: I think it's on the second page of the contract, Roman Numeral II, Compensation.

Commissioner Tuley: There's an automatic increase every year built into it based on the CPRE.

Commissioner Mourdock: CPIU is what we published, isn't it? That was one of them we did away with last year.

President Borries: There is some kind of a, I don't know what they call it now, there is an index --

Commissioner Mourdock: They've changed those around, I don't remember what they call it either, but they changed it.

President Borries: I guess the only question is, if we get into a situation that's above the 5% allowed by the frozen levy, and let's suppose that this index goes up 10%, that's where we'd have a real --

Alan Kissinger: It could, yeah, and quite frankly, I don't know how the terms of this were originally negotiated, but it does have the potential of putting us into a financial bind depending upon the circumstances. I don't know how to avoid that other than to set up a flat rate amount of compensation for each year of service or negotiating it over a period of years. I don't know. I don't know how we arrived --

President Borries: Worst thing, again, the Council, if it got too high, they'd just go...

Commissioner Mourdock: Realizing that the Mental Health Foundation needs a fairly quick answer on this and we're looking at a contract over \$1,200,000 a year, I guess I'd request to take this under advisement for a week and act on it next week and just kind of work through it.

Alan Kissinger: I won't be here, however, someone will be here. I have reviewed it. The text of the contract is either the same or it has been amended for purposes that benefit the county and benefit the Foundation. The compensation on the contract is something that I think definitely deserves your attention and you should be most mindful of that.

President Borries: Okay. Want to defer it for a week?

Commissioner Mourdock: I would like to defer it for a week.

President Borries: Alright.

Alan Kissinger: We have received a final opinion from the arbitrator in the grievance that was filed and ultimately appealed and taken to arbitration by the Teamsters in reference to the employee, Roger K. Hall, and the determination has been made that Vanderburgh County had just cause for the three day suspension which was arbitrated and Vanderburgh County also had just cause for the ultimate termination of the employee and therefore, Mr. Hall is officially no longer an employee of Vanderburgh County.

Commissioner Mourdock: Where was he --

President Borries: County Highway/Garage.

Alan Kissinger: We've had a request for an opinion by the Vanderburgh County Assessor's Office regarding access to database information, computer database information, from the Township Assessor's databases. My understanding is that some of the Township Assessors, in dealing with a protocol that has been established by the Data Board, have indicated that they do not want the Assessor to have access to their database. It's my opinion based on present law, which obviously is subject to change and will change I think as of January 1, 1996, but based on present law, the Vanderburgh County Assessor has a responsibility of making the determination of ensuring that the Township Assessors are completing their tasks and are doing their job, basically, in reference to the assessments and reassessments. She has indicated that she needs this information in order to assure that, that along with other information on the database. It's my opinion that the Township Assessors are without any authority to refuse to allow the County Assessor access to information which is essential to her in carrying out her statutory and constitutional duties.

President Borries: Would you be able to put that opinion, I guess, in writing and we could then, do you want to take action at least to support that opinion?

Commissioner Mourdock: Sure, I think it's appropriate that the Commission send that letter to the Township Assessors and let them know of your findings.

Alan Kissinger: Be glad to.

President Borries: May I have a motion then to ask the Attorney to do this and then we forward that on?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered.

Alan Kissinger: Now, I think that's all I have to report.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: I have some quit claim deeds for the property that Habitat requested at the June 5 meeting, it was the '94 surplus property. I guess these need to be taken under advisement by the Attorney and brought back up.

Alan Kissinger: Let's refer them to Keith Rounder and tell him they'll be coming up next week.

Cindy Mayo: PIC sent in their 94 - 95 Unified Local Plan Modification Summary and has requested your signature, and I believe that each of you got a copy of that. I do have the original here and it does need to be signed just by the president of the Commissioners.

President Borries: May I have approval?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Cindy Mayo: I also have for signature, the Resource Agency for the Deaf and Hard of Hearing sent in a notice that their rates will now be \$40.00 per hour for their Purchase of Service Agreements. Their agreement is such that they are called when we need them. They do come but it's only when they are requested. Their rate is now \$40.00 an hour and that's what this is stating. I believe that this rate will be effective July 31, so I also have that for signature. Do you need to take action on this?

President Borries: Yes, we do. May I have approval to sign this, again, it's on an as needed basis.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Cindy Mayo: I have given each of you a request to go on Council Call for August along with the reason that I needed to go on Council Call for everything. It's already been submitted to the Auditor's Office and this is what we will be on Council Call for August. It had to be turned in by July 15, so this is kind of after the fact.

President Borries: I appreciate those explanations very much because you handle this, and particularly from our office, a literal myriad of line items and so I appreciate that. May I have a motion for her to go to Council?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Cindy Mayo: The last thing that I have, and I did speak to Mr. Morpew about this, there is a lady that lives on Beatty Lane. There was a ditch that was dug out in front of her home, and she brought some pictures in that she wants you to see. She wants to have this replanted and I believe that Mr. Morpew has spoken to this lady and told her that they don't replant when they dig out a ditch. She did want this to come to your attention and I told her that I would show you the pictures and notify you. If you have any questions, you can ask Mr. Morpew. That's all that I have.

President Borries: Thank you.

RE: BILL MORPHEW - COUNTY HIGHWAY/GARAGE

Bill Morpew: Welcome back.

President Borries: Thanks, Bill. For the record here, Bill submitted two Highway Progress Reports for work done in all parts of the county and they go from July 7 through July 20. We will submit those for the record. I know that parts of Green River Road, I don't know if you did that or if that was done through private contractor, I noticed we're done on my way in Friday.

Bill Morpew: That was done by contractor.

President Borries: Where are you paving?

Bill Morphey: Right now, we're on Waterworks Road. We've completed New Harmony Road, St. Joe Road, Koressel Road, and Peerless and we're now on Waterworks. We do have a little problem. Our asphalt distributor, the engine is blown in it.

Commissioner Mourdock: Is that a new one?

Bill Morphey: No sir, it's old. It came over with Noah. I would like to request permission to go before Council and see about getting a transfer of money for a new distributor. The distributor that we have is a 1948 model mounted on a 1963 Ford truck. It probably has better than a half million miles on it and I think it's probably time that it did lay down and die.

Commissioner Mourdock: They don't make them like they used to.

Bill Morphey: The old one that we have takes two people to operate: one person to drive the truck and the other one to operate the equipment on the back. The new equipment is a one man operation, everything is from the driver's seat. It has touch command to raise and lower the bars from the driver's seat, spray in one inch increments from the seat, it's totally a one man operation. It's expensive, it's a \$77,000 piece of equipment that we're looking at.

Commissioner Mourdock: You're not looking just to replace the engine, you're looking to replace the whole thing?

Bill Morphey: Yes, sir. What I was looking at, one man operation versus two man operation, that would give me the extra man that I could put out mowing grass, grading roads or whatever, and actually save money in the long run.

President Borries: You think you might be able to transfer some money, you think?

Bill Morphey: I talked with the liaison, Curt Wortman. On an emergency transfer, I was going to transfer the initial payment out of my Bituminous Account in 216 into Equipment in that same account, to an equipment line item, for one payment. If we bought this piece of equipment on three payments, the total payments are \$27,366.00 per year for three years. I was going to transfer money out this year to make the initial payment, the next two years budget that money.

President Borries: They carry it to you without a lot of interest charges so we can do it in three equal payments?

Bill Morphey: Yes, sir. There's a picture of the truck if you'd like to see it. This is it right here with the exception it's not on a Chevrolet truck.

Commissioner Mourdock: You quoted a number a minute ago, Bill, of \$77,000. It's my understanding this would still, granted you're in a must do situation here, we feel you are, but it still has to go through the normal bidding procedure, does it not?

Bill Morphey: Not on a lease purchase. It's a lease purchase, there would be a \$1.00 buy out. The bidding procedure, yes, we would have to bid it out.

Commissioner Mourdock: Have you talked to others about other lease purchase arrangements?

Bill Morphey: Yes I have, as a matter of fact, I called Mr. Pete Kibbee with Southeastern Equipment last week. The engine blew in this truck Thursday and he has yet to return my call. These

people, CMC is the same company we got our paver through, he returned my call right away and sent me the information through our fax. I still haven't got a return call from Southeastern yet.

Commissioner Mourdock: How many types of manufacturers, ballpark, just basically --

Bill Morpew: Basically, two that we deal with, the Etnyre and the Roscoe.

Alan Kissinger: Bill, is there any reason on this lease that we would not bid it?

Bill Morpew: That we need it in a emergency, we need it today. If we're going to continue paving, we need it.

Alan Kissinger: We would have to declare it to be an emergency in order not to bid it.

Commissioner Tuley: How fast can you get it?

Bill Morpew: Next week. This company here said that they have one, they have ordered one for their yard and that would be the one that we're getting. It's everything that we would be asking for anyway, with the exception that it would be orange instead of green and they tell me that it's mounted on a '95 Chevrolet truck.

Commissioner Mourdock: How far behind schedule are you at this point?

Bill Morpew: We had to contract today for someone to come spread the tack oil on for us.

Commissioner Tuley: You got behind in June, I would assume, with all the rain?

Bill Morpew: Yes sir, we did, we fell behind from the river going up and down and the couple of bad storms that we had. We need to move.

Commissioner Mourdock: Have you reviewed at all to see what, typically, the bid price for something like this would be? Obviously, if we're looking at declaring an emergency, which to be honest with you, I'm kind of hard pressed to do for this, but if you're saying we must do it because it's an emergency, undoubtedly, the lease arrangement would cost us somewhat more money, leases always do. What is the difference in price?

Bill Morpew: From my understanding, there's no difference in the price. I had been looking at a distributor this morning to try to budget one and buy one next year anyway, and we're looking in the same ballpark as far as pricing goes. As a matter of fact, I had them send me a quote once before and this was on a '94 Chevrolet truck, there's \$3,000.00 difference between the '94 and '95.

Commissioner Tuley: For an outright purchase versus lease?

Bill Morpew: Yes.

Commissioner Mourdock: It's a very unusual situation where you've got a lease that would be the same price as what the overall cost of buying it would be in a bid situation. I don't know, as I said, I don't feel comfortable saying it's an emergency. If you tell me it's an emergency as far as what the productivity is that you need to get done, I guess it is. Alan, did I hear you correctly say the only way you would keep from bidding it is if it is declared an emergency?

Alan Kissinger: Yes, and then ultimately, the possibility exists

that at some point, someone is going to come back to us and say, show us why this was an emergency. The last emergency that we had was the Waterworks Road and that situation obviously was an emergency because of the circumstances that existed and surrounded it. To sit down and take this apart and say, yes, it's definitely an emergency, I can't do that. It does have some earmarking (inaudible). If it is going to cause a public safety situation, hazards where public safety is concerned as far as driving is concerned, if it is going to require closing a road or a street, if going through the bidding process is going to prolong the situation, arguably, it could be an emergency, but I can't sit down and say, give you a definition of this is what constitutes an emergency because every case is going to be considered on it's own merit.

Commissioner Mourdock: The Waterworks Road situation was the one last year when the pipe blew out?

President Borries: Yes.

Commissioner Tuley: How far, Bill, we're in July, how far are you in terms on getting done what was planned?

Bill Morpew: We have a long way to go. Barring any problems, we're going to pave right on through September, and we had to contract a company --

President Borries: Don't you usually go into October, too, unless the weather gets cold?

Bill Morpew: There are times, it's according to how fast we pave and if we've run out of money. With this new paver, actually we're laying the mix down faster and the finished product is better. We've had quite a few compliments on Koressel Road, St. Joe Road and New Harmony Road.

Commissioner Tuley: What did it cost you to rent that thing for the day?

Bill Morpew: I'm not sure, we had called several companies and I had Milton do it actually. I had talked with two and he talked with two, and the only one that we could get down right away is Mesker in Warrick County. There was one that broke down and the other two are busy. There is another company that is interested in giving us a price, but they're busy too.

Commissioner Tuley: Have we got any roads, and don't tell me which ones, but do you have any roads out there that would potentially have to be closed down if we didn't have this for three weeks - four weeks to justify an emergency?

Bill Morpew: I'm going to say it would probably be in the neighborhood of eight to ten weeks before we could get a distributor if we don't get this one. They don't last very long.

Commissioner Mourdock: But are you going to have to close roads?

Bill Morpew: Yes sir. I guess I wouldn't have to close the entire road, we're widening West Terrace Road. Right now, it's four foot wider.

Commissioner Tuley: (Inaudible)

Bill Morpew: It's dirt right now.

President Borries: Is this by West Terrace School?

Bill Morpew: Yes sir, it is.

President Borries: That you've got to get done before school.

Bill Morpew: That we have to get done. I have to get that done before school starts. That road will be eighteen foot wide once we finish it.

Commissioner Tuley: How many days work, would it justify --

Bill Morpew: No, we're only talking one days work with the paver once we had the equipment.

Commissioner Mourdock: I don't know, maybe I'm looking at this at the extreme, I probably am, but I guess the big difference that I see is in the situation which Alan cited with Waterworks Road. When that blew out, you had no other options.

Alan Kissinger: Yes, that's correct.

Commissioner Mourdock: And in this, you always have options, where we are right now, because you're doing it today, and it's hard for me to say emergency. I guess I'd feel more comfortable with this bid.

President Borries: Well, I appreciate what you're saying, but on the other hand, what happens if he can't get that particular piece on a rental on a day to day basis? What, we just stop paving?

Bill Morpew: We would stop paving.

President Borries: I suppose, to answer Commissioner Mourdock's fears, have you explored all the options in terms of making sure that this is the best price and that, in effect, we're not doing anything special for any one particular vendor on this? Maybe if we could get this part, maybe get over this hurdle, I want you to keep paving. I know, sometimes, how this becomes a real nightmare because you get all kinds of people, last year we stopped in the middle of a road and all winter I heard from those residents and I'm sure you did too. So, if we can move forward. Is this, surveying the situation, the best deal in your opinion that we're getting, and we're not doing, in your opinion, and again I would trust you because I know you're a person of integrity, but in your opinion here, there are no other options that you can see at this point?

Bill Morpew: We have talked at the Garage, we have talked about several things. One was putting another motor in that truck.

President Borries: I think with a half a million miles, that's unacceptable.

Bill Morpew: And it's still a two man operation. I was looking at it on the dollar and cents end of it, and in the long run it would be cheaper for us to buy the new equipment and have one man operate it.

President Borries: I agree with all of that.

Commissioner Tuley: I think you want to talk in that direction.

President Borries: No, I'm just looking at the equipment.

Bill Morpew: Yes sir.

Commissioner Tuley: Buying a new, is that, as far as you know or can tell, is that why --

Bill Morpew: From my understanding, and like I said, Pete Kibbee from Southeastern did not return my call, maybe he's out of town. I don't know where he's at, but from my understanding they do not

have one on their lot. If we bid it, they will have to build one, whatever company gets it, whether it be Roscoe, Etnyre or, I don't know of another one. Those are the only two that I know of. Depending on what company would bid it, those same pieces of equipment, I know that the bid process, advertising and everything, it's still going to take quite a while, it would certainly eat up our paving season. It would be late fall or even into the winter before we could actually get the truck.

President Borries: Let me proceed another way. How many vendors do you think there are that make trucks like this?

Bill Morpew: Actually, two vendors.

President Borries: Two vendors? And you've contacted both of them and one of them hadn't returned your call?

Bill Morpew: Yes.

Commissioner Mourdock: Barber-Green doesn't make those?

Bill Morpew: I don't know if they do. I know they make paving equipment.

Commissioner Mourdock: Blaw-Knox?

Bill Morpew: Blaw-Knox doesn't, I know. CMC is the company that we bought our Blaw-Knox paver through and they are also the, they have the Etnyre distributor. Carlisle had a Roscoe distributor, Southeastern has the Etnyre, also. There are two companies that would be bidding the same truck and the Roscoe is more expensive. I have a quote on the Roscoe. It's not much more, it's \$2,000.00 difference between those two trucks.

President Borries: Well, I think as Alan pointed out, emergencies are case by case basis, it's a matter of him continuing the paving at this point or renting it. It's a matter of him exploring all the other vendors or saying that this is the best that he can do, so whatever you feel you want to do then. Certainly on Bill's behalf, I want to say that this is not a normal situation. He doesn't really come and ask for something...Insofar as you, you don't have any personal feeling one way or the other insofar as the --

Bill Morpew: No, before we bought the Blaw-Knox paver, I'd never even met the salesman. I don't know anyone in that company personally.

Commissioner Mourdock: Don't misinterpret my comments in any way, Bill, my concern here are the old words "precedent" and "consistency". To me, an emergency is an emergency. Maybe I can put it in a motion here, if you're ready to go that route, or Pat...

Commissioner Tuley: I think I know where you're headed and I'm afraid I have to agree with you to a certain degree. Yes, we need a piece of equipment, but I'd hate like heck for us to go ahead and declare this an emergency and then have it evaluated by a vendor that says that they weren't given an opportunity to bid and have it ruled that it wasn't an emergency. I don't know...yes, it would be nice and we don't want to stop paving, but does that constitute an emergency? I don't know. That's my concern. I'd hate for it to come back and sting us.

Commissioner Mourdock: And to say what I said a few moments ago, it seems to me, when you have options it's hard to make the emergency argument. Clearly, on Waterworks Road there was no option. The bridge was out and the pipe was blown.

Commissioner Tuley: But it needs to be understood, there's going

to be a lot of roads that won't get paved.

Commissioner Mourdock: I understand.

President Borries: Well, would you want to wait another week until he can examine what's out there in terms of the vendors?

Commissioner Tuley: I'm willing to let him try and if by next week, do we have a --

Bill Morphey: If it would assist, --

President Borries: Because what's going to happen, he's going to end up on a day by day basis trying to get a loaner truck. He'll pave that way in order to keep paving, and I hope he can. Again, we just didn't do a job last year, through private contracts or through our County Highway, we just didn't have the bucks last year to put in our paving program. There have been some years, when you talk about our infrastructure system here of five hundred plus miles, five what, five hundred thirty - five hundred sixty, somewhere in there. We can't even get ten percent a year, some years we're not even getting five miles or more in terms of money. I really have some concerns in terms of moving forward here because we also don't have the luxury, the weather is so crazy. You think summertime, you can always pave, and pave as needed. This summer has been unusually rainy and stormy and everything else. So you really run into some problems.

Commissioner Tuley: Your point is well taken, I don't disagree with what you're saying. Your time on this seat can be short lived if you don't pave your roads and take care of your roads. Your infrastructure can be short lived, too, if we go out there and declare an emergency and it really doesn't constitute one. It costs us a lot of extra money in the end.

President Borries: I'm not advocating we do anything illegal, immoral, I'm only saying that sometimes on a case by case here, there are different kinds of emergencies. I can remember at one time we declared an emergency on a frost free law when we had an unusual thawing after winter and we had to declare an emergency to have some trucks not hit some roads, because it was going to be a marshmallow if we allowed some of them to go on. So, there are times when we've done that. I appreciate your concerns, I'm just playing little devil's advocate here, too, in saying that there is another side and I think Bill is trying to do his job the best he can.

Commissioner Tuley: I'm not questioning Bill's motives whatsoever.

Commissioner Mourdock: I don't disagree with that either.

Commissioner Tuley: Can we do that? Can we just give it one week to see, that way we can declare an emergency if nobody wants to respond...

President Borries: Look at all the other vendors you possibly can, okay? Look at every other option we can do. If we can't, we're either going to bid this thing next week or we'll do an emergency. Is that fair enough with everybody?

Alan Kissinger: I should advise you at this point, if you're going to say let's take another week and look at it, --

President Borries: It's not an emergency?

Alan Kissinger: That mitigates against it being an emergency.

Commissioner Mourdock: And now that it's in the record, it already has.

Alan Kissinger: It is probably appropriate to say it is either an emergency tonight or it definitely will not be next week.

Commissioner Tuley: Well, the question is, and this is why you get paid that money you get paid, if you had to defend this trying to claim this is an emergency, would you feel comfortable doing that?

Alan Kissinger: I wouldn't feel comfortable doing it in consideration of the fact that one of the things you positively have to do is get quotes from all other possible sources within a reasonable amount of time, with the obvious understanding that Bill has made that effort, those quotes are not here.

Commissioner Tuley: So what does that mean in layman's terms?

Alan Kissinger: No, it means no. I will do this, in my opinion, without further information on this issue, this does not constitute an emergency as anticipated by the law.

Bill Morphey: I have another idea. In order to get a distributor regardless of who we get it from, I still need to get money in place. There still would have to be a transfer. I guess we could still put it out for bid knowing in my own mind that Southeastern wouldn't be able to get one for another six months and that this company could. From what he's telling me here, he's going to have one in two weeks. So, even if we put it out for bid, I know that we're going to get this piece of equipment.

Alan Kissinger: The thing is, Bill, if we go through that process we don't have to look over our shoulders, even if that's the only person that has this.

Bill Morphey: It would certainly back us up some. Some things would get paved this year, maybe a couple of roads wouldn't get paved this year, but we would continue on as far as we can.

President Borries: Okay, so we're at a point here then, can we authorize the transfer? We still need to do that.

Commissioner Tuley: I move at this time to authorize Bill to make the transfer request before Council.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

Bill Morphey: Thank you.

President Borries: Maybe if you could do it on a day by day basis, let's do that, and if there's an emergency, just come on back. We'll see what happens here. I appreciate their concerns and again, I don't want to tiptoe here around the law so, we'll do what we can. I know you're under some pressure and feel pressure to move forward on your job.

Bill Morphey: How does that ditch look on Beatty Lane?

Commissioner Mourdock: It looks like it ought to drain.

Commissioner Tuley: Rather quickly, even.

Bill Morphey: They had wanted us to plant crown vetch out there or seed and straw. I, myself, thought it was a nice clean ditch once we got finished with it and I told the lady that we don't do that as a rule.

Commissioner Tuley: I don't understand why somebody would want seed in there when they have to go in there and cut.

Bill Morphey: Eventually, there is going to be some silt in there and grass would grow.

Commissioner Tuley: I mean, it would come back to where you are, when you did that. That's exactly what's going to happen again down the road.

Bill Morphey: The problem with the ditch to begin with, it had silted in, it was full and up the road from that, she didn't take a picture of that particular area, but the shoulder was washing out and it was starting to damage the road there and we've repaired that little area. But my personal opinion, I thought it was a nice looking ditch.

Commissioner Mourdock: Looks like it to me.

Commissioner Tuley: It's nice and even, and somebody did a good job on that bucket --

Bill Morphey: Yes, he did. Harry Woods* did that ditch. (*Per Bill Morphey this work was actually performed by Harold Stuckey)

President Borries: Thank you.

Bill Morphey: Sure.

Commissioner Tuley: Bill, one thing before...I'm thinking it's at Millersburg and Green River, as you're headed east across Millersburg, it's the intersection with Green River Road. I think there's a big pothole right there off the edge of the road as of last week.

Bill Morphey: Okay.

Commissioner Tuley: I'm trying to think, that's the way I cut across there, if you could get a patching crew out there and look at it.

Bill Morphey: I'll do it.

Commissioner Mourdock: One other one too, here. I've got one, I think one was an emergency now that I think of it. Some folks that live on Rodenberg called me, and apparently there was a utility put down through the road in that area where they did a --

Bill Morphey: A water line?

Commissioner Mourdock: Yeah, right. It was actually within the pavement and they were just calling to see when that's going to be paved, so...you can let me know and I'll get back to them.

Bill Morphey: The water company contracts that out and I believe, I don't know if it's the Koester Company or Rudolph that has the contract this year, but I don't think Jerry David does, to do the patching of the water lines.

Commissioner Mourdock: Not a county matter?

President Borries: No, Waterworks does their own contracts, Sigeco usually does, too. Those are our two big culprits. I know we've paved a few roads and then Waterworks will come in. We try to coordinate that, but you can't ever anticipate when you're going to have a road finished and then there's more building goes on. It's unfortunate, but it just happens. Thanks, Bill.

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: I've got several Council Call requests that I've already filed just like Cindy had said earlier that I need to get approval on.

President Borries: Is this on your consent agenda?

John Stoll: No, this is different. I'd like to transfer \$11,000.00 from Baseline Road to Contractual. That will just put some money back in that account to cover bills associated with routine culvert replacements. Since the Browning Road Bridge was paid out of the account, it pretty much depleted that line item quite a bit. I'd like to transfer \$3,500.00 from Lenn Road, these are both in Cum Bridge, to Engineering Equipment. We want to buy a new computer to run Auto Cad Thirteen and a new release of the design software called Eagle Point. We need more Ram, we need a CD, and a larger monitor and with all those combined, basically, it didn't pay to just upgrade an existing computer, it was just as cheap to get another one. I'd like to transfer \$5,000.00 from Baseline Road to Motor Vehicles. I'd like to purchase a vehicle, it's off a state bid. It would be a Cavalier. The purchase price is \$11,553.00. It would replace a 1990 Caprice Classic that's got 220,000 miles. It was one of the Sheriff's Department hand-me-downs that's been handed down to the Garage and then the Garage handed it down to us.

Commissioner Tuley: How many miles?

John Stoll: 220,000.

Commissioner Mourdock: It's only half used.

John Stoll: I'd also like to appropriate \$10,000.00 to the Eickhoff Bridge Account. This would be to replace six beams on that bridge that were slated as needing replaced in the last bridge inspection report and I'd like to appropriate \$2,100.00 in the Green River Rd. Road & Street Account. This would cover the relocation of an Ameritech Cable that's out in the intersection of Theater and Green River that was not relocated as a part of the North Green River Road widening project that should have been relocated in order to clear up parcel of right-of-way.

President Borries: Okay, is that all of yours?

John Stoll: That's all five of them.

President Borries: May I have a motion to approve those?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: Next, I've got a change order for the Browning Road Bridge project. This is basically a change order finalizing the contract. We had some small underruns and overruns, but the overall, net result was that it's a decrease of \$1,054.72 and I recommend that the change order be approved.

Commissioner Tuley: So moved.

President Borries: Second. Oops, I'm sorry, I'm so happy that we got a decrease there --

Commissioner Mourdock: So ordered.

President Borries: That's right, I don't care who so orders that one. I like those!

Commissioner Tuley: You don't get that chance very often.

John Stoll: Next, on the EARC Parking Garage Deck contract, we entered into a contract on, it was awarded on May 16 to Western

Waterproofing, and as of yet, the contractor has yet to start the contract. The completion date was June 30 and here it is twenty-four days after the completion date and the work has not yet been started. I'd like to recommend that the contract be terminated and we re-bid it.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: Next, a couple of weeks ago when Lynn Ellis was here from Purchasing, she had requested approval to advertise for annual bids for soil testing for Road and Bridge contracts. As of yet we haven't been able to get a good set of specs written on that and I just wanted to let you know that has been postponed. Once we get a decent set of specs to advertise, then we could move ahead with that again. And the final thing is, on the consent agenda, you'll see two claims going to INDOT that total \$800,000.00. That is a repayment of the two year interest free loan that we took out from the INDOT Distressed Road Fund two years ago in conjunction with paying the local match on the Lynch Road project. I just wanted to make you aware of it since it was such a large sum, what we were paying for there. That's all I have unless you have any questions.

President Borries: Any questions of John?

Commissioner Tuley: No.

Commissioner Mourdock: None here.

President Borries: Thanks, John.

RE: CONSENT ITEMS

President Borries: We're now into consent, we have items there for your review. May I have --

Commissioner Tuley: What is this 144 Form?

President Borries: Basically, the 144 is really the salary requests from each of the various departments that are going to go to the County Council. These are in line with what has been suggested as a 3% increase. It indicates that they're all --

Commissioner Tuley: I can see now why we only have one copy.

President Borries: Yes, so that's what they are.

Commissioner Tuley: Okay. I'll move the consent items be approved.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

RE: SCHEDULED MEETINGS

President Borries: Scheduled meetings, there is an attached list here. Real quickly, I just want to call attention, I think there is one other meeting. In my absence I know that this Board, the other two Commissioners, have gone ahead and formed the committee that will review these duly emerging county welfare guidelines or situation, or whatever we're having. I think Commissioner Mourdock indicated that he will be attending that, that you all had put that in place and that meeting will be this Wednesday. Am I correct, at what, 6:00?

Commissioner Mourdock: 6:00.

President Borries: Okay, it will be here or...

Commissioner Mourdock: I believe so.

Commissioner Tuley: Are either one of you going to that August 10 meeting?

Commissioner Mourdock: No, in fact, I was going to bring that up at that meeting and bring it up under new business here, but as long as we're on that subject. Apparently, you received, I would presume, the information from the Indiana Association of County Commissioners where they're having a training seminar on August 10 regarding the Reformed Welfare Act, Senate Enrolled Act 478. I'm not planning on attending but perhaps we would want to consider, and I will present this to the group on Wednesday, if there is someone from there who would want to go, perhaps we can do that under our budget.

Commissioner Tuley: That letter down there explains that can be paid out of that --

President Borries: \$5,000.

Commissioner Tuley: I probably, at this point in time, barring anything coming up, I think I plan to attend.

President Borries: I may be able to, I don't know for sure yet. I know that week I still have some time, so I may. There's a good possibility.

Commissioner Mourdock: Before we leave this, my thought was perhaps someone from that committee itself would be appropriate to go, so with your permission I'll go ahead and present this to them as something that if we can get one or two of them, perhaps, to go too, I think it would help.

President Borries: Yes, good.

RE: OLD BUSINESS

President Borries: Any old business at this time?

Commissioner Mourdock: I have a couple of things. I don't know if it's old business or new business. Obviously, again, we didn't meet last week and Cindy, we had a note here from you regarding the appointment to the Redevelopment Commission. Is there anything new on that or is that something that we need to do?

Cindy Mayo: Just that you do need to do that. Mike Robling had called the office and said that there is a vacancy that has not been filled and it's your appointment.

Commissioner Mourdock: Is that an appointment that is defined by some set of criteria?

Cindy Mayo: I'm sorry, I don't know.

Commissioner Tuley: Can you find out?

Cindy Mayo: Yes.

Commissioner Mourdock: We can do that one next week, I guess.

RE: NEW BUSINESS

President Borries: New business?

Commissioner Mourdock: I just happen to have some new business. There was an appointment to the Levee Department that we needed to make, I believe by the end of June and somehow this one slipped by us. So, I would like to recommend the appointment of Marsh Vandusen to the Levee Department. He's served there for fifteen years and is willing to continue serving.

Commissioner Tuley: I will second.

President Borries: So ordered.

Commissioner Mourdock: The second item regarding Community Corrections, I just want to go on record here, is the lease coming up over at that facility and we do need to make sure we get that scheduled, have some more discussions regarding how that lease is handled.

Commissioner Tuley: Is that a letter with --

Commissioner Mourdock: It was just a letter making me aware that date was coming up. I'll make you a copy if you want.

President Borries: Anything else?

Commissioner Tuley: No, the only new business I had was that appointment and he's already taken care of it, so --

President Borries: Okay. We have a Drainage Board. We have all the major players here and participants in the audience and so, it looks like a formidable schedule, but I know that Mr. Jeffers will roll right on through this. So if there's no other business, we're adjourned.


Meeting adjourned at 7:45 p.m.

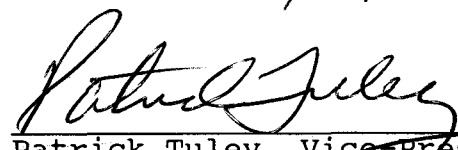
THOSE IN ATTENDANCE

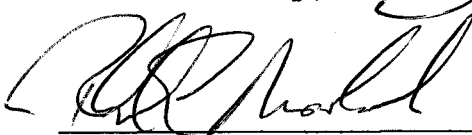
Richard J. Borries
Richard E. Mourdock
Alan Kissinger
Teri Lukeman
Bill Morphew

Patrick Tuley
William Fluty
Cindy Mayo
Stephen Myers
John Stoll

VANDERBURGH COUNTY BOARD OF COMMISSIONERS


Richard J. Borries, President


Patrick Tuley, Vice President


Richard E. Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

JULY 31, 1995

TABLE OF CONTENTS

Introductions & Pledge of Allegiance.....	1
Approval of Minutes.....	1
Action Items.....	1
Phil Lieberman - Lieberman & Associates..... Software Contract	2
Harris Howerton - Executive Director County Corrections..... Approval for Juvenile Division Grant Amendment for fiscal year 1995/96	3
Lynn Ellis - Purchasing..... Retubing boiler for Vanderburgh Auditorium	4
Keith Rounder - County Attorney.....	4
Cindy Mayo - Superintendent of County Buildings..... Quit claim deeds for Habitat 1994 surplus properties	4
Milton Hayden - County Highway/Garage..... Highway & Bridge Crew Progress Report July 21 through July 27, 1995 Paving update	5
John Stoll - County Engineer..... Request for storm sewer acceptance in Ryan Commercial Park Request for storm sewer acceptance in Oak View Place II, Section B Change order for Burkhardt Road overlay project at Colum- bia St. Street plans for Belle Court Drive Notice to Bidders for EARC Parking Garage Deck Repairs VC95-08-01	6
Consent Items..... Employment changes	10
Scheduled Meetings..... Welfare Reform Committee regular meeting time set County Council Budget Hearings	10
Old Business..... Hillcrest Washington Contract Attendance to the IACC	11
New Business..... Authorize Dennis Feldhaus to present projected medical benefits comparison to County Council Appoint County Assessor to Computer Board Commissioner Mourdock to go before County Council re- garding Teamster contract at County Corrections facility Letter to IACC for information on hiring a full-time Coun- ty Administrator Appoint licensed hydrologist for review of BFI Laubscher Meadows expansion Request County Council to consider paying 3% PERF instead of a 3% raise	13
Adjournment.....	17

The Vanderburgh County Board of Commissioners met in session at 5:35 p.m. on Monday, July 31, 1995 in the Commissioner's Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Good evening, everyone. Welcome to the July 31, 1995 meeting of the Vanderburgh County Commission. In attendance I think we have some visitors so we will quickly give our introductions at this point. To my far right is:

Cindy Mayo, Superintendent of County Buildings
Keith Rounder, County Attorney
Pat Tuley, County Commissioner
Rick Borries, County Commissioner
Richard Mourdock, County Commissioner
Suzanne Crouch, County Auditor
Teri Lukeman, Official Recording Secretary

Would you join us please for the Pledge of Allegiance?

We always have those little bugs that are crawling around in our sound system which are really humming tonight. It sounds particularly annoying so we'll try to proceed quickly here through our agenda this evening.

RE: ACTION ITEMS

President Borries: We have minutes from our last meeting which was on July 24. Is the Board ready to approve those this evening?

Commissioner Mourdock: I have one minor correction. Where we were talking of the distributor for the asphalt, on page 19 I read where Pat, in response to one of my comments said "I'm thinking over your head". I think what that actually was "I see where you're headed." So it's not that I don't think you're quite capable and quite regularly think over my head, but that's one minor correction. Other than that, I have no corrections.

President Borries: I think that is the way it sounds, you're right.

Commissioner Tuley: I think your interpretation is probably closest to being correct on what those minutes are.

President Borries: Where was it?

Commissioner Mourdock: It was on page nineteen.

President Borries: I love to do these by hand.

Commissioner Tuley: I need to sit up and get closer to the microphone.

President Borries: My favorite was, and it was a real educational experience for me, I may have mentioned this before about one time we were talking about a lake out in McCutchanville. They kept talking and went on and through the minutes, later, it came up sometime that we were talking about a toad ring and I kept thinking, man, what was this? What was this toad? It was T-O-A-D R-I-N-G. It read toad ring around this lake and I thought, man, what was this? Well, it was a toe drain, T-O-E D-R-A-I-N and I tell you, I never did get that. It took a long time to figure all that out, that toad ring. It's hard and, again, I always want to compliment Mrs. Lukeman because it is extremely difficult to literally transcribe these word for word. It's an exhausting process really. Do you get that little buzz in there too? Does all this come through like that?

Teri Lukeman: Yes, it comes and goes.

President Borries: Oh, man.

Commissioner Mourdock: Migraine time.

President Borries: Yes! With the correction that Commissioner Mourdock has made, we did move for approval?

Commissioner Mourdock: Yes, I'll move for approval.

Commissioner Tuley: I will second.

President Borries: So ordered. Are there any persons here who do not see his or her item on the agenda who would wish to address the Board at this point?

RE: PHIL LIEBERMAN - LIEBERMAN & ASSOCIATES

President Borries: Phil Lieberman is here, Lieberman & Associates regarding a contract. Phil, would you come before the...

Phil Lieberman: My name is Phil Lieberman. I'm president of Philip Lieberman & Associates, Inc. Attached to this packet I've just given you is a letter that I wrote to Mr. Borries a few weeks ago asking for a change in a contract that my company and the county negotiated a few years ago, and also attached is a copy of that contract. Highlighted on that contract are two items, numbers nine and ten. We developed the software package for the Prosecutor's Office a few years ago and we planned to sell that package. As part of the contract, we told the county that we would give the county \$500.00 for every package that we sold. We felt that was an appropriate amount and we would make some money, both us and the county, because over half of the counties in Indiana use the same computer system that the Prosecutor's Office used. As we did more market research and tried for a few years, we found there was a lot of politics and other items involved and didn't make any sales. So, we've done some more market research and have taken a different approach. We put the package on a PC as opposed to the county's larger computer and we're going to sell this package now for \$1,495.00 and because of that, we would like to have the county reduce the amount of money that we have to pay the county from \$500.00 to \$125.00. It's beneficial for the county to accept this change because one, we think, because of our marketing, we've already been to a Prosecutor's conference in French Lick a couple of weeks ago, there is a demand for this package at this price. So number one is, the county would actually receive some money we feel. Number two, according to the contract, any enhancements we make to the package, the County Prosecutor's Office will receive free. So as we sell more products, there will be more enhancements made because people will use it more, and that will benefit the Prosecutor's Office. The Prosecutor's Office and the Data Board have been informed of this request and, therefore, number eight on this list here is that we ask that you allow a change of the original contract with the amount that Lieberman & Associates pays to the county be changed from \$500.00 to \$125.00.

President Borries: I'm sorry. I'm glad you're here, I don't know if I had gotten back to you. We have a routing system and we handle so much mail. I did get this distributed to the other Commissioners and then I was out of town for a while. So, I'm sorry if I didn't get back to you. I apologize. Any questions of Mr. Lieberman on this?

Commissioner Mourdock: I hadn't seen the letter of understanding that was, I don't know that it's dated...yeah, March 30, 1992. Just so I know, and it's probably in here, how is the reporting procedure done? How do we know when you sell these copies?

Phil Lieberman: We will tell you. There's not a formal procedure set up. The Prosecutor's Office here will hear about it when we make a sale because we are using them as a demo site and we're using one of their people. We pay one of their people to help

debug the system. So I guess that Stan Levco's office will hear when we make a sale, because the prosecutors talk about this among each other. There's no official reporting system. It's just a matter of, when we make a sale, we'll tell you and write you a check.

Commissioner Mourdock: Is there a chance that this system will be used outside of Indiana?

Phil Lieberman: Yes. We don't have any sales outside of Indiana. We are talking to a state, one of the Carolina's. I can't remember which one, but it's a long process. Here we are two years later and we haven't made a sale, so it's a real long process. If we do make a sale outside of Indiana, you're not entitled to any of that revenue according to the contract. The contract states sales within Indiana.

Commissioner Mourdock: I see.

Phil Lieberman: We do feel like we will make a number of sales in Indiana at this price.

Commissioner Mourdock: I just now caught the language in item nine, "As compensation for being the "guinea pig" first user for this system".

President Borries: Okay? May I have a motion to approve this contract to reflect the \$125.00 fee that Mr. Lieberman has suggested?

Commissioner Tuley: So moved.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

Phil Lieberman: Thank you.

President Borries: Do you have a copy, Phil, of the contract? Do we need to...

Commissioner Mourdock: Yeah, we'll need to write up something to modify this.

President Borries: What we'll do is just --

Phil Lieberman: I gave a copy of the contract to you. That is the contract. So are you saying there needs to be a new contract?

President Borries: No, all we want is just one that puts \$125.00 instead of \$500.00 and then we'll enter it in for the record because Suzanne Crouch, our County Auditor, will have to do that.

Phil Lieberman: Okay, I don't have --

President Borries: No problem, just bring it up and, in fact, if you'd take it to the Auditor...well, what would be the best, up here for us to sign?

Suzanne Crouch: Yes, I think so.

Phil Lieberman: I'll have it delivered tomorrow.

President Borries: Great. Thank you, sir.

**RE: HARRIS HOWERTON - EXECUTIVE DIRECTOR VANDERBURGH COUNTY
CORRECTIONS**

President Borries: Harris Howerton, I don't believe is here

because he met with each one of the Commissioners individually. What he wanted was approval of a grant amendment. It is routine. There is no increase in state funding, it's the same contract that we have always approved. Let me just quickly read this into the record. Basically, it says that the County Corrections, Community Corrections Advisory Board met. Judge Robert Lensing, Superior Court Juvenile Division Judge, presented an amendment to the grant plan for continued service to juveniles of Vanderburgh County by unanimous vote. The grant amendment was approved. It goes on then and it says that the grant amendment will, for '95 - '96, amount to \$142,836.00 and that's what we're approving this evening. So there is basically no change on that.

Commissioner Mourdock: As you mentioned, it was presented to me. I have no particular problem with it so I'll make the motion that we accept the grant application as submitted by County Corrections.

Commissioner Tuley: I will second.

President Borries: So ordered.

Commissioner Tuley: You did say it was approved by the Community Corrections Board?

President Borries: Yes, unanimously approved by the Community Corrections Board.

RE: LYNN ELLIS - PURCHASING

President Borries: Lynn Ellis is not here but there is a memo, let me see. She is asking to approve the request for proposals for engineering service to retube the boiler at the Vanderburgh Auditorium.

Cindy Mayo: Lynn was on vacation last week and she did ask that it come up this week so she could speak on it. She still was going to have some information, and I think with her not being back at this meeting...

President Borries: We should delay this?

Cindy Mayo: Delay it.

President Borries: No problem. Thank you, ma'am.

RE: KEITH ROUNDER FOR ALAN KISSINGER - COUNTY ATTORNEY

President Borries: Alan Kissinger is on vacation. He is not here today. Is he gone next week as well?

Commissioner Tuley: Yes.

President Borries: I believe he will also be gone out of the city next week as well. Again, he have Mr. Keith Rounder with us today serving as County Attorney. Keith, any report from you?

Keith Rounder: No. No report.

President Borries: Thank you. It's good to have you, and it's good to have that report as well.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: The only thing that I have are the quit claim deeds that I mentioned last week for Habitat, they did purchase the 1994 surplus properties. It's been reviewed by the County Attorney and seems to be in order. The only thing, Teri, after this is signed, I do not have a copy of the exempt form with that, so I will get a copy from your office and fill that out. So if you want to hold up

until I get those done, I'll get that done and I apologize. I don't know how many pieces there are. There are eight deeds, there actually were ten that they purchased but there are two of them that they gave a legal description of there was a problem on and I pulled those. So there are only eight to be approved tonight.

President Borries: Okay, these are eight quit claim deeds that Mrs. Mayo has reviewed and they are ready to be signed. Is that correct?

Cindy Mayo: Yes.

Commissioner Mourdock: And these are from the '93 --

Cindy Mayo: '94.

President Borries: '94, not the infamous '93. May I have approval to sign these?

Commissioner Tuley: So moved.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

Cindy Mayo: That's all I have.

President Borries: Thank you.

RE: MILTON HAYDEN FOR BILL MORPHEW - COUNTY HIGHWAY/GARAGE

President Borries: Bill Morphey is also on vacation this week. In his place is County Garage Assistant Superintendent Milton Hayden. Again, the record will show that the County Highway Department submitted a progress report for the dates of Friday, July 21 through Thursday, July 27 and there is also an additional report by the Bridge Crew for those same dates. They show work done in all parts of the county. These will be part of our official record. Milton, give us an update if you can on where you're paving and what the status is of that particular part of the operation here.

Milton Hayden: We're paving now at Old Green River Road. They finished the base today and we'll continue on the surface tomorrow, and from there I think we are moving to Eastview which is off of Oak Hill. We're going to do the small roads in that area. So far, I think the paving crew is doing an exceptional job with the weather the way it is and believe me, I want to pat them on the back myself because they do an excellent job.

Commissioner Mourdock: Last week, Bill Morphey was speaking to us about the distributor that failed. What is the latest on that? I heard there was a new engine put in it?

Milton Hayden: We put in an engine out of an older truck that we had which was already down. We pulled the engine and we put that engine in and did a few repairs on it. We have to baby it because it's a 1948 distributor and we're doing the best we can with it. Actually, we need one badly. It's not going to last very long.

President Borries: Where did we end at last week?

Commissioner Mourdock: Where we ended last week, we talked about...what did we do? He was looking to see if we could go ahead and bid it, and then if we did get the bids done, basically, instead of doing it on an emergency basis as he originally discussed, that we could go ahead and get the bid done and proceed on that way.

President Borries: Okay, so we are going to work on it, but we had

to backtrack a bit because of our obligations here in the bidding process. So we're working on that.

Milton Hayden: Thank you very much.

Commissioner Mourdock: Baby it a little longer.

Milton Hayden: At least we hope it won't be another year.

Commissioner Tuley: Oh, no.

President Borries: No, I think we can get to work on that. Any other questions of Milton?

Commissioner Tuley: No.

Commissioner Mourdock: No.

President Borries: Thank you, sir, and again, with good thoughts on the guys out there in that 95° heat.

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: First, I've got a request for storm sewer acceptance in Ryan Commercial Park. This storm sewer was installed six years ago and I had sent you all a memo on this in the past. Dick Reinhardt had requested we accept those storm sewers back last November and these all go through an easement on private property. It took us a while to research everything down and we had a lot of correspondence back and forth, but basically, now it's down to Dick is just requesting that we accept the storm sewers within his subdivision, not the off site storm sewers. It comes to the 438 linear feet of 24" pipe and 426 feet of 27" pipe and this would be at the old acceptance rate of \$.50 a linear foot since this request came in prior to the new drainage ordinance. The storm sewers have been inspected and everything is still in good shape, so I recommend that they be accepted.

President Borries: Okay. Questions? Move for approval?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: This next acceptance comes from Jim Fuquay with Fuquay Construction. He's requesting that we accept 150 linear feet of 21" concrete pipe in Oak View Place Subdivision, Section B. It's also been inspected, it's the pipe that lies in the easement where the house encroached on the easement. I don't know if you remember all that from last fall.

President Borries: Oh yeah.

John Stoll: This is the pipe and basically, everything is okay on that as well even though it was constructed several years back. It's been inspected and everything is okay. I recommend that it be accepted as well. This would be at the \$2.00 per foot fee since the acceptance was just received last week.

President Borries: Motion for approval if there are not any questions?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: Next, I have a change order for the Burkhardt Road overlay project out at Columbia Street. This change order results in an increase of \$4,199.00. We had underruns in a 12" concrete pipe manhole, pipe end sections and striping, and we had an increase in asphalt and that's what made up the overall total of \$4,199.00. I recommend the change order be approved.

Commissioner Tuley: (Inaudible)

John Stoll: That's with Law Construction.

President Borries: Motion to approve?

Commissioner Tuley: You said you recommend it be approved?

John Stoll: Yes.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: Next, I've got street plans for Belle Court Drive, it's in Belle Court Subdivision. This is off Baehl Road up off of Highway 65. This would be an eighteen foot gravel road. It will be privately maintained. I'm just bringing this to your attention since it is within a public right-of-way. It'll tie into Baehl Road and it will be a 24" pipe running underneath this road at Baehl Road, but it's privately maintained and the plans are okay. I recommend that it be approved.

Commissioner Tuley: Isn't this a two or five lot sub?

John Stoll: Right, this is a minor --

President Borries: Tell me again on how much right-of-way we have in there.

John Stoll: It should be, I don't remember if it's forty or fifty feet.

President Borries: Okay.

John Stoll: (Inaudible) required to have forty feet (inaudible).

Commissioner Mourdock: But our normal county standard for the road to be twenty-four feet, but since this is privately maintained it's eighteen?

John Stoll: Right. Since, basically, we just looked for enough to have two cars to be able to pass side by side so it doesn't become a safety problem, but since they're going to maintain it, they would probably maintain eighteen feet or less regardless of what we approve right now.

Commissioner Mourdock: And does it connect anything on what I presume is the (inaudible) for the south end?

John Stoll: The right-of-way extends to the south property line for future extension so if somebody does want to develop the property south of there, then they could improve this road and extend it to provide access to future lots. But as it stands now, it's a separate property owner and they have alternate access so it was just stubbed out there as another way of getting into that property.

Commissioner Mourdock: Okay. And as Rick's question anticipated, since we've got sixty feet of right-of-way out there, if that did

happen, we're in good shape?

President Borries: Yes, that was my only question, and it does say for the record that at the owner's request, the maintenance for the responsibility of Belle Court Drive shall remain private for the present time.

John Stoll: They would have to bring it up to standards --

President Borries: There have been situations as you know many years earlier when sometimes we come back, if it's a private drive we're asked to accept it and we don't have enough right-of-way. That's my big concern. If they're going to maintain it and you say it's okay, why that's fine at this point. And again, in future times as it changes or it could change, as long as we can get in there and do something, then we would be all right. Motion to approve?

Commissioner Mourdock: I'll move acceptance of the Belle Court Subdivision Street plans as recommended by the County Engineer.

Commissioner Tuley: Second.

President Borries: So ordered.

Commissioner Mourdock: Sometimes we even accepted them when we didn't have (inaudible) right-of-way as in the case a few weeks ago.

President Borries: Miracle of all miracles, it quit!

Commissioner Mourdock: What happened?

President Borries: The bugs left! I don't know, whatever you hit down there, it quit. John, would you please stand there for the rest of the meeting? Oh man.

Unidentified: He is the County Engineer.

President Borries: That's right, we can order him them, he is the County Engineer. Magic!

Commissioner Mourdock: The only thing is, now he hears Channel 14 in his ears!

President Borries: Magic! That's wonderful. Thank you, John, for whatever you did. That may have been the biggest thing you've done all day.

John Stoll: We'd still have to go to Council and I'd get shot down.

Commissioner Mourdock: Depends on the shape of their sound system.

President Borries: That's right.

John Stoll: The final item I've got is the Notice to Bidders on the EARC Roof.

President Borries: Is that the same thing we did before?

John Stoll: After the contract was terminated last week, I sent the letter to the contractor and he said there was a misunderstanding on what had happened, on why we hadn't had any correspondence from them or any communication from them on this. I had sent them a letter saying that their system that they had proposed did not meet the specs of the contract. In reviewing the stuff that they had sent me, it does meet it but it took them three weeks to get something back from the manufacturer that indicated

that it did meet the specifications. So I asked him why, if it was something that simple, why they didn't call me and just tell me that that's what they were waiting on. He said that was just a lack of communication on their part. As that conversation went on, he had asked if the contract could be reinstated and I said that's up to the Commissioners and basically, that's where it stood. I tried to get in touch with each of you and as of today, well I hadn't had a chance to talk with all of you. I spoke with Pat last week, but that's been it. Anyway, he had asked that it be reinstated. They are now claiming they can do the job in three weeks rather than four to six. The only thing we gain is saving time if the contract were to be reinstated, but that's if they do it in the three week time frame like they claim they can now.

President Borries: Did we talk about any penalties attached?

John Stoll: As far as if it was reinstated?

President Borries: Well yeah, I mean...

John Stoll: Pat and I talked about it, if they wanted to do that, I think the penalty should probably be doubled if they don't meet it. We can re-bid it just as easily.

President Borries: Is that your recommendation at this point, to re-bid it?

John Stoll: It's ready to re-bid. It's a hassle to re-bid, like I told you before. The roofing systems are not our expertise, so in that respect, it's not something I really want to do. But probably, as far as the way this contract has gone at this point, that's probably our best option.

Commissioner Mourdock: Just to clarify something, though, when we were giving them notice that we were going to terminate the contract, part of our rationale was not simply that the product that they had didn't meet specs. Part of it, at least in my mind the largest part of the rationale was that the completion date for the project had passed and they hadn't even started.

John Stoll: That was with the three week time frame and their response to my letter. I had sent them a letter saying supply me with something that shows that your product meets specs. That was sent on June 27 and I didn't receive anything back from them that indicated that their original proposal did meet the specs until July 17. During that time frame was when the original completion date came around and they're saying that I held them up which is somewhat true, but then again, all it took was a phone call to tell me that they were waiting on something from the manufacturer. That only goes so far. I told him I would run it past you to see if you wanted to reinstate it, but at this point the specs are re-written and ready to go.

Commissioner Mourdock: I think the suggestion that we somehow double penalize or whatever, I don't know if that would necessarily be, even if we wanted to, I don't think that would be in line with the original contract which might give us trouble down the road.

John Stoll: I hadn't had a chance to talk it over with Alan either to find out whether this was at all possible. He got out of town before I was able to run it past him.

Commissioner Mourdock: So officially, you're here asking us if we want to go ahead with, as we started last week, which was to do the advertising for the bid for the work?

John Stoll: Right, to re-bid it and just as was planned last Monday.

Commissioner Mourdock: I will make a motion that we go ahead and issue the Notice to Bidders for VC95-08-01 for the EARC Parking Garage Deck Repairs.

Commissioner Tuley: Second.

President Borries: So ordered.

John Stoll: That's all I have.

President Borries: Okay. Any questions of John? Thanks, John.

RE: CONSENT ITEMS

President Borries: We're into consent items.

Commissioner Tuley: Seeing as there are so many, I move they be approved.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

RE: SCHEDULED MEETINGS

President Borries: There is a list of scheduled meetings attached and we're now under old business.

Commissioner Mourdock: Before we leave the scheduled meetings, and I don't know if this is necessarily pertinent, but we might want to add it here. The Welfare Reform Committee that was appointed from this Board has set as their regular meeting time 5:00 on Wednesday at the...where are they? Gary Heck works in which building, the old --

President Borries: Junior Achievement?

Commissioner Mourdock: Yeah, there in the Old Post Office --

President Borries: No, where are they? Junior Achievement, I think, is over here in maybe the Walnut Center?

Commissioner Mourdock: That's not where they are. Anyhow, since we don't have the place, maybe it's a moot point, but if anyone is interested we certainly will get that squared up as to where the location is, but if you want to add that, it's 5:00 each Wednesday.

President Borries: Okay. Are they going to meet every Wednesday?

Commissioner Mourdock: Yes.

President Borries: And for the record, you did attend and they did have their initial meeting?

Commissioner Mourdock: I did attend, they had their initial organizational meeting and I'm very impressed with the group. We've got some good people in there who want to make this new system, whatever that means, work and I think they're going to do a good job for us.

President Borries: Okay, good. Great.

Janet Watkins: Janet Watkins, United We Stand, 7907 Peach Blossom Lane. My question is on your calendar of events. Do the budget hearings start at 8:00 or 9:00?

Suzanne Crouch: 9:00.

Janet Watkins: They do start at 9:00?

Suzanne Crouch: Yes.

Janet Watkins: Okay. Thank you very much.

President Borries: And they begin, is that tomorrow?

Suzanne Crouch: Yes, tomorrow.

President Borries: I believe our budget is heard Wednesday. Am I correct on that, I think? 1:00, I think. Somewhere in there.

Suzanne Crouch: No, it's in the morning.

Commissioner Tuley: I think it's in the morning.

Suzanne Crouch: It's in the afternoon next week.

President Borries: Oh man, so what time is it on Wednesday?

Suzanne Crouch: Nine till noon.

President Borries: But there's going to be other budgets in there besides just the Commissioner's?

Suzanne Crouch: That's right. You might check with Sandie Deig and maybe she can put you all first or last if that fits your schedule better.

President Borries: Okay.

Commissioner Mourdock: How do we normally proceed with that? This is my first time through that. Normally, does the president of the Commission appear?

President Borries: Yeah, but that's certainly...

Commissioner Tuley: You're more than welcome to come get chewed on too if you want.

President Borries: Yes. They will normally, on the first go around, ask more questions about the specific line items and then it pretty well then begins to get into a formality where they just start going through line by line item and plugging in numbers and it's pretty, at that point, you've got to really kind of watch. It's almost like a roster. So, they'll ask more questions about our budget. I think we do not have anything unusual about our budget, but if, you know, please feel free to come and participate if you wish to do so. That's why I was asking. I had made a 10:00 appointment with a person who said she was going to write an article or something on downtown and I may need to call to find out what's going on with our budget. So, I'll do that.

RE: OLD BUSINESS

President Borries: Hillcrest Washington Contract. This is, if the Commissioners are ready to approve, is ready for approval. It is, I think, essentially the same contract with one change that, individually I think, when we had reviewed had expressed a bit of concern. What it does is essentially formalize, continue the relationship that we've had with the Hillcrest Washington Children's Home and the Southwest Indiana Mental Health Foundation. The change is on page 3, there will be a cap of 5% on any CPI adjustment that would be requested at the Hillcrest Washington Children's Home. They have, to my knowledge, not requested above that, but frankly, from the county's financial standpoint, we wouldn't be able to approve, I wouldn't think, anything above that. Anyway, that cap is in there and I think the rest of the contract

is the same.

Commissioner Mourdock: Last week, I asked a question about this and I guess I had a couple of concerns. Number one was just to make sure that the funding mechanism was in place for this, and Suzanne, it's there?

Suzanne Crouch: Yes.

Commissioner Mourdock: How does that work as far as the CPI then, as far as budgeting for that?

Suzanne Crouch: As I understand it and Cindy might be able to elaborate on this better than I, actually, the budget is set in and then next year, historically, the Commissioners have to go back to Council when they find out what that CPI is and request those additional monies.

President Borries: Yes.

Commissioner Mourdock: And I know these things, especially when there's a re-negotiation of contracts, start months in advance, so this may have happened prior to me coming on board, but did we bid this item as far as having someone else to take a look at this, or how does that work?

President Borries: Alan Kissinger had said that we could extend this contract with the home if we chose to do so and I think that was done last year, I want to say, that we had reviewed that request. Am I correct on that?

Commissioner Tuley: That sounds right, if I remember correctly.

President Borries: This was initially bid and there were several different groups who at one time had entered into the bidding at that time. They had indicated to the Southwest Indiana Mental Health Foundation that they would be willing to continue this. Mr. Kissinger had reviewed this and said that we were willing to do so for the length of that contract and that would go to...the amended agreement could be through, I guess it would be four years to December 31, 1999.

Commissioner Mourdock: So it wasn't bid last year, it was originally, and then last year I guess you decided not to bid it.

President Borries: Yes. And I should say, this thing is based on a formula here, where the county actually receives money back from the Foundation. We get pretty sizable checks back.

Suzanne Crouch: About \$650,000 at the close of the year.

President Borries: Yes, so any increase in terms of, I think what they're talking about here would be like per diem payments and that type of thing and we do recoup a sizable amount of money back from them for their services. I might add this was drastically different than under the old operation when "the county operated it" when there was a huge amount of money, frankly, over a \$1,000,000.00 I can remember, at one point expended. This was probably the one sacred part that the County Council never cut because it involved children and everything else. This formula is much more exacting insofar as what we are paying for the number of children, frankly, who are out there and done on a per diem basis, when in fact, the other way there was a little nebulousness as to who was out there and exactly what was being paid for at that particular time. So this contract, I think, sharpens up that whole agreement.

Commissioner Mourdock: Okay.

Commissioner Tuley: Are you ready for a motion then?

President Borries: Yes.

Commissioner Tuley: I'll move at this time that the contract, as submitted with the recommendation from the legal counsel on the changes on page 3 as noted, between Hillcrest Washington Home and Vanderburgh County be signed.

Commissioner Mourdock: Second.

President Borries: So ordered. Attendance to the IACC. That will be in Ft. Wayne. Am I correct about...no, that's the Indiana Association of County Commissioners. Is this for this Thursday, August 10 --

Cindy Mayo: Right, and we will save a little money if I send this in by August 4. I believe Commissioner Mourdock said he would not be able to go.

Commissioner Mourdock: That's correct. I said I would not be able to go. I did mention this at the first Welfare Reform Committee Meeting the other day and I sent the copy of the paperwork I had gotten on to Gary Heck. Have you heard any response from him or the others?

Cindy Mayo: No, but I will try to call Mr. Heck and see if we need to send in...was he going to send something in on this or were we going to send it in for him?

Commissioner Mourdock: He didn't have the form in his hands so that's what he was receiving. I suspect, you said the 4th is when you need to get it in, Cindy?

President Borries: Yes, August 4, 1995.

Commissioner Mourdock: Okay, they'll be meeting on the 2nd. I won't be able to make that meeting, but I'll give him a call, or if you would give him a call and just remind him that that's there and then there may be several people from that group who would want to go.

Cindy Mayo: Pat, did you --

Commissioner Tuley: Yes, I plan to go.

Cindy Mayo: And how about you, Rick, are --

President Borries: Yes.

Commissioner Tuley: Do you need this back?

Cindy Mayo: I've got one, thank you.

President Borries: I'm going to pass that over to Cindy and I put on there a note to check with Gary Heck on that if we could.

Cindy Mayo: Okay. Thank you.

RE: NEW BUSINESS

President Borries: Now we're under new business items to consider at this point. One item is a request from the agent of record, Mr. Dennis Feldhaus, for the county requesting a projected medical benefits comparison and he's done some work on it. The total figure amounts to a 4.3% increase for the budget for 1996, and with your approval, I would like for him to be authorized to present that to the County Council.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered. Other new business?

Commissioner Mourdock: I have several items. The first of which is with the Computer Board here in the county that constantly is reviewing our computer needs. We've had a request from the County Assessor that the Assessor be a member of that Board. Several other positions on the Board are appointed by the County Commissioners and I think it's fully appropriate that the Assessor who does, obviously, a lot of their work on the computer be a member of the Board. I would like to make that as a motion.

Commissioner Tuley: Okay, and I agree, I think we've got two appointments. One of them must be someone who has computer background who is not a government employee, so I would say that the position of County Assessor should be our second appointment. I will second.

President Borries: So ordered.

Commissioner Mourdock: Pat, do you have anything? I have a couple more I want to mention.

Commissioner Tuley: No, you go right ahead.

Commissioner Mourdock: Just so both of you are aware of it, I'm planning, and I think at least, I'm on the agenda at this point for the meeting with the County Council on Wednesday. I'm going, basically, to explain a little bit as far as, at least from my point of view, to explain where we are with the contract with the Teamsters over at the County Corrections facility. I'm not looking to go to that group to point fingers as to why we have the questions that we have, but I think it's important that they at least understand the point of view of one of the folks who voted on that contract and want them to understand where I'm at with the issue, particularly on the PERF. So I present that to you as informational. My last item is, I would like to make both of you aware that I am going to be sending a letter this week to the Indiana Association of County Commissioners asking them for any information they can provide us in regard to the position of County Administrator. As I know you're aware, Indiana Statute allows Commissioners to hire a full-time employee, titled a County Administrator, to help make the more day to day decisions. The purpose of the County Administrator is to allow the Commissioners to deal more with policy than it is the day to day rules of business that, obviously, government must have to function. Speaking real bluntly, the greatest frustration I've had in the last seven months of this job is knowing that to do the job really well takes a huge amount of time and we are part-time government workers, part-time employees and this is truly, I think, a full-time job. I would also ask that we have Mr. Kissinger, or in his stead, Keith Rounder, take a look at the statute and provide us with a report as to what it might take for this Board to hire a full-time County Administrator.

President Borries: Okay. Any response on that?

Commissioner Mourdock: Yes, I would welcome any discussion you have or points of view at this point.

Commissioner Tuley: No, I think you ought to gather as much information as you can get that's out there. I think going to the Commissioner's Association, there are several counties that have a full-time County Administrator. I find, in the short time I've been on here, it becomes increasingly more difficult to try to make good, sound decisions because of the time limitations that you have

on the vast majority of issues that we're confronted with.

Commissioner Mourdock: In the last couple of weeks, we've seen two major contracts: one the Teamster contract, of course, and the other one, even this Hillcrest Washington which is a twenty - twenty-five page document. I guess I look at this, and in the sense, jail is a business not that government is business, but from a business point of view, I think that those who are making this decision really need to know, themselves, what's in these twenty pages. It's just become increasingly aware to me that we're not capable of doing that and that's not Commissioner Tuley's fault, Commissioner Borries fault, and it's not my fault, it's just that this thing takes a huge amount of time. I guess the last comment I would make is, even if this county moves in the direction of the County Administrator, my greatest fear is that it become another political appointment. I would hope that we could use a position like this to better define professionalism in government and set some very high standards in a job description so that we would be very selective when the time comes to hire a person who could do that job.

President Borries: Well, let me just say, too, that I certainly agree. I have seen, in my tenure on this Board, a tremendous amount of complexity and it seems an increase in the amount of business and major issues that this Board is faced with. I would envision that this trend will continue as I see more demands placed on local government and, frankly, I'm not sure if we're prepared to do all that, but we do the best we can. I also want to make some specific mention to Mrs. Mayo as well as other persons who have so well held the position of Superintendent of County Buildings and this in no way, I would want to say, reflects on your performance. Certainly the feeling of you serving as a full-time employee, kind of managing all of the mountains of paper and information that comes through this office, has been outstanding. I don't want you to think in any way here that we're looking to either replace you or that there is some cloud on what your performance is. That's not the case at all.

Commissioner Mourdock: Yes, and thank you for clarifying. That's not my point.

President Borries: What Richard is saying is, you either get that or for years we've talked about a full-time and I know, of course, then you always talk about the other aspect of consolidated government and everything else. Frankly, there's a pretty good bargain that I think the taxpayers of the community are getting here insofar as our Board. I think we do spend a lot of time on it but, frankly, the time keeps increasing every year. And again, the demands on it, I don't see it lessening. If local government is expected to meet the growing demands, then we're going to have to look at a lot of alternatives. So, point well taken. Anything else?

Commissioner Mourdock: That's it for my list.

President Borries: I do have one other item and I've written myself a note about that. At some point, two or three years ago when Browning Ferris Industries was going through their permit process to expand the Laubscher Meadows Landfill, part of that agreement involved a review by licensed hydrologist. This licensed hydrologist was to be picked by Vanderburgh County, and Browning Ferris Industries was very specific to say that they would have had no prior involvement in any shape or form with whoever this hydrologist was. Now I would say that as I understand, hydrologists are apparently not a dime a dozen and there aren't a lot of them out there who have the expertise to do what is, just basically, to look at the relocation of, I think it's Locust Creek, to say it'll work and review all of the calculations and all this. We need to appoint a licensed hydrologist. I have to come up with,

Cindy, it's somewhere probably in this mountain of paper that I've been referring to and I'll get through here. Mr. Evans, I think, who is the attorney for Browning Ferris, has submitted, again, a list of who those people were. There was one on there who is a professor at Purdue, I think, who even taught at Purdue, but has certification as a licensed hydrologist. But at any rate, if we could look maybe, next week if we could make the appointment. I know they have some concerns on this to move forward on it.

Commissioner Mourdock: It occurs to me as I hear that and it sinks in a little bit, from having seen the memo some time ago, that in Indiana, geologists are certified and hydrology is considered a branch of geology. I don't know that there is such a thing in Indiana as a licensed hydrologist, and I don't know that there's a national certification board, certainly there are licensed geologists who specialize in hydrology and that may be where we end up.

President Borries: Okay. Well, this guy, I mean, how do you become a hydrologist? There are certain courses you would take though, wouldn't there?

Commissioner Mourdock: Yes, in Indiana the process, for instance, for a certified geologist, is to have a master's degree in geology and have worked so many years in the field. If so many years of those in the field have been dealing with hydrology, then basically, you claim you're a hydrologist and you have a license for geology. It's just kind of a specialty, if you will.

President Borries: Okay. One final item. Just to get this on the record. I'm not asking for the Commissioners to endorse this, but at least to say that I think...not to put words in Commissioner Mourdock's mouth here, because I'm not trying to muddy up any issues here that he is going to talk about. But since we're not going to meet until next week and the County Budget Hearings are going to start this week, I would want the Council to consider looking at this issue of PERF if, depending again, not that two wrongs make a right or what misunderstandings have occurred, but I'd ask Mrs. Mayo to run, perhaps, some potential ideas about what a 3% PERF, the county paying the 3% PERF that the employees currently pay, and look to see if there could be a savings involved. And where the savings apparently would be involved, I can see two places. First of all, if you kept the salaries the same, you would not pay any increased FICA, and you probably wouldn't pay any increased PERF since isn't PERF also based on the sliding scale?

Cindy Mayo: Yes, is it.

President Borries: So there could be some savings to the county and direct savings to the employee by having a 3% true raise. I know the City of Evansville has done this before. I called Mrs. Leslie Blenner, the City Controller, to verify for one thing there would be a savings to the county, and there would be. So, I don't know what the County Council is going to do in relation to a raise for employees. It was my understanding that there were some initial guidelines where the Council had asked various offices to factor in 3%. Is that correct?

Cindy Mayo: Yes, it is correct.

President Borries: I don't know if that was going to be a firm figure or whether they would go down from that. But perhaps, I don't know if you want to endorse this as a position that this Board would take, but I wanted to get it on record that this could be a possibility that the Council might want to consider in their budget hearings. So, I just wanted to get that entered into the record.

Commissioner Tuley: 3% is what they've talked about, so...

President Borries: I have no other new business on the continuing saga of a convention center other than that there are still lots of ideas out there and everybody has lots of ideas. I think we're going to have to stay tuned. I'm not sure, again, about the current buyer, if he's going to be in soon and what will transpire from there. But I guess there are still some fluid situations in that whole operation and lots of ideas out there. So, that's really all I have to report in that area. I would say that if this person, Mr. Granauf I guess, the potential buyer of the sum of the property comes in, perhaps the Commissioners might want to meet with him. If I hear from him on an individual basis, I will let you know so that you can meet with him. I think that's very important. I don't want to get into a situation here where I'm speaking for the Board. Done there, been that. Done that, been there!

Commissioner Tuley: Don't like that!

President Borries: Is there any other business at this point? We're going to be close to a record here.

Commissioner Mourdock: Oh no, when you were gone, Pat was --

President Borries: Oh, you were done in fifteen minutes! Okay, well, if there is no further business, we're adjourned.

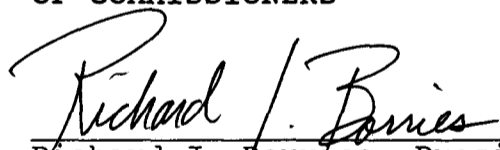
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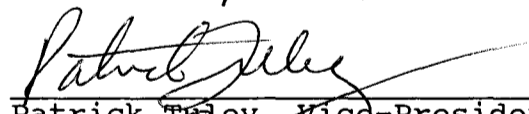
THOSE IN ATTENDANCE

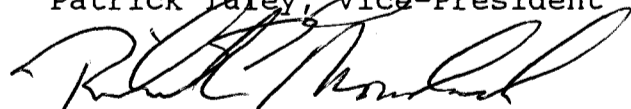
Richard J. Borries
Richard E. Mourdock
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Teri Lukeman
Milton Hayden
Janet Watkins

Patrick Tuley
Suzanne Crouch
Keith Rounder
Philip Lieberman
John Stoll

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OF COMMISSIONERS**


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MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

AUGUST 7, 1995

TABLE OF CONTENTS

Introductions & Pledge of Allegiance.....	1
Approval of Minutes.....	1
Action Items.....	1
Lynn Ellis - Purchasing.....	1
Auditorium boiler	
Lieberman & Associates, Inc.....	2
Software contract	
Complaint regarding loud music at Marina Point	3
Proposed noise ordinance for county	
Roland Reed	
Pattie Davis	
Lt. Brad Ellsworth	
Roland Brinker - BSH Development Eagle Valley.....	10
Proposed golf cart tunnel under Petersburg Rd.	
Betty Knight Smith - County Clerk.....	14
Ordinance to Amend Vanderburgh County Personnel Policy.....	14
Kent Irwin - Waggoner, Irwin & Scheele & Assoc.	
Rick Jones - County Council	
Cheryl Musgrave - County Assessor	
Sue Hartig - Legal Aid	
Rose Zigenfus - EUTS.....	26
Keith Rounder - County Attorney.....	27
Sunny Titzer - Superintendent of County Buildings.....	27
Bill Morphey - County Garage.....	27
Highway & Bridge Crew Progress Report	
July 28 through August 3, 1995	
Permission to go before Council for transfer of money	
Complaint about tall grass near Mesker Park Dr. &	
Mill Rds.	
John Stoll - County Engineer.....	28
Change Order on Mann Rd. Bridge VC94-07-01	
Request from Bill Nicholson for partial sidewalk	
waiver at Heartland Ridge Subdivision	
Consent Items.....	31
Employment Changes	
Travel Requests	
Request from Royce Sutton to proclaim August 11	
Betty M. Craig Day	
Department of Parks & Recreation - Use of Bishea Bldg.	
Evansville Athletic Council-EVSC - Use of Bishea Bldg.	
Scheduled Meetings.....	33
Old Business.....	33
Appoint Thomas Montgomery to Community Corrections	
Advisory Board	
Appointment for Redevelopment Commission	
Appoint licensed hydrologist for review of relocated	
Locust Creek	

New Business..... 34

Adjournment.....34

The Vanderburgh County Board of Commissioners met in session at 5:40 p.m. on Monday, August 7, 1995 in the Commissioner's Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Good evening, everyone. I'd like to call the meeting of the Vanderburgh County Commission to order this evening, this first meeting of August, August 7, 1995. Let me introduce our staff for you this evening:

Sunny Titzer, Office person/secretary in for Cindy Mayo
Keith Rounder, County Attorney
Pat Tuley, Commissioner
Rick Borries, Commissioner
Richard Mourdock, Commissioner
Suzanne Crouch, Auditor
Teri Lukeman, Official Recording Secretary

Would you join us, please, for the Pledge of Allegiance?

RE: ACTION ITEMS

We have an agenda for your information, also a sign-in sheet. The sign-in sheet is very helpful because, as any of you if you wish to speak this evening, we'd appreciate it because our sound system, which has its' own set of little demons that go around from time to time, because we record these minutes verbatim. We will need for you to come and give your name, please, for our record so that we can record your comments this evening. Commissioners, at this time, we have minutes to approve from our last meeting which was held on July 31, 1995.

Commissioner Mourdock: I'll move approval of the minutes of the July 31, 1995 meeting as submitted.

Commissioner Tuley: I will second.

President Borries: So ordered.

President Borries: Again, we have that agenda provided for your information. Are there any persons or individuals wishing to address our Board this evening, speak here, who do not find his or her item on the agenda?

RE: LYNN ELLIS - PURCHASING

President Borries: This first item was one that we considered last week. I'm sorry, Commissioner Tuley had asked me to do this. We have a person here who must be at another meeting and Mrs. Lynn Ellis, who is here, with Purchasing has one item for us to consider at this time.

Lynn Ellis: Thank you. Previously, I came before you to request permission to solicit bids for professional engineering services for the Auditorium boiler. I've spoken with Sandie Toton from the Auditorium numerous times now and her staff. They have been keeping the boiler in very good condition and it's very clean. I did receive the three bids in response to that meeting previously and that was submitted to you prior to this meeting. You've had it for three or four weeks now, I guess. It's their recommendation that we not hire an engineer. They don't feel that it's necessary. They would like to have the bids rejected and to solicit bids for the repair work without an engineer.

President Borries: Okay. I would find, since it's a professional service, it would be difficult to do anyway. We do have persons, certainly technical persons, who could review that information. If that's agreeable to the other Commissioners, we could save that money, I think.

Commissioner Tuley: They feel now...I guess I'm confused.

Initially, they felt that we needed someone to design the specs and now they don't?

Lynn Ellis: They didn't, no. It was my recommendation because of my experience with boilers that we get an engineer. Within the realm of the quotes that I got for the engineering services, I asked that those professional engineers go to the site and review the boiler and submit their bid in response to that. They both came back and said that it was very clean and didn't, you know, amazingly clean. They're not used to seeing that kind of boiler for a governmental agency, but it was in very good condition. Of course, neither firm would recommend that we do it without an engineer, that would not be in their best interest. But that's...

Commissioner Tuley: But the manager of the Auditorium recommended that we do away with the bids and just go ahead and do all...

Commissioner Mourdock: And yet, we're only talking about \$2,000.00.

Lynn Ellis: Right. They don't expect that the actual work will exceed \$5,000.00 and the percentage of the engineering services, compared to the amount of work, they felt was high.

Commissioner Mourdock: The people who will be doing the work will be fully bonded and insured for the work?

Lynn Ellis: Yes sir. Ms. Toton is recommending that her staff put together a bid and that they handle it and it would come through on a purchase order. It would not come back to this Commission because of the dollar amount. You wouldn't see it. So, they will handle it. They will furnish me with copies of the bids for my file and for records for the purchase order.

Commissioner Tuley: Yeah, I don't have a problem with it. I was just a little confused at first, but they didn't really recommend we do this to start with and now they feel like it's an unnecessary expense. That they can draw up the specs they need and go ahead and gets the bids or get the services they need as necessary.

Lynn Ellis: Right, they didn't argue with me. They said, well, if that's what you recommend, then that's fine. They were, I think, a little bit caught off guard by my recommendation. They talked to their insurance company and I asked for something in writing from the agent, but I have not received anything and I don't expect to. I was asking for a waiver, his recommendation or statement, that he did not believe that engineering services were necessary.

Commissioner Tuley: Okay. I will move at this time that we reject all three bids on the recommendation of the management staff over at the Auditorium, with the understanding that the specs will be drawn up in-house at no cost to the county.

Commissioner Mourdock: And if I may add to your understanding, that when the work is done, it be done by someone properly bonded and insured. With that, I'll second.

President Borries: So ordered.

Lynn Ellis: Thank you.

President Borries: Thank you.

RE: LIEBERMAN & ASSOCIATES, INC. CONTRACT

President Borries: The Lieberman & Associates contract was a matter we worked with last week, so frankly, this is a formality. I don't think we need action. It was my understanding that we

approved this last week. What this does is, again, reduce the amount that Mr. Lieberman was going to pay for the county for the software of which there has never been one sold.

Suzanne Crouch: I think you just need to sign.

President Borries: Yes. So we're just going to sign these. If we've got three, why don't we all just sign one and pass them to each other?

RE: ROLAND REED - 1623 RIVERVIEW COURT

President Borries: Next item is Mr. Roland Reed regarding a noise ordinance. Mr. Reed?

Roland Reed: I'm accompanied by my wife and several residents of Harbor's Edge and also by Lt. Brad Ellsworth from the County Sheriff's Department. The objective in my wanting to meet with you is to bring to your attention that there is presently no limitation to the volume, nor the duration, nor the time, at which noise can occur in the county. We want to request that you consider passing a noise ordinance patterned after that which exists in the city of Evansville regulations. The purpose of our wanting you to do this is that we're having a continuing problem of loud noise and occasionally even profanity coming from Marina Pointe. This happens in the evenings and even early morning hours, Friday, Saturday, even Sunday evenings, sometimes as late as two and three in the morning. If I may, let me give you some information I wish to hand out. This is a low budget presentation and the first page you will see came from our city phone book. I just want to orient you to where we are and...on the first page in the lower center, I placed a red dot and that will locate where Marina Pointe is for you, if you're not familiar with it. It's at the mouth of the marina, it's on the Ohio River. It's within the county and just within the boundaries of the state of Indiana. In yellow, I have highlighted the location of Harbor's Edge Development. It's a development that was initiated by Mr. Bud Bussing several years ago. It's also at the mouth of the marina, just on the other side of the inlet. It's also within the county and on the Ohio River. There are presently four dwellings in that development right now, one of them being mine. The city boundaries and county boundaries are defined by the levee at this location of the county and it appears as a heavy dark line there. In green, I have placed the location of some complaints that have come from within the city to the Sheriff's Department to indicate to you the magnitude of the problem and, if I may, let me tell you when these occurred and specific addresses. There was a call on the 10th of June about 10:20, this was on a Saturday evening from S. E. Riverside Dr., specifically 1306, and that would be the dot that's probably the farthest away, closest to the center of town. That same evening just a few minutes later, there was another call from 513 S. E. Second, so now you're closer to the source and closer to the river front. On June 18 at 10:10 on a Sunday evening, there was a call from 1825 Judson and now, this is the location closest to the bottom of the page. This comes, from my understanding, from a city police officer by the name of Wiser. On that same evening, now at 12:45 in the morning, another call from S. E. Second from the same address. Lastly, on the 30th of June on Friday evening at 10:45, there was another call placed from Officer Wiser's residence. I tell you all this without getting into the calls that we've made from Harbor's Edge, just to give you an indication of how far the problem ranges. If you'll go to the second page which is a plat of Harbor's Edge, there I have highlighted where the city/county boundaries are, where Water Works Road is at, the city waterworks park and on the lower left hand corner, the center line of the drainage easement which really forms the mouth of the marina. What I'm trying to indicate to you here is that we're in very close proximity. My wife and I have patronized Marina Pointe several times before and even after we took an option in the summer of 1991

to purchase lot #13, and you can locate that on the map, or the plat. We began to build our home in the fall of '92, we moved in the spring of '93, and until last summer, the summer of '94, there had not been any outdoor music originating from Marina Pointe. I want to note to you that it's not as though we moved next to the airport and now we want the airplanes to stop flying. We moved into what we thought was a quiet area and now it's become a problem. We've been battling this now for over a year, rather unsuccessfully. I have to admit, while the noise has subsided somewhat, it's still not acceptable and we're still at the whim of the operator of the marina to turn the volume up anytime they choose or anytime they get a different band.

Commissioner Mourdock: Just to clarify a point, if I may interrupt you. You just said the operator of the marina, so most of this noise is coming specifically from the commercial operation, not individual boats going up and down --

Roland Reed: That is correct, yes. We've taken a number of actions to try and solve our problem ourselves. I guess most recently, I would report to you that we met with the owner of the property who leases Marina Pointe. There were a number of property owners who met with him for another purpose but we got into a discussion about the noise and this was on the 5th of July. The suggestion that we made was that in his lease agreements, he puts some sort of a restriction on noise. I would just characterize that meeting as unsuccessful and that the suggestion was rejected. We've, last summer and again this summer, made a number of calls to the Sheriff's Department and we've gotten their support in making telephone calls to the operators and they've sent patrol cars out. We certainly appreciate those efforts, but we kind of surmised that there's not a great deal that they can do, that there just are no laws on the books that they can enforce so we can ask, but we can't do much more. And too, because of the area that we live in, we call on the Sheriff's Department frequently for trespassers and so, we don't want to overdo it, so we're a little reluctant to continually call about noise problems which are continuous. I want to just kind of summarize and not take up a lot of your time and allow some time to others here to speak with you. I would like for Lt. Ellsworth to relay to you the situation from his perspective and trying to, as a law enforcement officer, deal with our complaints and the constraints that he is under. I would want to point out to you that I'm not intended to be the spokesman for Harbor's Edge. I would like to ask that you allow some of the other attendees here to speak to you about their own expectations when they bought properties out there and now what we're experiencing here in the last year. I think Pattie Davis will be willing to talk to you and she's probably the one who suffers most, since she is on lot #9 and is closest to the source of this problem. I guess I would ask that you go back to the first page and you consider what I was trying to relate to you about complaints coming from the city. We're probably ten times closer to the source of this problem and, in fact, the residents of the city are kind of over the hill and behind other residents and behind the trees, so they don't get the full blast like we do. I would think that you don't need to be convinced, I think the evidence is here that we've got a problem and so I would like to ask that you consider as an action item after you've heard from all of us, that you look into a noise ordinance, and if not one identical, very similar to the city ordinance. If you have any questions, I'll be happy to answer them now. If not, I'd like to relinquish the floor to Lt. Ellsworth.

Commissioner Mourdock: This copy of code you've given us is the city ordinance?

Roland Reed: That's pieces of the city ordinance. My layman's understanding of it is that there are certain noise restrictions between the hours of 7:00 in the morning and 10:00 at night which

can be exceeded for a two hour period, or in some emergency situations. But after 10:00 at night, they just can't be exceeded.

President Borries: You did a fine job, Mr. Reed, of presenting your material here, but just so I can get an idea here, are you talking about noise? We're talking about music, does some of this come from the marina itself, or are we just, we're not talking about just boat noise here, are we?

Roland Reed: No, we're not talking about boat noise at all, in fact, that's down in the marina, so --

President Borries: You've been very polite here, I mean, we're talking about music and loud --

Roland Reed: This is typically after dark when boats are not really on the river that much. It originates from a restaurant in Marina Pointe which is right up on the point at the mouth of the marina.

President Borries: Okay.

Commissioner Mourdock: Is there an open dining area there? It's been a long time since I was there.

Roland Reed: There is an open patio and the bandstand is out there.

Commissioner Tuley: It's outside.

Commissioner Mourdock: Okay, so it is live music.

Roland Reed: And the contour of Harbor's Edge is pretty much like a football field, so we get the full volume.

Commissioner Mourdock: This is live music, it isn't just turning the radio up?

Roland Reed: It's like being at the rock band and you didn't want to be.

Commissioner Mourdock: That was polite, too.

President Borries: Okay. Thank you, sir. Ms. Davis?

Pattie Davis: My name is Pattie Davis and I live at 1643 Riverview Court. I'd like to just reiterate what Roland has said that it's the hard rock bands that are playing outdoors at the restaurant. There is no opening your windows, you have to have all your windows closed and, with your T.V. up, you still can even hear it over the T.V. When you're trying to sleep like 1:00 or 2:00 in the morning, of course, I'm the closest of everybody, but the walls are actually vibrating. It even got to the point that when my grandchildren are with me, they're coming downstairs at 1:00 in the morning and they learned a few new words that were going over the microphone from the marina. So, it is quite bad and I'm sure that the officer can tell you that I'm one of them that calls constantly, because three or four nights a week you can't get to sleep till 2:00 in the morning. Even earplugs don't help.

President Borries: Deputy Ellsworth?

Lt. Brad Ellsworth: My name is Lt. Brad Ellsworth with the Sheriff's Department. Mr. Reed and I spoke Friday night so I didn't prepare really and I didn't do my homework on the ordinance itself, but I can speak from the Sheriff's Department point of view that we have, in fact, made numerous runs to Marina Pointe at the request of the residents. Normally, the people at Marina Pointe are cooperative. They say they'll turn it down, but obviously,

when you're making ten and fifteen repeat runs, they're not getting the point, and when they don't get the point sometimes you have to take a step further and maybe, as they say, get in your pocket. We don't want to do that from the Sheriff's point, I mean, we would rather not do that. If verbal warning works, obviously, we'd rather go that way. However, if they continue, you know, we're trained from very little children that when you need help, you call 911 and call the police. These people here have been calling 911 and trying to get the police to help and our hands are basically tied. If we can't go down there and convince the people verbally to do it, basically, we have nothing to back that up. These are people around the county, not just Marina Pointe, because we get these kind of complaints from private residences, and that's why I don't want to particularly pick on Marina Pointe. That's just one of the problem areas. We also get these complaints from private houses. We go to the house, ask them to turn it down. We make repeat runs there. Another problem, I'm not trying to get off the subject, is the barking dog thing. I know Mr. Mourdock has addressed that and I've seen some letters you've had to reply to, to residents. It all goes together that, after numerous runs, it gets rather frustrating for us not to be able to help them with their problems. I don't remember if it was Ms. Davis or not that called me, but was literally in tears on the phone. The walls were rattling and she couldn't, even with the air conditioning on and the windows closed, could not get anything done. It becomes frustrating for me because I'm the one that takes the calls at night. I send the officer. They say in here, and if you've got these runs, if they included that in your packet, it talks about Marina Pointe. It says they'll turn it down, says they'll be cooperative, but obviously, when you're getting calls every weekend, they're not cooperating. And so, from the Sheriff's Department, we would probably be supportive of an ordinance where we would have something to back that up with, besides just making twenty-five or thirty runs to a place and have to rely on our verbal warnings the entire time. Thank you.

Commissioner Tuley: Brad, do we routinely have bars, for lack of a better word, in the county where they have outdoor entertainment like this and we're doing this?

Lt. Brad Ellsworth: Right now, I think that Marina Pointe, and I believe O'Charley's just opened and they're experiencing a similar problem there, which we're going to run into, probably very shortly, the complaints there. I'm trying to think if there's anything else that have generated complaints. Normally, we try to handle it, we try to appease the people. They say they're going to only play for thirty more minutes, can you live that long? We just kind of have to talk it out at this point. Like I said, we're not out there to slap a ticket on everybody, a \$25.00 fine or whatever, but after repeated runs, that's, Mr. Tuley, that's the only one, at least right now, that I can think of.

Commissioner Tuley: But, with all the potential growth in this community, it's going to be in the county anyway, so it's --

Lt. Brad Ellsworth: It's going to be a problem and it's better to go in with the tools to work with, and the dog problem, it could probably be covered in the same ordinance should you chose to do that. With all the subdivisions and the close housing around the county, it's really become a problem with us, too, on the same thing.

Commissioner Tuley: Good enough, thanks.

President Borries: Any further comments by anyone at this time? Commissioners?

Commissioner Mourdock: I just have a questions of Keith, here. I hate to put you on the spot here, but let me try. Not that this is

an answer for you solely, but I'm just looking at options right now, is there an option, civilly, through this thing, because it would seem they have lost an enjoyment?

Keith Rounder: Right. There's a common law right for nuisance, or actually, for nuisance, theoretically, they could bring an action in Vanderburgh Superior Court, a Circuit Court, to enjoin the activity or at least enjoin the playing of the music above a certain decibel level. I also, and I'm not sure about this, but I also thought that there was some state statute governing a general nuisance and noise would be considered a nuisance, like a barking dog. I could be, I could check into that. I could be wrong about that.

Pattie Davis: I called the Environmental Protection Agency and they said they couldn't help with noise.

President Borries: Who?

Pattie Davis: The Environmental Protection Agency, I called to --

President Borries: Well, they wouldn't --

Commissioner Mourdock: Ms. Davis, would you come to the microphone, again, so it gets recorded? We try to get everything word for word here.

Pattie Davis: I had made a call, I think it was the Environmental Protection somebody told me to call, and they said that they couldn't help us with that type of noise. So, I don't know...

Keith Rounder: I don't think the Environmental Protection Agency would probably consider noise within their scope of activities, but I do know, at least to answer your question directly, you can bring a civil action. That is one option.

Pattie Davis: Does this mean we have to hire an attorney to...

Keith Rounder: Yeah.

Commissioner Mourdock: I said I was just looking for options, I knew you wouldn't like that part of it.

Commissioner Tuley: Brad?

Lt. Brad Ellsworth: We have explored the possibility and it would possibly, under the disorderly conduct, we've tried that at the advice of the Prosecutor's Office, to do something under disorderly conduct, and got to court and lost that. There is unlawful noise by individuals, but I'm not sure, when it's coming from a band, that's what we've tried in the past and it hasn't worked too well in court. That's why a specific ordinance would probably help us out a lot. Without further research...

Commissioner Mourdock: Brad, one other question for you, while you're there. Ms. Davis referred to obscenity coming over the P.A., or whatever. I presume we do have some sort of obscenity ordinance, do we not, that would come into play on this?

Lt. Brad Ellsworth: Without checking the books, I'm not aware of it. It could possibly fall under the disorderly, but I'm not sure, Mr. Mourdock, if that's actually spelled out or not. We try to use that disorderly when we can in that situation, but it ties more into individuals and that type of thing as opposed to ticketing a bar or enforcing it that way.

Commissioner Mourdock: That was my last point. I'm wondering, since obviously, alcohol is served, at least I presume it is at Marina Point, is there something under those regulations from the

State Alcohol agencies regarding filing of nuisance or anything that would affect the licensing there?

Lt. Brad Ellsworth: Possibly as an aftermath, the only problem is it's the proving it, to get into it without any kind of, you know, I don't have a decibel reader and it's hard to prove when you go in there. Like I said, right now, we're relying on going in and just acting in good faith and asking them to turn it down, hoping that the star and the badge will convince them and they're going to do it. But once they learn we don't have a whole lot of, and plus, you know, you've got to have, we need to have a witness in that case. When we respond to calls, we obviously are not witnessing the profanities. We are witnessing the loud music and they're complying at least until we get out of the parking lot, but we keep getting calls so we know it's going back up.

Commissioner Tuley: Would this require you guys to have some sort of sound measuring device with you, then, when you get there?

Lt. Brad Ellsworth: That's a good question. I'd have to check into that and see what the city does and what their situation is.

President Borries: I'm sure it would.

Commissioner Tuley: They're probably not trained to identify it by ear, the level.

Lt. Brad Ellsworth: What we do now is basically, and there's no scientific method, but if we can go, and we stand at the complainant's house next door and it's loud enough to where it would be disturbing, then basically, that's what we're going on right now, is an unscientific ear.

Roland Reed: We're to the point of locating those properties (inaudible - comments not made from the microphone) so much farther away than we are --

Commissioner Tuley: Yeah, I'm not questioning...I understand it's a serious problem and I'm just trying to think, if, in fact, we were to entertain and do this, I'm trying to think of what the downside might be, and the only downside I can think of is the outright purchase of probably some more equipment.

Lt. Brad Ellsworth: If you'd like, and I can do that, is check with EPD, see what they do in this situation, actually investigate into, you know, other departments and how they actually enforce the noise level, and I can do that --

Commissioner Tuley: This isn't something we can act on tonight anyway.

President Borries: Right.

Lt. Brad Ellsworth: I'll take that upon myself and get back with you.

Commissioner Tuley: That's the only, if you can call that a downside, that's the only thing I see as a downside to whole idea, is trying to figure how much it will cost us in terms of equipment.

Lt. Brad Ellsworth: Right. I can look into other departments that have the actual ordinance and see what they do in those particular cases, what their success rate is.

President Borries: That was the one area, I noticed in the copy of the city ordinance that Mr. Reed gave us, it doesn't have, maybe a complete printout on violations or what kind of fines, I'm sure we would go for fines or penalties, what we would need to do there, so I'd like to get some information on that. Well, is it a consensus

here, do you want to move forward and study this, then, to get some ideas here?

Commissioner Tuley: I think it's a legitimate concern with all the continuing development that's going --

Roland Reed: Well, there certainly is a similar ordinance within the city. If there is equipment required, I would assume the city must have it and perhaps the county could use it.

Commissioner Tuley: Yeah, I'm just thinking out loud. I'm on your side, I just want to study all the angles.

Commissioner Mourdock: The equipment is not particularly expensive. Almost any factory that's under OSHA has to do noise readings themselves. So, that's very common. Yeah, I think it's a very valid issue. Again, my questions a moment ago, please don't take those as meaning that's our solution to go out and do those things, but I want to see what the options are. I certainly think it is worthy of taking this under advisement.

Pattie Davis: When could we expect some kind of answer?

President Borries: I don't think it would take us that long if we, I mean, we don't have to reinvent the wheel here. We will have our attorneys look over this and try to get into a set of fines and get something back to us within a couple of weeks. I think we --

Commissioner Tuley: If we were to adopt an actual ordinance --

President Borries: We have to advertise.

Commissioner Tuley: We've got to advertise and go through the public hearing, the whole process, right? So that's going to take a couple of weeks anyway, three weeks, before all of it can actually be put into place.

President Borries: We have to advertise and then go through a set of procedures there. Government moves a little slowly from time to time, but we can do this. If this would help law enforcement to have some teeth, frankly, to do some enforcement, which I sense some frustration from Lt. Ellsworth on what he's able to do, then we will have served you as well. Our big problem sometimes is, we don't have enough teeth into a situation. And he's saying that, they'll try to cooperate, then they leave, and then they turn it back up. So, if we can pass something here that is going to get their attention, let's say it that way, then that's what we want to do. Make sure that we give law enforcement the tools to enforce this and to do it in a way in which, hopefully, it will get their cooperation without having to be too heavy handed in this situation.

Commissioner Mourdock: Is there any of this facility, seeing it on the map so close to the state line, is any of that facility on the other side of the line?

Roland Reed: I don't believe so.

Pattie Davis: They have moved the bands down on the other side of the building just about a week ago and then put up a canvas. They're trying to help us, I guess, but it didn't help much. I don't know if (inaudible - comments not made from the microphone)

Commissioner Mourdock: What is the legal term, Keith? Ligatious, I think? For things that cross property lines and boundary lines, ligatious?

Keith Rounder: Now you've put me on the spot. That's the word, it's two words, ligatious something, I don't remember.

Commissioner Mourdock: Ligatious is the one I'm thinking of.

Keith Rounder: You've got the idea, though.

President Borries: I'm very familiar with your beautiful area. I saw more of it than I wanted to when we had Water Works Road wash out about a year ago and so I know very clearly where you are. That's a nice area and we hope we can help. We will get back with you soon. We'll have our attorneys research it here and hopefully, we can model it after what has been done in the city and come up with a good solution for you. Thank you for coming this evening.

RE: ROLAND BRINKER - BSH DEVELOPMENT EAGLE VALLEY

President Borries: Mr. Roland Brinker is here representing BSH Development, Eagle Valley. Is Mr. Brinker here?

Roland Brinker: Hi, I'm Roland Brinker and I'm with the BSH Development Company. Finding another Roland on the agenda before me, that's very rare that you run into another Roland, but two of them on the same agenda may be too much. I'm kind of getting the cart before the horse here, just a little bit, because what I'm going to show you here tonight, I'm not actually asking for an approval on it, I just want to give you an idea, let you think about it a little bit and then, if you know of any laws or any ordinance that might prohibit this, I'd kind of like to know in advance. This project will be taken to the Zoning Board and we're going to get all of the legal permits and everything at a later date and then at that time, I understand I will need to come back to you and get kind of a final approval. So tonight, I'm just going to present you with a couple ideas, show you a couple of pictures and if you know of anything that might prohibit this, you can give it some thought. I've got some photographs. What I'm wanting to do is tunnel underneath Petersburg Road. I've got some photographs here where it was done elsewhere in Indiana, for example, Indianapolis. It's been done all over Indiana, but not too much in Evansville, in fact, none in Evansville that I know of. I brought some pictures back from Indianapolis where it's tunneling under a six lane road and I also had my secretary do a couple artists' sketches here of the way we think it's going to look. So, I'll pass them down here and you all can be looking at that in the meantime here. I wasn't sure exactly how you were set up down here, so I'm going to show you a drawing so that you can get oriented a little bit. This is Petersburg Road, this is going by the McCutchanville Community Park down here and heading out towards the Hornet's Nest. Most of you have probably ate there at one time or another. There's a couple of culverts down there, we would have a couple of creeks that go under it and this proposed tunnel is going to lie somewhere between the south culvert and the end of the property line. The road all along there is built up slightly above the (inaudible - comments not made from the microphone) so we will be tunneling down underneath of it. We'll mound up dirt around it to keep water from going in there. The only water that will get in there, we'll have a pump to pump it back out again. We will have a little section on each side of the road where we actually go under and it will catch water, but the rest of it will all be diverted away from there. What it's for is, like I say, (inaudible - comments not made from the microphone) to go underneath the road, and the golf course itself is going to lie on both sides of the road. I'll bring this map up so you can look at it. I understand we have to get the Special Use Permit, we're going to have a full blown set of drawings that will go to the Zoning Board. I've talked to the County Engineer, he has talked to the County Attorney and they don't foresee a problem with it, but before we get into heavy expense here, I thought maybe I'd better ask you all.

President Borries: Any questions? I have a few.

Commissioner Mourdock: 522 yards, par 5, looks tough.

President Borries: That ought to be a par six.

Commissioner Mourdock: I just have one, not so much a question as one comment. Several weeks ago, the Board heard a discussion regarding the need for some sewers out in that area and I know one of those discussions calls for a new line along Petersburg Road, so I just offer that for your knowledge, that if you go under the road, certainly there's going to have to be sufficient right-of-way on the side or something to make sure that line maintains drainage.

Roland Brinker: Actually, Mr. Mourdock, I had discussed that today. The sewer is in the process of being put in out there and, if I may, I'll give you an idea. At the present time, the sewer is right here. It's going to go diagonally across here and come across Petersburg Road and then it'll be right here, very close to the tunnel. At that point, the sewer is going to be approximately 11 foot deep and the tunnel itself is going to be pretty close to that, also. In talking to BMW, Bruce Biggerstaff, he said you do a little thing under it, and it's really not a problem at all, he said. So I had already discussed that with him, that there will be utilities coming through there because the water will be on the other side of the road, we'll have to contend with that. Probably, the gas and electric will be coming from different directions, but the water will be running on the east side of the road, the sewer will be running on the west side of the road and so both of those will be taken into consideration when we get with the engineers and actually design the product. We plan on using precast box culverts to put it in there and they'll have a drainage on both ends of the tunnel. We'll catch the excess in there, and as we drain it across onto the east side of the property, we'll pump it out at that point. The only water, like I said, that will get in there is what falls directly into it. We're going to mound it up and situate it to draw all the other water away from it. I guess, really and truly, I didn't know if there were any laws, county laws or county ordinances, that might prohibit us from doing that, but like I say, it's being done everywhere else, and without a problem. The closest place I know of is Jasper, Indiana. They have it underneath the road, there.

Commissioner Mourdock: There's one in Vincennes, too.

Roland Reed: At Fox Ridge?

Commissioner Mourdock: Yes.

President Borries: I guess my question would be, and I'm not an engineer, so I definitely want to keep an open mind on this, but you're exactly right, Mr. Brinker, I know of no other situation in the county that is this way. I guess in a very conservative way, I have normally told folks that when you get into unusual situations, I would have to work very closely with our County Engineer because, if we approve this, frankly, and if this in fact goes on county right-of-way, the county then is responsible forever, long after any of us are gone. I have had situations where I have objected to roads being built on levees in certain subdivisions simply because the county has to maintain that thing forever, or if there are some liability problems. I do not want to get into a situation where this county is in a litigious situation of which they could never recover.

Roland Reed: I understand that and I addressed that with --

President Borries: Yeah, I don't --

Roland Reed: That tunnel from end to end --

President Borries: To maintain it, the question of going under the road, again, I would have to have a lot of questions answered for me to do this, maybe because I'm a bit too simpleminded, I don't

know what, but I don't get into situations where I feel I am very uncomfortable in relation to hazards that could put the county at risk. So, I'll keep an open mind.

Roland Reed: We'll address that. The engineer is going to address that when they get into it and I understand that.

President Borries: I'm really worried, I will tell you, because as I say, levees, things that have to do with unusual situations that the county has to maintain, bother me a lot.

Roland Reed: There's probably a minimum of 200 in the State of Indiana, it's just not, it's just kind of new to this area, but you can go to Ft. Wayne, Indianapolis, Merrillville, just on and on and on. Another thing that they have in all those places are right-of-ways across subdivision streets that we don't have here in Evansville. In other words, you pull up to a stop sign, you stop your car and they have, like a crosswalk, and that's something else that we were going to build into the subdivision which will come back to you once we get all the engineering done. But within the subdivision itself, we may even ask for that in a couple of spots. I was in Merrillville, Indiana recently where they had as many as 5,000 cars crossing a road where they had a cart path going across it. Well, I'm not recommending that by any means, but it is, in Lake of the Woods, they do have that situation, so it's not uncommon. The tunnel itself, Mr. Borries, would run outside of the actual easement of the property. In other words, the edge of the tunnel would be 30 feet from the center line, minimum, and probably closer to 35, so we're going to actually run the tunnel outside the road easements and we'll also set cross ties there at the top of the tunnel that will serve kind of as a bridge or a deterrent to anybody running off the road and over into the tunnel. At the present time, we have ditch situations that are extremely more dangerous than what this will be.

President Borries: Who would maintain this tunnel?

Roland Brinker: We will.

President Borries: Forever?

Roland Brinker: When you say forever, I mean, that's...I see your point, but we'll maintain it for years and years to come. Now when you say forever, I don't know, forever, what's going to happen fifty or sixty years from now, I won't be here and I don't know what's going to happen then.

President Borries: I won't either, and that's what I'm worried about.

Commissioner Mourdock: Will the golf course, I presume, under the neighborhood association --

Roland Reed: We could develop something like that, some kind of an association, but in this particular case, we're not going to have an association because this is going to be privately owned and privately maintained. As far as actual maintenance on it, I'm not aware of any maintenance that would have to be done to the tunnel itself other than, unless in sixty or seventy years, it if collapsed there might be a problem, but I think you have that just like you would a culvert or anything else.

Commissioner Mourdock: That's the kind of thing I know Commissioner Borries is headed towards, and that's an excellent point, the liability that's out there, that this would cause to be in place. If nothing else was done, that's where, when the time comes to approve it, certainly I'm going to need to feel very comfortable and I'm sure these gentlemen will too, to know that there is a mechanism in place forever and ever, amen, to maintain

some liability insurance or something like that before it is considered.

Roland Reed: We will, of course, carry all the liability on the golf course, itself, and anything golf related, and as far as somebody running off the road, it would be no different than if they ran off into any private property, I would think. At that point in time, they would have a liability problem.

Commissioner Mourdock: Those questions need to be resolved.

President Borries: Well, I'm a very poor golfer, but I love to play. I would certainly look forward to doing this. I encourage you to explore this, provide our engineer with as much information as possible and search for other creative solutions. Again, frankly, I just really need convincing because it is an unusual situation, one that I've not encountered before, but again, with some levees and some other situations, we, and I know developers start with the best of intentions. I can remember one situation where there was going to be all kinds of decorative bricks in here and all kinds of things like that and, again, it gets down sometimes to a problem of who is going to maintain all that. Our guys do a heck of a job out there on a day to day basis paving, but I mean, we don't do bricks very easily and we just have a heck of a time when we accept things because that's forever. I mean, it never changes.

Roland Reed: Actually, this will lower the maintenance cost to the county if we do this. For example, we'll be cutting the road easements up to the pavement and maintaining all that for years to come, whereas now, it's pretty unattractive the way it is at the present time. We'll be making it a very attractive situation and maintaining all the easements along the road for several thousand feet there. The tunnel itself will set, even though it's underground, any entryway or any direct contact with any part of that tunnel is only going to be made outside of the road easement, so the part that's under the road, it should not ever need maintenance. It'd be the same thing as a culvert or anything else, in fact, that's what we're using, the same thing you use for sewers is a concrete culvert, box culvert. But I'll keep that in mind as I go along. But the only thing is, if I go out and I spend the money to get all the engineering done, and then you have a serious problem with it, that's the reason I'm here --

President Borries: I know, and I wouldn't want you to do that. I'm telling you I have a, but I can only speak for myself and I feel like I just need to raise these issues now. I'm not opposed to your development, I want to make that very clear, I just have some concerns here that I need more information on insofar as --

Roland Reed: Okay, what can I get you in the way of information in advance where I might be able to --

President Borries: Structurally, that it's going to work and then, also, all aspects of liability and maintenance questions on this. We may want to explore some kind of way...see, if we get this into a bridge or a bridge study, that obligates us to do this, to maintain this forever.

Roland Reed: A hundred years down the road, you're talking about?

President Borries: So again, I just have some questions about the liability of it and the maintenance, those are the major questions I have.

Commissioner Tuley: Mr. Brinker, since you are familiar with 200 other cases, I think that's the number you used, maybe through those counties are cities that have a similar arrangement, they would be willing to provide you --

Roland Reed: I can do that. I can research a little bit and I will get together a letter and send you all a copy of it and give you some locations and how they've handled it. That's really all I have. I just wanted to present it to you. If you had a serious problem, it might save me a lot of time and effort.

President Borries: No, it's a neat project and I don't want to tell you that, I'm not going to tell you no at this point. I just want to raise those concerns with you. Thank you, sir, very much for sharing that with us.

RE: BETTY KNIGHT SMITH - COUNTY CLERK

President Borries: Mrs. Smith is not here this evening.

RE: ORDINANCE TO AMEND VANDERBURGH COUNTY PERSONNEL POLICY

President Borries: The employment policy is actually an employee handbook so it will get into some discussion and presentation of an employee handbook that has been in the works for quite some time and Mr. Kent Irwin of Waggoner, Irwin & Scheele is here this evening to present this.

Kent Irwin: Thank you. I'm Kent Irwin with Waggoner, Irwin, Scheele & Associates from Muncie. I'm here this evening with Eric Scroggins from our firm to present to you the personnel handbook that has been prepared for the county. To respond to your questions and discuss, perhaps, a little bit of the process of which this all came about, beginning with the formation of a personnel committee here a couple of years ago through the Commissioners. I don't believe in your last policy this was necessarily the process, but the Commissioners did believe that the more heads involved, the better. So, there was a committee formed of county officials, your County Attorney, Alan Kissinger; Sandie Deig from the Council; Rick Jones, Councilmember and also a human resource services person out at DSM Engineering was on the committee; Jayne Berry-Bland, the Treasurer; Betty Hermann, Recorder; Mark Tuley from the Parks; and Bill Morphey from the Highway. This committee met several times in piecing together various parts of this policy beginning with reviewing the existing policy that was in place as well as adding to various other policies that had been non-existent up to that point, such as the policies under the Americans with Disabilities Act, certain Family and Medical Leave Act provisions that were not in place several years ago, OSHA requirements and some others. The policy in it's present state, we believe to be accurate and it's a reflection of the intent of that committee and of their review of the policies as they were developed. We do note that a policy handbook is a summary of policy and that the underlying documents such as an insurance policy would govern the actual procedure and day to day interpretation of various questions that may arise. With that, I can say that this handbook, being a little more lengthy than your past one, is a fairly thin document in terms of trying to anticipate every possible scenario that we may conceive that would regard a personnel question. It is one that will serve as a primary document in the operation of your various departments and offices but there will certainly be a need in the future to develop various personnel forms, to design procedures that can be followed in implementing the policy. Moreover, the need for employers to document their policies is increasingly important in terms of the amount of activity that we have in the way of litigation, in the way of complaints, in the area of our employer/employee relationship. An IU study recently looked at the number of cases that end up in some kind of litigation or complaint and one of the things that was found to be a most common mistake is not having a policy in place at all. The other being, once having one in place, some employers haven't communicated that policy to the employees so that they, in fact, can acknowledge that this is the employment relationship that they have with their employer. The policy is

laid out where you see a table of contents, likewise at the end, it's been indexed according to topic. The various sections that are included involve not only the federal requirements of ADA and the Drug Free Work Place Act, but also, employment policies as they involve recruitment, Fair Labor Standards, personnel records, requests for information, salary administration. There's a fairly lengthy section on employee benefits, working conditions, safety, personal conduct, and finally, there's a problem resolution section on pages 49 and 50. I would stress that is a very important addition to your policy that the committee felt was strongly needed in the sense that there is a means for employees to bring complaints to their supervisors, to other elected officials and hiring authorities, eventually, to this County Commission in an effort to resolve in-house complaints that otherwise might proceed into litigation. I think it was with that spirit that the committee was very pro-active in looking at the policies that best fit Vanderburgh County and these are designed to improve that communication between the supervisors and the employees. A couple of key phrases that I'd like to point out because they often come up in questions in counties. The first one is on page 1. In the use of this handbook, in the last paragraph in section 1.1 which states that,

"These policies and procedures apply to all Vanderburgh County employees except when in conflict with special employment conditions by the appropriate authorities such as collective bargaining agreements that you have in place."

That statement would also include various other statutory requirements for elected offices as well as health boards and other authorities and commissions that work through our county government system here in Indiana. The other question that often comes up is one of individual authority of those elected office holders with regard to recruitment and hiring, on page 10 under 2.1, the very first sentence,

"The authorization to recruit and hire to fill a vacancy in an existing or newly created position rests solely with the elected official and designated department heads."

So this policy in no way is an effort by the County Commission to impose its' will on individual elected office holders in the area of recruitment and hiring and moreover in the institution of various disciplinary guidelines that are set in place as a part of this policy. There is one amendment that I would ask you to consider, actually two, there is an inverted sentence, but on page 4 in the next to the last paragraph, in the last sentence that reads now,

"Employees shall notify supervisors of such drugs and prescriptions"

that be amended to read,

"Employees in safety sensitive positions shall notify the hiring authority of such drugs and prescriptions"

This narrows down the group of people that would be required to notify their employer of those medications that they are under some physician ordered prescription. People in these positions would include police department officials as well as those that are holding commercial drivers licenses, those who are in positions where they would pose some direct safety accident, perhaps, to those persons that they come in contract with as fellow employees or the general public. The other one that was, I believe, just an inverted one was under the Family and Medical Leave Act on page 26, the fourth paragraph from the bottom,

"This policy shall be governed by the Family and Medical Leave Act of 1993."

Instead of the way it's written invert policy and Family and Medical Leave Act in that sentence. Those are two revisions that we would suggest that the Commission make prior to adopting this handbook. I can say that the handbook has been made available to all the committee members, it has been in draft form, it has been in preliminary draft form, it has been in preliminary, preliminary draft form and I think has been fairly well scrutinized by both the committee members as well as the legal staff. It is also in ordinance form and has been advertised, and you'll see on the table of contents the ordinance identification numbers have been added as was requested by the County Attorney. Tomorrow, there are scheduled, two meetings for the elected officials and department heads to go over these policies, to ask questions, to discuss these in greater detail and we will be available, obviously, for that meeting and should there be additional forms and procedures that are needed, we'd be glad to provide the Commission with a list of those in the future. Obviously, this puts more pressure on the County Commissioners in terms of oversight, of personnel policies as they are here, I think the absence of that is probably just as libelous to you in terms of potential claims of discrimination or whatever they may be. I know that Mr. Jones is here from the County Council, Sandie's here, others that were on the committee, Bill's in the audience tonight. If there are any other questions from that group or any others, I would be glad to respond to them.

President Borries: Thank you, Kent. Questions from this Board?

Commissioner Tuley: It's more of a question to the Board, the Auditor's, in fact Suzanne is the one that presented it to me, if this were adopted, would this take effect immediately and then that extra personal day, when does that come into being?

President Borries: Well, I don't believe that we're budgeted for that extra personnel day this year, I think that could certainly take place at the beginning of --

Commissioner Tuley: '96?

President Borries: Yeah, 96.

Commissioner Mourdock: I guess that question really is a broader one, given the context of the economics. That was one of the questions I just typed in to myself here. I know there are some changes here with sick leave and things from the present policy. Do we have an economic handle, has there been an economic evaluation done as to what this cost is versus the present plan, and obviously, the timing of when it goes into effect is critical to all those costs. That's when the clock starts and when the cash register starts to ring.

Kent Irwin: To my knowledge, there would be no additional, immediate costs that are not budgeted for. An additional personal day would be a day that a person is not working, but they would be paid for that and that's already a part of their salary that's been budgeted for this year. Any other time off would likewise be time off that the employee would have from their job that is already budgeted in their annual salary amount. Those are the only two items that I know of that would be different in terms of benefits to employees that have any monetary value, but they're already covered in terms of your current salary.

Commissioner Mourdock: But to your knowledge, then, and I understand that answer, but to your knowledge, there's not been a full economic evaluation done of what this means? I mean, you just gave us your opinion on that issue, I understand that. But, I guess what I'm asking, Kent, real bluntly here is, recently, as you

know, with another contract we had questions asked as to where are the costs? It's kind of like the old T.V. commercial, "Where's the beef?" If you'll remember that one. I just want to be comfortable with the fact that before we act on this, that someone from the Council who is going to ultimately be paying the bills for this, has done an economic evaluation on it or at least that we have knowledge that, as you said, there is no economic impact.

Commissioner Tuley: The Councilmember who sat on the committee is sitting in the audience.

President Borries: Rick, would you want to...

Commissioner Mourdock: Our sound system isn't as good as yours, Rick. Maybe we need to bring that up in the budget.

President Borries: Yeah, we're not asking for any new employees here, Councilman, but our sound system is the pits!

Councilman Jones: I'm Rick Jones, member of the County Council. As far as I can see, there's not an economic impact on this. It's just as Kent described, you know, the money is already budgeted. If somebody decides to take off on a personal day, it makes no difference if it's a personal day or they are actively at work. So, there's not an economic impact.

Kent Irwin: Those are the only two items that are different from your current policies. So, as far as having an economic analysis, we know that those are the two items, there's no additional benefits that have been granted through this policy that were not previously part of your current personnel handbook. And unlike a labor negotiated contract, this is not a negotiated event where people are proposing certain benefits or certain wages and it's part of the process that, more of an updating of the policy and procedure of what's currently on the books. The one additional day and the vacation are already covered and there are no other items to be costed out in this handbook.

Commissioner Tuley: Kent, in terms of vacation and sick pay and those days, just so I understand this, this does, what we use for those is not a calendar year, but an actual employment date year. Correct?

Kent Irwin: Right. Hire date of the employee, which was one of the criticisms of the past policy.

Commissioner Tuley: Right.

Kent Irwin: It was on that calendar year and some people, depending on the time of the year that you were hired, you would benefit more than some of the others.

Commissioner Mourdock: Your recommendation, let me go back one step, this obviously was put out in the newspaper, published as an ordinance that we would be having this session as a hearing. Who all has received a copy of this and, or has provided to you comments with any questions or suggestions?

Kent Irwin: The committee has had a copy of this in its regular printed form, not in the handbook form, but in the same words, the County Attorney has had a copy of this for some time, I think it was a preliminary document that was presented to the Commissioners in December of last year, and it has been under review since that time. We have received one letter with comments about policies from the director of Legal Aid.

Commissioner Mourdock: And have those comments resulted in any changes to it?

Kent Irwin: The letter resulted in narrowing the definition of those persons required to notify their supervisor of prescription drugs, which we believe is a sensible request, although we believe you could stand a test if that was questioned in the future, if you didn't amend it, and again, I think Mr. Jones can respond to that. He deals with this on a daily basis in his position.

Commissioner Mourdock: That's the language on page 4, that you modified, right? My question here is that, we did modify it as a result of the letter and do you know offhand if all department heads have read through the policy, made the effort or have seen the policy?

Kent Irwin: I don't know.

Commissioner Mourdock: Okay.

Commissioner Tuley: Following up a little bit, because Suzanne did have a question that she based on her providing her employees and it's more of a point of, I don't think I heard anybody from the Auditor's staff was on that committee, so this was made available to you somehow.

Suzanne Crouch: We have a copy of it in our office as a result of the ordinance.

Commissioner Tuley: Okay, so even though you weren't on there, you had the opportunity to review this and you've provided it to your supervisors and...

Suzanne Crouch: Right, because I knew it was in my office.

Commissioner Tuley: Right, because you had it and not because somebody went out of the way to get it to you, but you did have it available to you?

Suzanne Crouch: Yes.

Commissioner Tuley: Okay. I'm trying to think of who else wouldn't have had it.

Commissioner Mourdock: I certainly understand that just the publishing of the ordinance, everyone has the opportunity and I know there's been a copy of it in on the spare desk in the Commissioner's Office since the time, what was that, three weeks ago, when we first published. I also know how busy everyone is and just to have access to and actually read through it line by line and formulate questions or perhaps have some discussion to generate questions, that's my point. And from what I understand, you've gotten one set of questions back and you're not aware of others who have pursued it?

Kent Irwin: No, and that's the intention of the meetings with the department heads, elected officials tomorrow, to go into detail and provide explanations as to how the policies fit individual situations.

Commissioner Tuley: Kent, I'm sorry, and this is going to sound silly, but on page 52, we have a place in the back of this book. I assume we will instruct all department heads, after this has been handed out and signed, to get a copy of that page and to keep it on file somewhere?

Kent Irwin: Yes. That acknowledgement form is made a part of the handbook, but the department heads will be provided with that same form to document a distribution of the handbook to employees so that the employees acknowledge receipt. You will have this a part of your permanent file.

President Borries: I know that there's been a lot of work on this and we have advertised it this evening and I suppose we get paid for making decisions. Some are right or wrong, oftentimes, maybe considering that it is impossible to consider every contingency at every time, but in the interest of trying to improve what we have and to comply with the changing regulations, we have endeavored to do that with this particular policy. Is it the feeling tonight that you'd want to act on this, then, so that we can move forward to present it to the employees? If there are serious changes, anything that does come up that we have not anticipated, certainly we can amend this. It should be as all employee manuals should be, a working document to reflect changing needs and times and regulations when they are appropriate.

Commissioner Tuley: I don't have a problem with that. I think the main thing we have to do is identify if it is this effective, should it pass, immediately, and that there is no fiscal impact as we've been told.

President Borries: Well, again, Mr. Jones, Mr. Bassemier, we have two members here, a bipartisan group tonight, and we welcome you. Do you see any reason at this time that we need to go back in terms of our fiscal...we know these are not going to last forever in relation to changing needs and times and there will be specifics, and again, you simply can't tailor for 800 employees, 800 different employee policies. But do you have a problem, either of you, moving forward on this?

Councilman Jones: I've already identified myself, do you want me to again?

President Borries: Sure. I'll tell you what happens, they transcribe these word for word, so...

Councilman Jones: I'm Rick Jones, member of the County Council. I guess there's a couple of things that I want you to consider. The point is well taken that it needs to be communicated to everyone. However, when it was in committee, we did our best to take the old policy and to look into the future a little bit and what kind of things that we would encounter in the future to cover all 800 county employees. I guess the thing that I want to talk to you about this evening is, I believe about a week ago or two weeks ago, Commissioner Mourdock made the recommendation that we hire an administrator for the county. I had talked to Commissioner Mourdock about that. I'm more convinced now than ever that you need a human resource manager. I took this position three years ago when I ran for County Council. With us putting these policies and procedures together, it's more than the Commissioners can do, especially the day to day things. You have department heads that have records scattered all over the place, there's no central location for any files. You just heard Mr. Irwin say that the documentation is critical, if it ever comes down to it that you have to get a terminated employee or something like that, I can tell you it's especially critical. You're going to get the County Attorney involved in that kind of thing anyway for their guidance, but at least it would be one central location that you could funnel all these questions. Okay, how do I interpret policies and procedures? You guys are around once a week, maybe twice a week, there is no central figure to direct all these questions to, and if you start directing them to the County Attorney, on an hourly basis that's going to be fairly expensive, I think. So, I would make that recommendation to you because to me, to develop these policies and procedures, it's a moot point if you don't have that one central figure to direct all these questions to, and to provide the training. After we initially have this session, everybody gets the policies and procedures, somebody to help you interpret those things, and to kind of like, be a mentor.

President Borries: Let me ask you this, then. Oftentimes in a

politically charged atmosphere, I mean, I'm not going to advocate a new person unless we would get some Council support and we're not here with our hand out this evening saying this. If you think you can support this, do we want to look at, since we have a city/county purchasing personnel department that we look through that office in terms of exploring that rather than a separate employee?

Councilman Jones: It would certainly be an option. I mean, just hiring one person is not going to do it, okay. You're only going to have one person for 800 people there, but in private business you can look at any major Fortune 500 company, and even though this is a governmental entity, nobody would possibly even consider having a department of 800 people without a human resource person or a human resource staff. I can't speak for other members of the Council, I do know some are receptive to the idea, but whether I can pull that off or not, I don't know.

President Borries: I've been there. I understand what you're saying. And your point is well taken, you're right on target. What this Board does and, you know, it's a balancing act, it's a much different animal than city government, it's much more decentralized in a lot of ways, but what we're trying to do is to allow each office holder to have the maximum amount of flexibility here and put up a broad framework, if you will, a spine, to kind of fill in, in many cases and to do exactly as you say, to provide some centralized place in this office, or wherever, whatever we can work, to store our records and to conduct an orderly human resources area that will provide to all employees regardless of what office they work in. But it is a balancing act, as you well know. Oftentimes, we never quite get the questions until there's a problem and that's sometimes the things we inherit. But I think you're right on target with what you're saying and we can explore those and, frankly, we are going to have to ask for your support if this would come about, because --

Councilman Jones: You have that.

President Borries: You have the say in relation to positions and that type of thing.

Councilman Jones: But in working with Mr. Irwin, Sandie, you know, I'd have to make the recommendation that you approved the policies and procedures.

President Borries: Okay, I think that, and I do certainly want to say that Mrs. Deig has done a fine job of working with our office. It gets, sometimes, pretty hectic when you are interpreting all kinds of things, but we do the best we can and, you know, and probably, again, in view of some of the changes here, need to beef that area up.

Commissioner Tuley: The only thing I want to add to what your comments were, if you look at page 14, section 2.4 in the second paragraph, it says:

"The Commissioners shall,"

it doesn't say we can, that we may, don't have to if we don't want to,

"shall maintain an accurate personnel file for each employee."

That's going to take a lot of direction, Kent, and whoever, tomorrow, when you're dealing with these department heads and office holders, to provide us, it spells it out what they need to provide us with and we need to have some way to file those by department, by office, or whatever, and maintain those records,

because this is the office they come to when we get sued.

Commissioner Mourdock: And they come fast.

Commissioner Tuley: Oh yeah!

Councilman Jones: Just for general information, it has been a common practice in years past, that when an office holder gets defeated or something like that, the personnel files go with them.

Commissioner Tuley: Oh, I'm sure that's happened.

Commissioner Mourdock: Let me just add...I was just going to add that my comments and questions are not in any way meant to take away from the policy that's here, right now. I have more of a procedural question or I guess a procedural concern, and it's simply that this county has elected officials that the people put faith in, they show that faith by electing them, and I would just like to see all the elected officials, all the department heads, get a chance to look at this document before we act on it. That's not to say that even within seven days, if that opportunity were given between now and then, if those people were given their chance, submitted documents in writing or questions in writing, as one other person did, just to list the questions, I think probably most of the questions can easily be answered. But I think it's a courtesy in one sense and I think it's a proper policy in another sense. I just don't want to see us caught in another crack where, yeah, there's a few minor changes we can make. We can amend it later, and as I said here a couple of weeks ago, one man's minor is another man's major. I never knew how prophetic that would be when I said it, but I don't want to see us get in that situation. When Kent started his remarks tonight, he used the phrase, the more heads involved, the better, and I couldn't agree with that more. That's exactly the right attitude and I would just like to see those people who have been entrusted by the public to run public offices given the opportunity to react to this, given a few days to put their comments together. Hopefully, all their questions can be answered tomorrow, and if that's the case and they come back and say, this is a great document, then hey, I'll be the first one to cast the yes vote, but I would certainly like to see us extend that as a courtesy, and I think we have that obligation.

Councilman Jones: Well, in Kent's comments, I thought he said four heads and I was a little bit offended by that. I still would make the recommendation, because, and this is the only reason that I say that, when you put together a committee, you rely on their expertise. When we hire an outside consultant, you rely on their expertise, and for the sake of some of those issues that came up that I had seen that was addressed in the letters, just points of clarification need to be made. If you would send it back to the department heads, I'm sure you are probably going to get a flurry of, why are we doing this, why are we doing that?

Commissioner Mourdock: And that's, if I may interrupt, that's not the purpose as far as I'm concerned, of the meetings tomorrow. The purpose is not to turn it into a gripe session, but just as the one person who submitted questions has already led to two changes, one correction if you will, and one change in this document, the more heads, the better, as far as I'm concerned. I think that's proof enough.

Commissioner Tuley: I'm only going to disagree with you from the standpoint, we had a very wide spectrum of people. This is not a secret, this is not something that sprang up a month ago and just suddenly appeared. This is something that everybody's been aware of that's been going on for what, a year and half now? I think there's been enough information available, either directly through the committee members by having elected office holders and department heads on it, Council has been involved in it. I don't

think it's a case like the other contract that we we're making reference to. I think we let one person lead on that and nobody else got to be involved in it and it made it too easy for mistakes to happen and things to go unnoticed or incorrectly be represented. I think with the size and the scope of this committee, and with having hired an outside expert, I'm comfortable with going ahead and sending this down to the office holders and let them, if there is some glaring, something that all these people have missed, that we could change it.

President Borries: Thank you. Ms. Musgrave?

Cheryl Musgrave: I'm Cheryl Musgrave, County Assessor. I would like to echo Richard Mourdock's comments to please wait a week. I got what I'll call a "black market copy" of the personnel policy from Legal Aid. I had no idea that you guys were going to do this. My staff has spent a couple of days looking at it. I haven't had time. They asked me a question today that I couldn't answer. I'd be happy to ask you here tonight although I understand tomorrow, after you pass it, is the time for questions to be addressed to you. I just don't think that my staff should be left to question something that's already occurred. I think you ought to give them the opportunity for input before you do it. Secondly, I would like to know if this policy, like the prior policy, will be adoptable at my discretion as an office holder, or whether I am bound by it?

Commissioner Tuley: To what regard are you concerned about your rights as an office holder?

Cheryl Musgrave: Again, I really have not read the document. I haven't had time.

Commissioner Tuley: Next week, and I don't want to get into a big debate, I don't see how we can continue, everybody will find something at fault with it --

Cheryl Musgrave: Undoubtedly, but you don't have to respond to all of those, but the major problems is what --

President Borries: We will, ultimately, end up doing that and just as Richard has said here so aptly, one man's major becomes another's minor and we never get anything done. The impetus is toward the status quo, we never change anything, we never do anything. Your rights as an office holder are very clearly spelled out in the first page. I think it says that, let me see now, I just read this. As an office holder, you are entitled to hire and fire and set policies within your office, but insofar as the, just as it would be with any personnel plan that affects every county employee, you would have to abide by that.

Cheryl Musgrave: Is there a legal basis for that, can you cite where you can set policies --

President Borries: As the County Executive, we can set parameters in very broad areas, stopping short of hiring and firing in terms of your office, but insofar as benefits and insofar as, I think, many of the aspects to this handbook, that is exactly right. We cannot and would not, nor would you I wouldn't think, want to have your employees working nine hours a day when other federal laws and others would say that an eight hour day is appropriate. Again, there are so many other areas in which, again, that apply not just to your decision making and how you conduct your office, but individual employee rights. So that, I think, is the whole aspect. That would not change regardless of any changes that would apply in here. You are entitled to run your office and no one would certainly debate with you on that fact. But how your employees are paid and treated and conduct themselves in the work place is governed by, frankly, by rules that would be out of your control as well as out of mine, in many cases in terms of federal and state

statutes.

Cheryl Musgrave: So you're saying that the office holders would lose their ability to reject the county personnel policies?

Commissioner Tuley: You probably would have that right to reject those policies if you so desire to act outside of this policy. I think legally, if you get yourself in trouble by doing so, you would be at your own mercy to hire your own attorney to defend your actions, if you act outside of the policy. So, I guess, technically, yes, you can refuse to act accordingly, but there's no nice way to say it, you suffer the consequences of your actions, if you do so.

Cheryl Musgrave: I definitely think that you'll get a lot of comment tomorrow, then. Thank you.

President Borries: You raised a question that I think needs to be addressed and that is the eight hour workday, forty hour work week. In the policy, it states that the office hours are from 8:00 - 4:30. Does that mean we are only allowed a half hour lunch or should we be there from 7:30 to 4:30 with an hour lunch? Is that to our discretion, and are we going to put time clocks in all the offices and enforce this?

Commissioner Tuley: There is a reference to flex scheduling in there somewhere.

President Borries: Yeah, I think there is. I'm not sure that Mr. Irwin would have, and he may want to comment on this, I don't think that there is any change in relation to office hours as to what --

Kent Irwin: That is the policy now. Individual department heads and supervisors may arrange individual employees, set meal time periods, starting, quitting times, according to the needs of each office and department.

President Borries: I think, Suzanne, to answer your question, it's a good one. There is, you know, discretion, I think, that you have in relation to how that is structured. Some would choose to do a half hour lunch with, perhaps, another fifteen minute break in the morning in the afternoon, or some might elect to do that on an hour basis.

Suzanne Crouch: And that's what we do in our office. But, my second part to the question is, are there going to be time clocks in all the offices, and is this going to be enforced?

Kent Irwin: No, it just says you're going to be open for business. There's no reference to time clocks, nor was there any discussion or intent, I believe, in any of the committee discussion that that was going to be part of the procedure.

President Borries: Some offices have time clocks.

Commissioner Tuley: I was going to say, I could address that. At the Treasurer's, we did have a time clock. I don't know what happened. At one time it seemed like that clock was shared. I don't know what's happened, but it's no longer shared between the Auditor and the Treasurer's Office, but in order to keep accurate records, that's why we insisted on having a time clock. It made it much easier with people going to lunch since you're supposed to keep time on the lunch hours and everything, to have one. I don't know, there's not one in your office any longer?

Suzanne Crouch: There's one in our office and the Treasurer has purchased their own time clock. Correct. The problem is that when you, as an office holder, choose to abide by a personnel policy and you look around, and other office holders aren't abiding by a

personnel policy, it makes it very, very difficult to keep morale high in your office and so, if in fact, we are implementing this new personnel policy, where's the teeth?

Kent Irwin: If I might respond to that question, with regard to time clocks, I think that's been a discretionary item left up to individual elected officials and department heads. The policy is no different than it was or has been in that sense, and many of the other policies that are in this handbook. The point that Mr. Jones makes in terms of having someone to monitor and to make some assurance that these are being followed in a standardized way, is a real need in any organization of this many employees. Allen County, as a comparison, has a personnel office, has a safety officer, and that office has an insurance person, has a human resources director who oversees many of the personnel functions and maybe that is something that you're going to have to look at, as a county to go towards in terms of maintaining the system. The skeleton is built here, as Mr. Borries said, but it is going to be a matter of how these policies are consistently addressed and applied across the various departments. Believe me, employees know who is leaving early, employees know who is getting a break and those claims will come. In the absence of policy, we rely even more so on word of mouth, but the mere fact that you have a policy communicates your intent and that is real important in terms of making the first step. This policy is not a whole lot different from the last, but it does include, I think, some essential pieces that you haven't had up to now. I can certainly appreciate the individual hiring authority of the various elected office holders that is set out by statute, and the phrase in this policy that says, except when in conflict of statute, would that other policy prevail. But when we get to things such as the Americans With Disabilities Act, this is a federal law, we have to comply, we have no choice. When that law says the employer, and that employer in this case means the County of Vanderburgh, the executive has to designate an ADA coordinator, which they have done. They have to provide for a grievance procedure for people who have complaints which they have done. Now that has to be done as a county and believe me, when county officials get sued, they end up back here in front of this Commission, and they end up in front of the County Council when they ask for appropriations if they happen to lose such cases that may evolve. So, in that sense, your policies are not that much different than what you've had in the past. The monitoring mechanism in the future is one that will involve obvious cooperation with the Auditor's Office because so many of the functions come back to that office with payroll and others as kind of a central clearing house. But I would echo Mr. Jones' recommendations in terms of seeking ways to designate a person or enter into some agreement with the city or some other way to do that. The Council executive is doing some of that function, some of that function is in the Auditor's Office, and others of it are scattered about with various other people throughout the county, but I think all you can do is try to set out that framework by which you can operate, knowing full well that you're going to have to adopt forms, and you're going to have to adopt procedures as an end result of what's here in this handbook.

Suzanne Crouch: One last question, do the courts fall under this personnel policy?

Kent Irwin: Except when in conflict with statutory requirements. Sure. They're county employees and I'm sure, as the Council will tell you, they set the salaries for courts just as they do others. Again, that is another area of debate.

Commissioner Tuley: We've fought that.

President Borries: Yep.

Commissioner Tuley: We didn't win.

Commissioner Tuley: Any other comments?

President Borries: Well, I think to move forward, if we can reach some conclusion here...

Commissioner Tuley: I'm ready to move then at this time that we adopt the employee handbook that's been presented by the committee for approval with the understanding that, after presentation to the office holders, department heads, if there are some glaring, not in terms of, if I don't agree with the policy, but if there is something that we have glaringly overlooked that has to be amended, we can come back and amend it. I think Mr. Irwin had agreed that if that come up through tomorrow's discussion during the next week, that you can have that corrected before the actual handbook is printed?

Kent Irwin: Yes.

Commissioner Tuley: So with that understanding, I've made my motion.

President Borries: And do we want to adopt the one change that we mentioned?

Commissioner Tuley: Yes, with the changes that have been noted, two changes, page 4 and page 26.

Commissioner Mourdock: Having heard that motion calling it up for a vote, I will second.

President Borries: Okay. This is an ordinance change and so I will ask for a roll call vote at this time. Commissioner Mourdock?

Commissioner Mourdock: I will vote no, and again, it's not that I'm voting against the policy in this booklet, I just do not like the idea that our elected officials and department heads are not getting a chance to have their voices heard about concerns before this particular vote. So with that having been said, I respectfully vote no.

Commissioner Tuley: I respectfully vote yes.

President Borries: And I vote yes. Motion is approved and adopted at this point. I think we've had a good discussion, good debate and frankly, in order to do as our Auditor has, I think, so aptly pointed out, we will need the support of our County Council. I think we do need a point person to put the teeth into this. We are going to have to have, either through, perhaps, close communication with the Auditor's Office, either a designated person there reporting directly to our office or our office handling much of this in relation to the record keeping to look at any infractions and to take care of those. Council, I think at this point, is going to have some direct involvement in this. We have some options to look at insofar as getting a person who can work with us on this.

Commissioner Tuley: When you said that, and Suzanne, correct me, but I know that some of those payroll vouchers that come to your office do not reflect what really went on during the pay period. Is that still correct?

Suzanne Crouch: That's correct.

Commissioner Tuley: Keith, I don't expect you to answer right now, but get back to us, if we don't receive, we, being the Auditor's Office, does not receive the proper documentation, i.e. that shows that in this pay period this person has 12 hours of overtime pay on

here, or 12 hours of compensatory time included in this 40 hours, vacation time, whatever, do we have the right to not pay those people?

Keith Rounder: Okay.

Commissioner Tuley: I think we've got a response --

Sue Hartig: Sue Hartig from Legal Aid. I've always had a question about that because it's my understanding that what I sign is two weeks in the future. When I sign that, I have no idea if someone is going to call in.

Commissioner Tuley: It's not two weeks in the future. Is it one week now?

Suzanne Crouch: Yes.

Sue Hartig: Okay. But I've always been concerned about putting my signature on that when I have no idea what my employees are going to do next week.

Suzanne Crouch: And as you all know, the county has been written up on that procedure by the State Board of Accounts because, actually, we turn in our payroll a week in advance. They are paid when they pick their paychecks up and cash them on Friday, they're paid to date. However, where you end up getting into problems is, when someone is sick, you have to be sure that the office holder goes back and corrects that on the next payroll or if someone takes vacation that they hadn't planned on. So, you can understand.

MEETING INTERRUPTED TO CHANGE TAPES

President Borries: And we will continue to explore ways. I think Councilman Jones has, again, extensive experience in this to create a way in which we can monitor this. Frankly, as we say, it's a real balancing act in relation to our rolls as County Executives. I know from a past perspective of having been at this job for awhile, those folks who are full time elected officials see it a little bit differently than those of us in another capacity. So they do have to administer on a day to day basis. There are some concerns. There is no substitute for good effective work as an office holder. We do not stamp them out. They come from two parties. And they are different, and often times they, frankly, don't look all the same, act the same, and so I'm not passing judgement on anyone tonight. But I'm saying, probably in some cases, it is not all looked upon the same in terms of that policy. But we're going to do the best we can with this. And the way to do that, I think, is to, again, focus in on the human resources function, the accurate record keeping, and the ways in which all employees are individually affected by this, and how it applies to all the employees.

Commissioner Mourdock: Councilman Jones mentioned that he and I had spoken about the administrator idea, and the H. R. person, I would add that was after I had commented here last week about the need for an administrator. Everything you just said Rick, I think was an argument for that position. Because I certainly see (inaudible) there. There are just so many functions of this that are a full time job anymore, and we need a better handle on it.

Commissioner Tuley: Okay.

RE: ROSE ZIGENFUS - EUTS

President Borries: Rose Zigenfus apparently had a conflict. She did leave a report, and I will hand that report in for the record. It has Vanderburgh County projects on Eickhoff, Koressel, Franklin Street, Green River North, Lynch Road extension, Oak Hill Road

bridge, Ohio Street bridge, and Stringtown Road bridge, all of which are projects that are ongoing projects for the county. This is an update from her perspective as to where those are, so we can submit this for the record.

RE: KEITH ROUNDER FOR ALAN KISSINGER - COUNTY ATTORNEY

President Borries: Alan Kissinger is not here. Again, our County Attorney this evening is Mr. Keith Rounder. Any report from Mr. Rounder this evening?

Keith Rounder: No report.

President Borries: Thank you, sir. Thank you for being here. I'm not saying that you shouldn't give a report if you felt compelled, but that's fine too.

RE: SUNNY TITZER FOR CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

President Borries: Cindy Mayo is also not here this evening. Again, she is ill today, so, Sunny Titzer, do you have any items at this point that we need to...?

Sunny Titzer: No.

RE: BILL MORPHEW - COUNTY GARAGE

President Borries: Okay. Thank you. Bill Morphey, our County Garage Superintendent is here this evening back from vacation, smiling, suntanned, wishing he could return again. Bill has submitted a progress report which shows the work of the County Highway Department as well as the bridge crew from Friday, July 28, through Thursday, August 3, 1995, and again, as always, indicates work done in all parts of the county. Any questions of Bill at this time?

Bill Morphey: There is a typo on the bridge crew report. It's the wrong date. It says, July 28 through July 27.

President Borries: Okay. That should be what, August?

Bill Morphey: August 3.

Commissioner Tuley: Bill, did I understand Milton to say, you were somehow able to piece that distributor back together?

Bill Morphey: Yes. I don't know how long it's going to last. What we did is, I talked with the Garage Foreman, and we agreed that if we do get a new distributor, and when we auction this one off, or sell it, it would be worth more money if it could maneuver under it's own power. So we took an old truck that the hydraulics didn't work on, the front end was out of it, the rear end was shot. The motor is weak, and we pulled it out, and set it in that distributor. We haven't accomplished a great deal other than making it move on it's own power. We still do need to replace that truck.

President Borries: I thought we were doing some of that, weren't we, looking at some...?

Bill Morphey: Yes.

President Borries: Okay.

Bill Morphey: I did specs up on a new truck, on a new distributor. I've talked to Lynn Ellis in Purchasing, and also Alan Kissinger about the legal way of doing it, the proper procedures, and also on the lease purchase, versus outright purchase. And we can go either way, with the exception we still need to bid it, and it would be a

conditional bid. I do ask permission to go before Council to transfer monies to do this. I would like to take this money out of my Bituminous account.

Commissioner Mourdock: What do you mean by conditional bid?

Bill Morpew: A five year lease purchase plan with a down payment.

Commissioner Mourdock: Oh so, just conditional rather than you go ahead, and exercise the buy/purchase?

Bill Morpew: Yes sir.

President Borries: May I have approval for Bill to go to Council for transfer?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered.

Bill Morpew: That's all I have.

President Borries: Okay. Any questions of Bill? I know a lot of hot weather, and some rainy work as well, did we suffer any problems down in Union Township, or anything with the rains?

Bill Morpew: Trees are down from what I understand, not so much as the rain, the ground really needed to soak it up. We've had a few trees down. We took the one tree down that was a real hazard at the intersection of West Schissler Road, and West Franklin. We did take that tree down. It was an expensive tree. It cost us 800.00, but then it was a very large tree.

President Borries: I had a complaint that was a phone conversation, not a complaint, it was a phone conversation with a person, and I've neglected to tell you about this. You've probably heard about it. I think there was some tall grass that may have restricting the visibility near Mesker Park Drive and Mill Road, somewhere out there in that area. I'm not sure I forwarded that on to your office. If we could look and see. It's near Mesker that's re-stricting that. The other problem that this person talked about was one that I could not solve, and that had to do with some, I think the person who was doing some farming in the area, and there were some smells that were associated with farming, and farming is legal in Vanderburgh County. There is nothing that I can do about that. I have fought smells in other places where, frankly, it was a major hazard to public health. I'm not sure this is, and so that area, I'm not sure we can deal with, but if you could look at the weeds and the tall grass, I think it was Mesker Park and Mill Road, somewhere in that area.

Bill Morpew: We've cut that area recently.

President Borries: Okay. That may have done it then.

Bill Morpew: I would have to go back out, and actually take a look.

President Borries: Okay. That's fine. If there are no other questions, thanks Bill. Appreciate it.

Bill Morpew: Thank you.

RE: JOHN STOLL - COUNTY ENGINEER

President Borries: John Stoll, County Engineer.

John Stoll: I've got two items this evening. First, I've got a change order on the Mann Road Bridge project. It's contract VC94-07-01. It results in an increase of \$138.86. This project is finally complete. This is the one that was taken over by J.H. Rudolph once W.E. Limited went bankrupt. We had underruns in asphalt and compacted aggregate, and we had some overruns in rip rap but the, like I said, the net change is an increase of \$138.86, and I recommend it be approved.

Commissioner Mourdock: \$138.86?

President Borries: Yes. Motion?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: The other item that I have is a request from Bill Nicholson for a sidewalk waiver at Heartland Ridge Subdivision. In his letter he states,

"On behalf of Haas Development, we are hereby requesting a partial waiver of sidewalks for Heartland Ridge. The sidewalks we are proposing to install are marked on the enclosed plat. There are no other sidewalks in the area, except Key West Subdivision, which were installed to the first intersection."

President Borries: So on the orange is where he indicates he will put...?

John Stoll: Right.

President Borries: Okay.

John Stoll: We checked with the School Corporation, and they wanted to see sidewalks in this subdivision. They didn't elaborate on where exactly they wanted to see the sidewalks, but they won't take school buses up in that subdivision.

President Borries: They will not?

John Stoll: No.

Commissioner Tuley: Is the orange where he's wanting a waiver from, or is that where he intends to...?

John Stoll: That's where he proposed. That's where his client has proposed putting the sidewalk.

Commissioner Mourdock: Okay, not proposed the waiver, but proposed putting the actual sidewalk in?

John Stoll: Right.

Commissioner Tuley: I'm opposed to that. That is a subdivision that's one way in, and one way out. If buses can't come in, there's going to be a lot of kids that's going to be...how many, what are we talking fifty, forty...?

John Stoll: Forty-two lots, I believe.

Commissioner Tuley: Forty-three? I realize the ones around them don't have it, but the ones around them are very large lots, very, not dense like this is.

Commissioner Mourdock: So you're saying you're opposed --

Commissioner Tuley: I'm opposed to giving them a waiver.

Commissioner Mourdock: Okay, you think there should be sidewalks through the whole thing?

Commissioner Tuley: Definitely, not --

John Stoll: I was going to say, to go along with what the School Corporation wants, I think, as a minimum, you needed them on at least one side of all streets, if not throughout the entire sub.

President Borries: You want it on one side or you want --

Commissioner Tuley: I can live with one side if it's the entire sub, but not this one side down that one corner there, the L shape.

John Stoll: You'd still have kids walking across the street to pick up the sidewalk somewhere if they're on one side, so that's the only drawback to the one side.

Commissioner Tuley: So you think two would probably be better on both sides?

John Stoll: On ones that are this --

Commissioner Tuley: Those are too closely put together.

John Stoll: Yeah, I know I was going to say this is a fairly dense subdivision, small lots.

President Borries: Somebody make the call.

Commissioner Tuley: I move that the request for a sidewalk waiver be denied.

Commissioner Mourdock: I'll second that.

President Borries: So ordered.

Commissioner Tuley: Unless you want a roll call.

President Borries: Is anybody calling for one?

Commissioner Tuley: No.

President Borries: Then I think you better tell Mr. --

John Stoll: Do you want one side or both sides?

President Borries: Both sides. It's been denied.

Commissioner Mourdock: I think denying it, basically, that just gives the gentleman the right to come back and give us another plan.

President Borries: Yes.

Commissioner Mourdock: So rather than tell him he can or can't, do something else. See what other plans he has.

President Borries: Right.

John Stoll: The way the ordinance reads it's not real clear on what a sidewalk waiver gets you, whether it's one side or both sides.

Commissioner Tuley: One of my problems with this is, everybody uses this when there's nobody else around, because we're all developing in new areas in the county. And that's going to be an

argument that everybody brings in as a reason not to have it and I think we have to look at each one on individual merit based on the density and the size of that development.

John Stoll: Right. Something that I wanted to ask you on these sidewalk waivers is something that I have spoken to you about at one time, Pat, whether or not you wanted these to continue coming to you, or whether or not, the Plan Commission since I'm bringing these to you, and you're pretty cold on what exactly the subdivision consists of. And I didn't know if...well, let me back up a little bit....we've talked about rewriting the sidewalk ordinances in conjunction with Barbara down in APC, and nothing's happened as of yet, but one of the ideas that I threw out was whether or not the Commissioners would continue with the waivers, or whether the Plan Commission, I didn't know if...

President Borries: Well, I don't want to speak for this Board. I would think there's some difference of opinion from time to time on what the Plan Commission wants, and what this Board would want.

John Stoll: Right.

President Borries: I think I would continue to want to see these if it's not too inconvenient for you.

John Stoll: No.

President Borries: And I probably would defer to our person on Area Plan Commission for recommendation since obviously he's seen it first.

Commissioner Tuley: They have --

President Borries: They have someone in there, I think, that does that. But I feel a little bit uneasy at this time about giving up the entire situation. I'd prefer to do it on case-by-case right now.

Commissioner Tuley: I would too. I mean, I can bring back different comments, and different things this year with Area Plan, whoever is on there next year --

John Stoll: I'd also like to get some recommendations, too. We've talked about the summary review committee taking a vote on a recommendation as to where the sidewalks would go, which would help me out, as well as you three.

President Borries: Okay.

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

President Borries: I don't, unless anybody else does.

John Stoll: Thanks.

RE: CONSENT ITEMS

President Borries: We have consent items for your approval this evening.

Suzanne Crouch: May I ask a question? On my travel request, that's in the Auditor's budget, but we don't have travel in our budget. Can we correct that?

Commissioner Tuley: This is one that we had already given you permission to go to and you're just changing it?

Suzanne Crouch: It was tomorrow. Yes, it was tomorrow, and with the budget hearings, I...there's one in New Albany, next week.

Commissioner Tuley: Right, but we approved that out of our budget initially, didn't we?

Suzanne Crouch: Yes.

Commissioner Tuley: It was just a typo on this?

Suzanne Crouch: Correct, but there is a second request that's new.

Commissioner Mourdock: And it would also come out of the Commissioner's budget?

Suzanne Crouch: Hopefully.

Commissioner Mourdock: That was your intention?

Suzanne Crouch: Yes.

President Borries: Let's see if I can find the request here.

Suzanne Crouch: It's that seminar put on by the Association of Indiana Counties.

Commissioner Tuley: For the diploma program?

Suzanne Crouch: Correct.

Commissioner Tuley: I don't have a problem with it.

Commissioner Mourdock: With the exception of the two items just mentioned by the County Auditor which need to come from the Commissioner's budget instead of the Auditor's budget, I move acceptance of the consent items.

Commissioner Tuley: I will second.

President Borries: So ordered. On this proclamation, if I could get maybe next, well, at some point, our signatures. Councilman Royce Sutton had indicated that, and he had prepared a suggestion for us to do about a person here in Vanderburgh County, who had served here in Vanderburgh County for twenty-five years to the Human Relations Board, Betty Craig, who passed away, and he wanted us, this Board, to proclaim this coming Friday to be recognized as Betty Craig Day. I told him that we'd be happy to do that, and we've done that. So could I get that done on some of our stationary? Maybe, Sunny, if you could get a copy, and if we could get that typed, and we could all sign it, or stamp it. It would be better if we all signed it.

Commissioner Mourdock: Sure.

Commissioner Tuley: That's the 11th, isn't it?

President Borries: Yes. Could we get in here sometime this week to make sure that we sign this?

Commissioner Mourdock: Sure. I can come in Wednesday night.

Commissioner Tuley: Yes, Wednesday night.

President Borries: Okay.

Commissioner Mourdock: I'll pass this on for the record then.

President Borries: Yes, if you would, and then I'll give the other one to Sunny so she can type that. Okay, we have some things to sign.

RE: SCHEDULED MEETINGS

President Borries: I believe we're getting close here to the end of our mission. Scheduled meetings, there's a list attached. I believe Council Hearings, we go back before the budget at 2:00 on Wednesday. So that will be round two of our mission.

RE: OLD BUSINESS

President Borries: Any old business at this time?

Commissioner Tuley: I don't know if this is old, or new. The request for the Board appointment to the Community Correction Advisory Board because we need someone with extensive court background, defense background, and the name that was recommended to me, or to us, was that of Thomas Montgomery.

President Borries: Okay, that's fine.

Commissioner Tuley: There is room for discussion or I'll make that in the form of a motion.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

Commissioner Mourdock: As a question under old business, the Redevelopment people, we still have an ongoing appointment there that we need to make, do we not?

President Borries: Yes.

Commissioner Mourdock: Okay, so I don't have a name, but just so we don't forget it.

President Borries: Well, we need one, so if anyone has a name, we need to get that done.

Commissioner Tuley: What group is this?

President Borries: The Redevelopment Commission. The County Redevelopment.

Commissioner Tuley: Do we have someone --

President Borries: Eric Williams.

Commissioner Tuley: Eric resigned?

President Borries: Yes.

Commissioner Tuley: I think that was actually Don's appointment.

President Borries: If you can come up with someone that you would like to have. I did find this old piece of communication regarding the person that I think we've talked about, the Purdue hydrologist. Is this the fellow, are you're familiar with him?

Commissioner Mourdock: No, I'm not familiar with that name. I'll look through the list.

President Borries: That's the guy. There is a list of these people. I don't know any of them, and I think that was the whole part of what this was all about here, I think, at that time insofar as this relocated Locust Creek. And so, if you want to look through this, if you could.

Commissioner Mourdock: I'll do that. Are they wanting a recommendation next week?

President Borries: Yes. I think this gentleman teaches Hydrology at Purdue University, and says that he has that --

Commissioner Mourdock: Are we obligated under the...was it their permit request? Are we obligated to choose from this list?

President Borries: No. The only obligation we have is to make sure that they don't do business with BFI, and they don't do business with us.

Commissioner Mourdock: Okay.

President Borries: It was a neutral party, third party. And the only list that we could come up with, at that time, were these people because, again, it was kind of a little bit of, I won't say an unusual field, but you don't see a lot of them out there.

Commissioner Mourdock: Well, it's unusual the way they requested it in the sense of the licensing that we talked about last week.

President Borries: Right.

Commissioner Mourdock: One other issue under old business, did the two of you attend the Welfare Reform --

Commissioner Tuley: That's this week.

Commissioner Mourdock: Oh, okay, I thought it was last week.

Commissioner Tuley: Thursday.

Commissioner Mourdock: In that case, I'll save it for new business next week.

President Borries: Yes.

RE: NEW BUSINESS

President Borries: New Business? We have some things to sign and if there is no other business, then we are adjourned.

Meeting adjourned at 7:40 p.m.

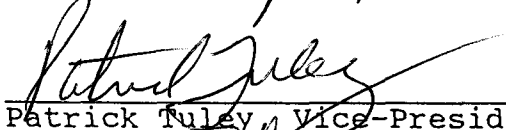
THOSE IN ATTENDANCE


Richard J. Borries
Richard E. Mourdock
Keith Rounder
Teri Lukeman
Roland Reed
Lt. Brad Ellsworth
Kent Irwin
Cheryl Musgrave
John Stoll

Patrick Tuley
Suzanne Crouch
Sunny Titzer
Lynn Ellis
Pattie Davis
Roland Brinker
Rick Jones
Bill Morphew

VANDERBURGH COUNTY BOARD
OF COMMISSIONERS


Richard J. Borries, President


Patrick Tuley, Vice-President


Richard E. Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

AUGUST 14, 1995

TABLE OF CONTENTS

Introductions & Pledge of Allegiance.....	1
Approval of Minutes.....	1
Action Items.....	1
Rick Jones - City sewers for Highway 57 area.....	1
Phil Hoy - Vanderburgh Auditorium improvements.....	4
Betty Knight Smith - Senate Bill 616.....	7
Proposal to join the judge & sheriff positions on election board and increase pay for the inspector, judges & clerks	
Ray Karczewski - Wolfe's Auto Auction.....	8
City/County Contract for towing, storage and disposition of abandoned vehicles	
Joe Profaizer - Director of Computer Services.....	12
COLA increase in contract with county Request for bids for micro computers	
Ordinance to establish a supplemental fee for recording a document in the Recorder's Office.....	15
Kent Irwin - Employee Policy.....	16
John Stoll - County Engineer.....	23
Heartland Ridge Subdivision partial sidewalk waiver Joe Elpers Subdivision II sidewalk waiver request Azteca Railroad Spur project Eickhoff Road Bridge work	
Alan Kissinger - County Attorney.....	28
Appraisal from David Matthews & Associates for Sheriff's Training Center	
Cindy Mayo - Superintendent of County Buildings.....	29
Quit claim deeds for '93 properties Request for proposals for long distance service Sale of '94 properties Complaint about dogs running loose in Echo Hills Sub- division	
Bill Morpew - County Garage.....	32
Highway & Bridge Crew Progress Report August 4th through August 10th, 1995 Hole at Millersburg & Green River Rds. Complaint about tall grass near Mesker Park Dr. & Mill Rds.	
Consent Items.....	33
Employment Changes Travel Requests Approval of vendor claims Acceptance of County Treasurer's June 1995 Report	
Scheduled Meetings.....	33
Old Business.....	33
Letter to Indiana Association regarding County Ad- ministrator Request County Attorney to research possible noise	

ordinance

New Business.....	33
Reappointment of Michael Shoulders to Evansville Vand- erburgh Building Authority	
Indiana Association of County Commissioners meeting on Reformed Welfare Act in Indianapolis	
Adjournment.....	36

The Vanderburgh County Board of Commissioners met in session at 5:45 p.m. on Monday, August 14, 1995 in the Commissioner's Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Good evening. I'd like to call the meeting of the Vanderburgh County Commission to order on this very hot day of August 14, 1995. May I introduce our staff this evening. To my far right:

Cindy Mayo, Superintendent of County Buildings & Office Manager
Alan Kissinger, County Attorney
Pat Tuley, County Commissioner
Rick Borries, County Commissioner
Richard Mourdock, County Commissioner
Suzanne Crouch, County Auditor
Teri Lukeman, Official Recording Secretary

Would you join us, please, for the Pledge of Allegiance?

RE: ACTION ITEMS

President Borries: We have some agenda printed for your information that should be available there over on the stand nearest the door and we do have items that we will consider on that agenda at this time. First, Commissioners, may I have approval of the minutes of our last meeting which was held on August 7, 1995?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered. At this time, we ask any individuals who do not find his or her item on the agenda to speak to us at this time. Are there any persons in our audience right now who do not find an item on the agenda that they would wish to speak on? Councilman Jones, I'm going to get you up next. You're on.

RE: RICK JONES - COUNTY COUNCIL

Councilman Jones: Actually, there are two matters. The Auditorium is one --

President Borries: We have a bad sound system here, Councilman. We're going to ask for your help on that and Mrs. Lukeman has to work very hard to get everybody's comments on record. So, we need your help. In fact, I just had a thought that we might even ask for some Capital Development money since it seems as if everybody else got a little chunk and we're not asking for anything sizeable, but we do have a major problem sometimes with our sound system, particularly since we transcribe these records verbatim. Welcome, sir, and --

Councilman Jones: Thank you. My name is Rick Jones and I'm an at-large member of the County Council. I think that request would certainly fall within the realm of the CCD fund.

President Borries: Oh, good.

Councilman Jones: What I want to speak to you about this evening, and I'll be brief, I have gotten involved in something several months ago with some businesses along Highway 57. It's been, from what I understand from the residents out there and the business owners, and Commissioner Mourdock has been involved as well, and three other people from County Council, is that we have a situation at the Hornet's Nest, if I can drop names here, that has been fighting a sewer problem for the last three or four years in that he has a septic system. There are existing sewers out there but none close to him. What we'd like to do, we've met with them, we've also met with state, there's a portion of funding that is

available from them, anywhere from \$100,000 to \$150,000. We're not exactly sure yet. I've done some preliminary work with the Evansville Sewer Department in that I've asked Jack Danks if the city is not going to participate and put any money into this project, and since it's a county project, in all likelihood we kind of figured they wouldn't, then we didn't think it was fair that if we pulled this thing off, that they would recoup the future tap in fees. So, I have an agreement from Mr. Danks that he's willing to waive that, just verbally, I mean, we still have a lot of paperwork and everything to draw up. But what I'd like for the Commissioners to do is become more involved in this thing and see if we can pull this off. We have money, and I'm not going to speak for the Council, but there is money available in our windfall money that we still have left that we earmarked for economic development and this would be perfect. There's a lot of land out on Highway 57 in addition to the existing businesses out there. You always hear people saying that we never do anything for existing business. This is twofold. It will be for new and existing businesses out there. So, I'd just like to kind of get a blessing, or a green light, from the Commissioners that I can count on your help and so that this guy doesn't have to wait another year to have a city sewer up there available for his business.

Commissioner Tuley: Can I ask you to do a favor?

Councilman Jones: Yes, sir.

Commissioner Tuley: Go back to the part, because I haven't heard this for the three years that I've been on this Commission. We have some money?

Councilman Jones: Council?

Commissioner Tuley: Yeah.

Councilman Jones: Yes, for economic development.

Commissioner Tuley: Okay.

Betty Knight Smith: Betty Knight Smith, County Clerk. Bob called me and asked me to help him on this because it's going to put him out of business and I went to the Mayor and, at the time, Rick Jones, rounded the corner and was talking to us at the same time and the Mayor said it sounded fine to him. He does hire fifty to sixty people out there, so it's not just for an individual, we're talking about a lot of jobs. If that goes out there, there's a lot more jobs, maybe 200 jobs. So, it is in the county. I just remembered this happened, so --

Commissioner Tuley: Yeah, Commissioner Mourdock was at the meeting that you made reference to. I was invited to attend and did not get a chance to get away from work, but I think you could bring us up to date from our standpoint.

Commissioner Mourdock: Sure, and I commend Mr. Jones here for bringing this. This is one of the things on my list tonight. Apparently, there's a lot of small fires burning out there, which is good. Essentially, the state was coming in with economic development. They were doing a survey and Mr. Robling was helping some of the businesses out there complete the forms that would justify or validate the number of employees they currently have and the number of new jobs that would be created. I asked him, I think two weeks ago, where he was at and he was just about to complete those forms. Maybe you have an update on that?

Councilman Jones: No, that's what he told me, was that --

Commissioner Mourdock: Okay, and the amount of money that the state will put forth is dependent upon the number of jobs that

might be created out there. At that time, the question that Councilman Jones referred to was the big one which is, if we do this, do we still have to pay the tap in fees. It seems like we're being double dipped on that. That was their perspective and I would certainly agree. I don't think that's the right way to do it. So, I think we do need to push to get this thing rolling along. There are several current businesses: The Hornet's Nest being one, the pizza place next to it, which I think has common ownership, but regardless --

Councilman Jones: Right, Alvey Signs.

Commissioner Mourdock: Yeah, Alvey Signs, the truss manufacturing plant out there, Frontier Restaurant, all those folks definitely need sewer, and if we can do it with the public works folks backing off on the tap in fees, I think that will make it work.

Councilman Jones: Well, it expedites the project since Mr. Danks is willing to reach that agreement, because now the only other way we could do it was establish a sewer district and you're looking at anywhere from six to twelve months delay if we did that. He's rather anxious to get construction started right away. The money is earmarked for economic development. It's not stashed as a rainy day fund.

Commissioner Tuley: Okay, well, that makes sense. Originally, I either had a memo, or notes, or something to the effect we were talking about an outlay of something like \$600,000. Is that correct?

Councilman Jones: Those were preliminary figures. Apparently, some engineers have already done some work on this project and it was the feeling, and Commissioner Mourdock can attest to this, it was the general feeling that it could be done for around \$400,000 to \$500,000, not the \$600,000.

Commissioner Mourdock: Mr. Biggerstaff originally, I think, came up with the \$650,000 number and then came back to say it could be done for less than that. I'm not real comfortable with what those numbers are. He just felt, somehow in the bidding process, that those costs would escalate considerably. I'm not sure that they would or they would not.

Commissioner Tuley: Okay, let's keep talking. If the state, then, would kick in, and we've heard anywhere from \$100,000 to \$150,000, then they would kick in \$100,000, then we would just be out the balance --

Councilman Jones: We would be out the balance until more businesses started to locate out there and then they would pay us back the --

Commissioner Tuley: And then new businesses, as they tapped in, would pay the county?

Councilman Jones: Yes.

Commissioner Tuley: Okay.

Commissioner Mourdock: And the existing businesses that are out there, as they tap in, they would pay a tap in fee, but instead of paying it to the Board of Public Works or, I don't know if that's the right name, the sewer department, that money would go to recoup the cost that the county paid.

Councilman Jones: We would have to lay some money out at first --

Commissioner Tuley: Initially, up front, which is fine because I think you're right in the fact that we seem to bend over backwards

to go out and get new businesses, but we haven't done as much, maybe, as we could do for existing businesses, and this is one way to show that our intent is to work with both groups.

President Borries: I've said this before, and probably, another Commissioner who served with me a long time probably said it before me, but there is nothing that will do a greater service to economic development in the county than sewers. I mean, that is the whole secret to economic development in the county. I think you are on the right track. I think we just have to be very careful, first of all, as Commissioner Tuley and I have found out in a rather, again, I think, a dismal session on this so-called Welfare To Work stuff, the state always wants to promise some money there, and then it ain't there when sometimes you need it. So, I mean, we really need to work very closely with that. But, you are on the right track and I certainly will support what you're doing here. I do think we have to be very cognizant also of some precedents that we are doing, since it's a pretty pro-active kind of approach, so it also sounds like to me that you're also figuring out a way in which we can kind of recoup our expenses so that we'll have money set aside for other projects like this. I certainly support your request. There is nothing better that we can do for economic development in the county, than sewers.

Councilman Jones: Well, the county finds themselves cast in this role for the very first time, so, I mean, I'll be the first to admit that I'm ignorant about the way this process takes place, but I thought this might be a pretty good place to start this evening.

President Borries: The way it always works is, is that you have utilities, the Sewer Board here, that in most cases will usually run that out, and the tap in fees, basically, recoup the expense. I mean, it is a user fee. Make no mistake about it. It is not an outright grant. Anytime you tap in to the city, the city, essentially, performs the initial service up front and they recoup their expenses and then that's how they also keep that fund going to maintain a pretty extensive service. But, that area is ripe for economic development and certainly, I think that you are, again, on the right track on this. So, I hope that, first of all, we can nail down exactly what the cost is going to be and that level of state support. We really need to --

Councilman Jones: Well, as soon as we can get those figures from DMD, hopefully, I can come back in another two - three weeks and share those with you --

Commissioner Mourdock: In the meantime, I might suggest I think it would be pertinent if we can get, and the group out there, there's several businesses that had gone together to hire Mr. Biggerstaff to do the engineering and actually, at one point he was talking of financing and doing it for them, the project itself, I think to be pro-active, to use Rick's words, if we could get a copy of his plans and perhaps get those to John Stoll so he can start to evaluate them even before you come back in a couple of weeks, that might be helpful to move this thing along.

Councilman Jones: Okay, I'll do that. Thank you.

President Borries: Thank you, Councilman. Councilman Hoy, are you...I thought,...excuse me, Mrs. Smith, I thought they were here together as kind of a bipartisan duo.

RE: PHIL HOY - COUNTY COUNCIL PRESIDENT

Council President Hoy: My name is Phil Hoy, I'm President of the County Council, and you're quite right, we're here as a bipartisan duo.

President Borries: Welcome, we're glad you're here.

Council President Hoy: We, all of us, did a lot of discussion of two issues, and I don't want to say anything else about what Rick just said, because I agree with what he said and I would like to see us move in that direction in terms of economic development and simply, also, to second what we said about money that is available. We never said that we didn't have the money for certain projects. That was not our reason for rejecting the projects. Councilman Jones was listed as speaking to the Auditorium & Convention Center item and I wish to speak to that very briefly. Again, this came out of budget hearings. What we're interested in is working with the Commissioners on an integrated plan for developing the Vanderburgh Auditorium & Convention Center and to move that along as quickly as possible, but not so quickly that we don't do a good job of it. I would never dare speak for the seven people on this Council, but I do think that there's a lot of unison agreement on this issue and that is, as soon as we can, let us sit down and work out a plan that will work towards re-establishing the kind of convention and business that we've had, and connect that with some of the other developments that we have in the making right now which are exciting, to say the least. The new owner of the hotel has, we've had some time to talk, some of us, and he's very interested in what we're going to do in this area, also. That pretty much covers it unless you have some questions.

President Borries: Any questions?

Commissioner Mourdock: You said (inaudible - microphone not on) said the Auditorium and Convention Center, I want to just be sure, for the record, we're talking about one specific building?

Council President Hoy: Yes, we are, at this point, and I think we would like to move ahead with that, but again, I would repeat, I'm not interested in moving so fast that we don't do a good job of it and we don't think through it well. So, I think both of us are here to present some positive ideas and move on. We're happy to be out of budget hearings and look at something that could be very creative for all of us in terms of economic development, hopefully, with the sewers and with the existing building that we do own. Any other questions?

Commissioner Tuley: I was just going to say, there have been several different meetings and some ideas exchanged about the future of the convention business in this community. I'm not opposed to sitting back to see how that shakes a little bit before we get too far out on a limb on what we're going to do with the Auditorium, because I think if something across the street is going to happen with the Convention Center, the Auditorium and that should work hand in hand and be a cooperative effort and not get two facilities that absolutely, by the way they're structured, would be in 100% competition with each other.

Council President Hoy: Right, and I concur on that, and that's why I used the phrase, an integrated plan, something that fits together and fits together well, and doesn't put us out on a limb.

Commissioner Tuley: Okay.

President Borries: Well, I'm out on that limb every now and then, but, what the heck! I would say that those sentiments I've heard certainly express mine. I don't care how it's done, I just think that when you're looking at a \$16,000,000 to \$18,000,000 potential business in this community, we need to seriously, again, revisit the whole process. She could not be here this evening. I do have a letter from Mrs. Jerrel, Councilwoman Bettye Lou Jerrel, that I'd like to read into the record. She asked that I do this, this evening. And she says:

"Please include this communication in the auditorium discussion session of the August 14, 1995, Commission meeting.

I would like to urge the Commission to select an architect for the purpose of designing the Vanderburgh County Auditorium improvements and get the process going as soon as possible. The funding is in place and Council's recent budget action regarding the auditorium was based on the renovations beginning in early 1996.

From my perspective, the 1993 proposal (she said) should be revisited to reflect the local need to use this facility in an expanded manner which could include the addition of an exhibition hall.

Thank you for this opportunity to present my viewpoint.

Sincerely,

Betty Lou Jerrel"

From this, as well as from what you're saying, I think we need, frankly, that's one of the reasons we probably have held off, I think. What we need to do is exactly what you're saying. Somehow, we've got to reach a consensus here, quickly, is exactly where we're headed with this. I still envision that the hotel, the whole aspect here, we ought to be really working together on this, integrated is a very good word, so the sooner we can reach some kind of consensus here, the quicker we can move on. I don't think any of us want to get into any kind of design problems where someone is scratching their head and saying, well, gee, you said that you were going to have food service over here, but now we're going to have it here, well, that's going to cost us some extra money because now we've got to change our drawings. I've been there before, believe me, so I think whatever drawings we want, and whatever plan, we need to get that consensus, common ground, to use that word that someone in some other area has been using lately, I guess. But, we need to find some --

Council President Hoy: I don't recall that at all, but go ahead!

President Borries: We need to find some kind of consensus and to move on. This is a proposal. Well, we just need to get that consensus and get going.

Commissioner Mourdock: I'll just add one (inaudible - microphone not turned on) real quick. Mr. Granoff called me, unfortunately, we played phone tag (inaudible). The other question that I have, and I guess I'll refer to the Auditor on this one, at one point there was a question as to how the funding for the food and beverage tax is apparently being held (inaudible). At any rate, Suzanne, can you tell us, or get back to us, and let us know?

Suzanne Crouch: Yes, can I do that, get back to you and tell you where, how much, how much interest --

Commissioner Tuley: I'll give you someplace to check. My understanding is the airport is still collecting the money, and all they're doing is banking it.

President Borries: I believe, Council, by the way, that you all could, and I'm sure you could research this, could take steps to pass an enabling resolution now that the state legislature is in place. Certainly I think this Board has supported that, I guess, our Attorney could advise us here. We can certainly give the authorization to redirect those funds, but you all really need to

pass an enabling resolution very quickly transferring those funds into an account for the Auditorium.

Commissioner Mourdock: The fact that they are, to use your words, Pat, banking them, does that mean that once they go in to that fund, they do not come back out even though they're intended --

Commissioner Tuley: No, basically, they are not spending them, all they're doing is banking and, basically, waiting on us to tell them, provide it to us.

Council President Hoy: No, and we will follow through on that.

President Borries: And I think it's just a matter of you all doing that, because you'll have the final say on those appropriations.

Council President Hoy: We've been here before opposing a certain plan and we still stand by what we said that night, but we also wanted to come tonight and say, let us be very positive about things, and we're --

President Borries: I'm with you, I think that's the smart way of doing it, there were a lot of unanswered questions. As I say, I've been out on that limb before, and as big as I am, it sometimes snaps here --

Council President Hoy: It's a good limb.

President Borries: But, you know, as long as you get up and are still kicking, why...I think it's been a good discussion. I think it's caused a lot of thought within the community and really, that was a lot of my purpose, too. I mean, I don't have any monopoly on how this idea was going to play out. I just see, and still do, as I think all of us do, a need for convention business, and this is going to be a great opportunity for us to get that.

Council President Hoy: I had an ethics prof, Commissioner Borries, that had a good phrase that fits this: it's out of the friction of friendly minds that you come to the truth.

President Borries: Well said. Thank you, Councilman. Thank you, both, for coming.

RE: BETTY KNIGHT SMITH - COUNTY CLERK

President Borries: Betty Knight Smith, The County Clerk, is here this evening regarding Senate Bill 616.

Betty Knight Smith: When you said, Councilman, I thought maybe you forgot that I was not...cause I didn't know Phil was sitting back there. That's the reason I started to get up and --

President Borries: No, we just had...Rick didn't really talk about the Auditorium, so I kind of figured somebody would.

Betty Knight Smith: The Senate Bill #616, it's the, and it's left up to the Executive Body, that they can eliminate or join the two positions, the judges and the sheriffs. It's very hard to fill the boards with seven people. This would bring it down to five, but it's awfully hard to ask people to work for \$40.00 when they're making \$3.07 an hour. It used to be, you could get people and now you can't get people to fill the boards. I gave the bill to Mr. Kissinger and I'll give this to you, Rick. I don't think we have to have an ordinance or anything, it just has to be voted on by you.

President Borries: Basically, what Betty has said is, that the County Executive may issue an order providing that the judges of each precinct named in the order shall perform the duties and have

the rights of the election sheriffs in the precinct named in the order, and that it's in effect until we would retract the order. So, in effect, this eliminates two positions which, previously, have been known as the sheriffs. Do you have any recommendation, or I guess that's your call, insofar as --

Betty Knight Smith: Well, I think we should probably leave it the inspector, the two judges, and the two clerks.

President Borries: Yeah, but in terms of pay.

Betty Knight Smith: I have a recommendation that I passed out to you. Next year, we've got 196 precincts and the inspector, right now, is making \$70 times 2, that's, for 167 precincts, and I've broken it down for you. What I would recommend, is that we give the inspector \$80, the judges, the one judge \$50 and the opposite party \$60 because they have to come back downtown with the inspectors, and then the clerks \$50. We also would save \$30 per precinct on food, which would be a savings of \$25,050. The total year, for the whole year, we would save \$18,370, plus giving all your board a raise. I've talked it over with the Election Board and I also talked it over with the Republican County Chairman, and Susie Kirk, and everybody was for this, because it is hard to fill the boards. But that's up to you.

Commissioner Tuley: I don't have any questions.

President Borries: Well, what's your pleasure, here? Do you want to act on this?

Commissioner Tuley: You don't have any questions?

Commissioner Mourdock: No, I have no questions, either. It's a shame it's hard to get people to work the boards, but I know that's the reality.

Betty Knight Smith: Well, when you're talking about they have to be there at 5:00 and they don't get away until 6:30 or 7:00, sometimes, and for \$40, it's awfully hard to get them to work. There's not that many...and some of our offices now, that's a holiday for them, so it's hard to fill those boards. It's whatever you choose.

Commissioner Mourdock: I'll move that we accept the plan pursuant to Senate Bill 616 as submitted by the County Clerk.

Commissioner Tuley: I'll second.

President Borries: And I will say, so ordered. It is approved.

Betty Knight Smith: Thank you.

President Borries: Thank you.

Alan Kissinger: I think most appropriately the record should be that the County Commissioners have adopted the order and the order should be directed to the Election Board.

President Borries: Okay. So, if we could ask the Auditor, then, to forward what we've done here according to the Senate, send it to the Election Board. Thank you.

RE: RAY KARCZEWSKI - WOLFE'S AUTO AUCTION

President Borries: Mr. Ray Karczewski - Wolfe's Auto Auction.

Ray Karczewski: Thank you. I'm Ray Karczewski, I'm sales manager for Wolfe's Auto Auction here in Evansville, Indiana. The reason I'm here tonight is we have been talking to the city, going all the

way back to 1993 about the contract, The City of Evansville, Vanderburgh County Department of Public Purchase, it's a bid contract for towing, temporary storage and disposition of abandoned vehicles. What we have asked, and we asked back in 1993, that the contract be split. The storage and disposition of abandoned vehicles be split away from the towing of the abandoned vehicles. We feel as though that we can do some things that, our understanding right now is, basically, a break-even operation the way that it's run right now. When I came here in 1993 and did a proposal, I don't think I did one to the County Commission because I didn't realize the county was so involved with this here. It was before the Board of Public Works, and at that time, it couldn't be considered. So, this year, I came in a little bit earlier, a few months ago, and just found out now that I really needed to come and talk to you about this, too, to talk to you as how we feel as though we may be able to make this into where the city and county can both recoup some funds out of the abandoned vehicle project that you have. What we would propose that you would do, is offer a contract for towing services which we, at the auto auction, would have really no interest in. The part that we would be interested in would be the storage and then the selling of the abandoned vehicles. How that would work is, so many vehicles aren't going to be redeemed. People are going to come and claim their vehicles and they're going to pay their storage bills and their towing bills. When a tow truck would bring a vehicle to our facility, what we would do, is we would go ahead and pay the towing bill. It'll be taken care of at that time. The storage, of course, would be paid to us by the people that are redeeming their vehicles. Any vehicles that would not be redeemed, meaning the people come there and they find out, okay, they have such and such a tow bill and they have such and such a storage bill against the vehicles, the vehicles then, my understanding, they become city and county property and then are sold at a sale. Then those funds are used, basically, to take care of paying the storage fees and the wrecker fees that are against them. What we would do is, any vehicles that are not redeemed, we would take and eliminate the storage bills. We wouldn't charge the city and county storage, they wouldn't be accumulating days of storage against them. The only fees that would be due to the auto auction would be what our normal sale fee would be and what we have to pay out to the wrecker service that would have that part of the contract. Any and all other proceeds that would be left over would become county and city property to be used in whatever way that the city or county could use those types of proceeds. The only thing that we would ask is, and I don't know what the procedure is right now, my understanding is that there's a sale about every two months of abandoned vehicles, and I don't know how you go about producing your titles for these sales of abandoned vehicles...

Discussion away from microphones between President Borries and Alan Kissinger.

President Borries: We're going to have to do some research on this, I think.

Ray Karczewski: This was the first proposal that was in 1993. But a second one was sent out, I don't have a copy of the second one, but my understanding is, and that's from talking to the city, too, that this is a county and city --

President Borries: Then this must come through the Joint Department of Purchase, is what that is. Okay, I see where you're headed.

Ray Karczewski: What we're saying is, when we went before the Board of Public Works, it seemed to be that everyone was pretty much in agreement that there may be money that's sliding through the city and county's hands that might be able to stay in the city and county's hands if you would decide to go ahead and split this

contract into doing it the way, basically, that we're proposing. We really feel as though we could recoup funds. We're not looking to really make any money that way. What we're looking at is, okay, we'll go ahead and take care of the sale. We'll store the vehicles. If the people don't want the vehicles, we'll go ahead and sell them. All we're asking is if we, or whoever happens to get the towing contract, that we recoup our money that we pay them for their tow and what our normal sale fee would be, and then the rest, whatever's left over, would go back either to the county or to the city. My understanding is that there would be two separate, if it was a county tow, then that money would go to the county. If it's a city tow, then that money would go to the city.

President Borries: I see where you're headed and I think that there must be some...I know this comes through the Joint Department of Purchasing and we'll have to get a little research on that, but it sounds fine with me. I mean, it makes sense, if you're telling us the bottom line is that you can save us some money, I don't think you're going to get an argument from any of the folks here.

Ray Karczewski: I had went to Purchasing and had a meeting in Purchasing with Lynn, and Lynn was the one that told me that it was a joint project, the county and the city.

Commissioner Mourdock: It was bid before, Mr. Karczewski, was it bid in such a way that you can submit a proposal or was it bid as one package?

Ray Karczewski: It was bid as a package for towing with, they had vehicle requirements you had to have. I think it was somewhere around a fleet of twelve tow trucks. You know, we're not really looking for a towing business. What we're looking for is really that we'd like to be involved with the selling of the abandoned vehicles, and if it's a project that could go ahead and turn funds back to the city and the county, rather than, right now, I mean, our understanding from the city is that this is a complete make no money, lose no money. Okay? We see it as, well, you're not going to lose any money, that all you can possibly do out of this is regain some funds out of this.

President Borries: Tell me one more time how we would do that. You would get these cars, some of which are junk cars or abandoned cars, is that right?

Ray Karczewski: Right.

President Borries: You'd sell them or the people come and claim, so basically, they'd pay you for your service fee for storage, and they come back to claim them. If they don't come back to claim them, you'd sell them, get your fees out of it, and then there might be some left over for the county, you think?

Ray Karczewski: Well, what happens, I'm just going by what my understanding is right now, okay, of how it works is, the towing contract, they go and they get an order to pick up an abandoned vehicle. They take it to their facility, and there's a storage fee. It's probably somewhere between \$2 and \$3 a day for storage fees. Okay, if that vehicle sits there for say, thirty days, it's going to have somewhere between a \$60 and \$90 storage bill. If it sits there, depending on how long it sits there, it's going to keep on accumulating, okay? Now, if these people, and plus the wrecker bill when the vehicle was picked up, now these people have to contact the city or county, find out where their vehicle is at, and then they have to go and pay whatever the fees are that are due against it. When they pay those fees to whoever has the contract, then they get the release to go ahead and let them have, you know, they can take their vehicle. Now, if they go over there and they find out that, say they've got a \$200 storage and wrecker fee, and they don't claim it, they just leave the vehicle.

President Borries: I've got you, I've got you.

Ray Karczewski: What we're saying we'll do is, let's just say how --

President Borries: You'll junk the car, one way or another, or sell it.

Ray Karczewski: We'll sell it, it'll be auctioned off, okay, to the highest bidder. What we're saying that we'll do is, we'll go back to square one, that if the towing contract, let's just say hypothetically the towing contract calls for a \$25 in-city tow, that's what will be against that vehicle when it gets sold, \$25. Then, hypothetically, here's our fee structure over here. If a vehicle sells for \$400, there's a \$55 sale fee. So, you would have \$55 plus \$25 coming out of \$400. The rest would go back to the city or county, whichever that vehicle would happen to be. Depending on what the vehicle would sell for, would determine what the, you can see as you get up here --

President Borries: I've got you.

Ray Karczewski: It's not going to be, if we sell a \$200 vehicle, you'd have \$35 and \$25 --

President Borries: Okay.

Ray Karczewski: And then, a \$100 vehicle would still leave a \$40 excess that could go into the fund. I do not know, we were never given any numbers as to how many abandoned vehicles get sold a year at the sale, but our understanding right now is, really, all the proceeds go to whoever has the contract.

Commissioner Mourdock: Reading through the document you just gave us from 1993 when it was being bid, probably the most salient point right now of your discussion, and it's a good one, but the bid is up for, or the contract that's presently in force terminates September 30th of '95. So, I suspect Lynn Ellis will be coming before us in a few weeks --

Ray Karczewski: She's probably in the process.

Commissioner Mourdock: Possibly the end of this month, with the process of drafting this bid, and I think the questions and points you've made need to be addressed to her, make sure she understands our concerns --

President Borries: I guess if you, that's why I was asking some questions here, just for my own information. He may need that back.

Ray Karczewski: That's fine.

President Borries: We can have it? Okay. It is a joint department. I guess we could send at least some signal here, direction to Lynn, if you all chose to separate the bids, then from there, --

Commissioner Mourdock: Or just examine it.

President Borries: Yeah, is that your...?

Commissioner Tuley: Yeah, that's fine. I mean, if it gets more participation in the process, and then in turn, maybe gets us a little bit of money that we're not getting, I'm sure it's not going to be a whole lot, but at least it's more than what we're getting now.

Ray Karczewski: Yeah, my understanding is, right now there's

nothing that comes back. That is what our understanding is, it's just a break-even project.

President Borries: Okay, so do we want to give Ms. Ellis, or at least, is it the feeling of this Board that she needs to examine splitting the contract and look at it from that standpoint, between towing and storage and sale?

Commissioner Mourdock: Yeah, I think she should certainly consider that. Are you looking for a motion per se, Rick, or just --

President Borries: I don't know, you tell me. We need, I think, to let him get some idea. I think she needs to explore that, and if Mr. Karczewski here, what he's saying is --

Commissioner Mourdock: Based on the notes I've made to myself, certainly I'm going to ask Lynn some questions the next time she comes before us. Is that sufficient, or --

President Borries: Well...

Commissioner Tuley: We could just ask her through the form of a motion, and then just follow up with a letter as you indicated, at least explore the option and have that discussion later as to whether or not we're actually going to do it.

Ray Karczewski: There's about a month and a half, probably, before the bids are going to be taken that they're...this was the first opportunity I had to come before you and talk to you about this project. I wish I would have had a little bit more, that I would have known sooner that I needed to come and talk to you about this, where it would have given you more time to explore what was involved with this.

President Borries: You probably gave us more time than you realize. That's right, we've done some here that, man, we don't get that kind of luxury. So, what we're going to do then, in order to, I think, react to your proposal here is maybe consider some sort of motion.

Commissioner Mourdock: I'll move that, and I think it would be relevant if we have the superintendent of our buildings, Ms. Mayo, to draft a letter to ask Lynn Ellis to address this issue at her next appearance before the Board, specifically with consideration of splitting the contract that currently handles abandoned automobiles in the city and county.

Commissioner Tuley: Second.

President Borries: So ordered.

Ray Karczewski: I thank you, and if I need to come back, I'll be more than glad to come back and --

President Borries: You probably will, but we don't make a habit of asking you to attend a whole bunch of meetings. We'll get this letter off to Lynn Ellis. She'd be your first contact, and you can stay in close touch with her. Thanks for coming.

Ray Karczewski: Thank you.

RE: JOE PROFAIZER - DIRECTOR OF COMPUTER SERVICES

President Borries: Mr. Joe Profazer is here, Joe is our SCT person, in regards to computers.

Joe Profazer: Joe Profazer, Director of Computer Services, and I'm here this evening to request signatures on the Cost of Living Adjustment increase in our contract with the county. The

adjustment is based on the difference between the Consumer Price Index, Urban Wage Earners and Clerical Workers, north central urban region, which is where our home office is for the twelve month period from April '94 through March of '95. That is in section 16 of our hire and agreement with the county and the city.

President Borries: Joe, has this been --

Joe Profaizer: This has been approved by the Data Board --

President Borries: Data processing?

Joe Profaizer: Yes, on May 23rd of '95, and I'm here to formally request the signatures.

President Borries: Okay. Any questions of Joe?

Commissioner Mourdock: Pretty straightforward.

President Borries: Okay. Motion?

Commissioner Tuley: I move that the request be approved as submitted.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

Joe Profaizer: Thank you.

President Borries: Do you have anything for us to sign? There's probably another part here.

Joe Profaizer: Yes, I called Sunny to --

President Borries: We'll sign a couple, you're probably going to need --

Joe Profaizer: Yeah, I'm also going to need --

President Borries: The Auditor needs one, we need one, you need one, let's do three.

Joe Profaizer: Okay, I also have to go in front of BPW. The second item on my agenda is a request for bid for micro computers. The main reason why we're doing this, we're trying to reduce the costs to the county and the city for PC's, and I know local vendors are always desired. Right now, we're buying PC's off a state QPA with Xena Data Systems up in Indianapolis. We're also looking for better response time for technical problems and there's many other advantages to this. I believe, I'm just up here formally asking your permission to go out for bids, and if approved, we'll be advertising this August 17th and the 24th, and plan to open bids on September 5th. We've been working with the Joint City/County Purchasing, with Ms. Ellis on this, and it's all complete and ready to go based upon your approval. I do have copies of it if you would like to review it.

President Borries: Okay, questions of Joe on this?

Commissioner Mourdock: Under current definition, and I realize since the industry changes fast, what's a, you called them micro computers?

Joe Profaizer: Micro computers, PC's, personal computers.

Commissioner Mourdock: Okay. What kind of machines are you looking at?

Joe Profazer: We're looking at, minimally, a 486, 66 Megahertz and the next step would be a Pentium 75, we're looking at four of them, and the next step would be a Pentium 90, and then the final step would be a Pentium 120. Based upon how the industry moves, it's going to be changing constantly as minimum requirements are increased.

Commissioner Mourdock: That's kind of the basis of my question. I had an interesting meeting the other day with the folks with World Connections who are putting together the Evansville On-line, which is the internet connection. All those that you just described, obviously, have that capability if they're modem equipped, or whatever.

Joe Profazer: Yes.

Commissioner Mourdock: How are we, Joe, and make this a short answer, I'll make it a short question, how are we as far as accessing with the computer internet capabilities? I'm just overwhelmed by what I'm seeing out there and the amount of information even for county and state and local government that's available. It's just overwhelming and I wondered, do we have access to that?

Joe Profazer: On a network basis, no, we do not. During Data Processing Review Board meetings, there has been an overwhelming concern on security. It's going to have to happen, and I hate to get pushed into it. I'd rather be pro-active and take the ball and run with it, rather than --

Commissioner Mourdock: Have you spoken with, do you know Patrick Heck with World Connections, here?

Joe Profazer: No, sir.

Commissioner Mourdock: I would suggest you give him a call because that issue of security is what my concern was. He was telling me there are ways of protecting that weren't there even six or eight months ago.

Joe Profazer: There is, and for the record, I'd like to get network on the internet because it's a multitude of information out there that a lot of people would be overwhelmed with and --

Commissioner Mourdock: Do those four PC's you're looking to order have built-in modems?

Joe Profazer: No, these will be based on departmental requests and you can add modems and peripherals as they like.

President Borries: Well, after seeing the movie, The Net, I certainly share Commissioner Mourdock's view of the security, too. Man, that was --

Commissioner Mourdock: Is that a new movie?

President Borries: I'll tell you, it probably won't win any Academy Awards for acting, but the whole plot in the movie kind of, it is a little bit scary. I don't think you'd like it.

Commissioner Mourdock: Is that the one where the girl loses --

President Borries: Yeah, oh yeah. I don't think you'd like it. It's kind of, I didn't like it. I really didn't. You know, it had a little happy ending there, so I guess that's a little better, but then, the --

(inaudible - several speaking at once)

President Borries: Well, it kind of has a happy ending, but it's still kind of a scary plot.

Alan Kissinger: As an aside to this whole proceeding, I would just like to take the opportunity to note that, not only attorneys talk in code.

Joe Profaizer: Yeah, and I'd like to add, too, at this month's Data Processing Review Board I've invited Ameritech to present a demonstration and presentation on Civic Link.

President Borries: Good.

Joe Profaizer: It's being exercised in Indianapolis as you all may well know, and this could be a revenue booster for the city and county.

President Borries: They had met with me on that and I referred them to your Board. I think Indianapolis has been actively involved in it and it is a way in which the public, as I understand, can access a lot of information, and so I'm glad to hear that. They're one of the first to develop it there in that area.

Joe Profaizer: Yes. I have nothing further.

Commissioner Tuley: Do we need a motion?

President Borries: We need a motion on the advertisement.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Joe Profaizer: Thank you for your time.

President Borries: Thanks, Joe.

**RE: ADOPT ORDINANCE TO ESTABLISH SUPPLEMENTAL FEE FOR
RECORDING DOCUMENT IN RECORDER'S OFFICE**

President Borries: Alan Kissinger, County Attorney, is back with us tonight and speaking here regarding an adoption of an ordinance establishing a supplemental fee for the recording or for the Recorder?

Alan Kissinger: It is for the Recorder's Office. Just briefly to acquaint you, this is, basically, new legislation by the most recent Indiana State General Assembly. This should not be misunderstood as an ordinance to change the fees in the Recorder's Office. All of those fees are set by state statute. This merely allows the Recorder to charge a supplemental fee for recording of single documents and the supplemental fee in this particular case could be up to \$3. Our Recorder has requested that we approve an ordinance authorizing the maximum supplemental fee. An example of this is, right now, I think the standard fee for recording a one page deed is \$7, is it not? In the future, after October 1st of '95, the fee for recording a deed in Vanderburgh County would be \$7, plus the \$3 for a total of \$10, \$3 of that fee would go into the Recorder's Perpetuation Fund and it can be used only for specific purposes, and those purposes are set out by statute. Basically, those purposes are for records perpetuation in the Recorder's Office. This, apparently, is seen across the state as a method of allowing the Recorder's Offices to update and go into the 21st century in a less cumbersome form than they're presently in, and basically, it's a user fee. It's not an additional tax, and therefore, we don't have to actually invoke a tax, but anyone

using the services in the Recorder's Office will be subject to this \$4 fee. As I say, it is strongly supported by the Recorder. She has requested it, she is not here tonight to discuss it, but I don't think that there are any questions about it that I can't answer if any of you have any questions.

Commissioner Mourdock: She is familiar with your language here? She's seen this language?

Alan Kissinger: I don't know if she has or not. This is plagiarized almost verbatim from the form that she provided, so I think she's familiar with it.

President Borries: Any persons here wishing to speak on this? Okay, may I have a motion then to approve this? Is there one change, Alan, on the adoption of the date here?

Alan Kissinger: Yes, I think we should make it known in the record that the adoption date, it says on the second page, adoption this first day of October, 1995, that's a clerical error and my mistake. It should be adopted this 14th day of August, 1995, and that assumes a majority of the Commissioners vote to adopt the ordinance.

President Borries: Okay.

Commissioner Mourdock: I'll move adoption of the ordinance as required by House Enrolled Act 1297 and as submitted by the County Attorney.

Commissioner Tuley: Is the word, required?

Commissioner Mourdock: That's the wrong word. You're right, that's probably not the right word. The House Act did not require the adoption of this ordinance. Is that correct?

Alan Kissinger: No, it allowed the adoption.

Commissioner Mourdock: Then I would strike the word, required, and replace it with, allowed, in my motion.

Commissioner Tuley: I'll second then.

President Borries: Okay, this is an ordinance and I will call at this time then for a roll call vote with the Commissioners. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Borries: Commissioner Tuley?

Commissioner Tuley: Yes.

President Borries: And I vote yes. The ordinance is approved.

RE: KENT IRWIN - EMPLOYEE POLICY

President Borries: Mr. Kent Irwin is here regarding the Vanderburgh County Employment Policy. Welcome.

Kent Irwin: Thank you, I'm Kent Irwin with Waggoner, Irwin, Scheele and Associates. I'm here to provide the Commissioners with an update from last week's meetings with the elected officials and department heads regarding the personnel policies and to provide you with copies of some forms for use with those policies which I've provided to each of the Commissioners here in a manilla folder. The County Attorney informs me that the revisions that you made during your meeting last week do require an ordinance to amend your codes, so I think it's probably prudent to halt the printing

of the handbooks until that ordinance has been properly processed. From those discussions with those elected officials, there were some questions regarding, especially, the application of the vacation schedule inasmuch as it was adopted here in the middle of the year, where some people were interpreting that to mean that they, perhaps, would get additional vacation time. I've met with Alan Kissinger this afternoon and we've discussed that at some length, along with the other revisions that we talked about last week. I think he would probably be preparing some documents as required for amending your ordinance to reflect those revisions. So, I would defer that part of my discussion to Alan if he has any additional comment here or not.

Alan Kissinger: In order to change a procedure or to amend any procedure or policy of the county, if that procedure is the product or the creature of an ordinance created by an ordinance, we can only change it by amending that ordinance. What we say in the minutes may be valuable as far as going back to see what the intent of the Commissioners was at the time that an amendment was approved, but in order to actually amend these things, we must actually adopt a new ordinance amending the previous ordinance. It's a cumbersome and a time consuming procedure, but otherwise, any changes that we make are not going to be legal. And as Mr. Irwin said, we did meet today, and we have discussed by telephone previously, these various changes. Specifically, you may all have them before you, I don't know, one was in reference to a drug free work place. Mr. Irwin has indicated that in the next to the last paragraph it would read, there was apparently some objection as far as confidentiality was concerned and it says:

"Employees in safety sensitive positions shall notify the hiring authority of such drugs and prescriptions."

That refers to drugs and prescriptions that are prescribed by a doctor for medical treatment and this will maintain some confidentiality there and still maintain the Commissioners' desire to have a drug free work place. There is a penalty, a possible forfeiture for not doing this, and therefore, this must be advertised. The Veterans Preference, we have just said, instead of 181 days of active duty service, we reduce that to 90 days and that's based on information provided to us by our Veterans Affairs Representative. I don't see any problem with doing that, either, but once again, we'd need to do that by ordinance. The next change is in job classification. It was indicated in the original draft, or the final draft I suppose I should say, that the Auditor's Office would maintain a copy of the job classifications and someone objected and indicated that the County Council ought to do that. I think this is a bit of a tempest in a teapot, because all this says is, that the Auditor's Office will maintain it as a record of the county for public inspection. We're not trying to take it away from the County Council, so if the County Council wants to keep one over there, that's fine, or I can put in some more words that says the County Council can keep one there, too, if they'll feel better about it. But, it doesn't mean anything, and that wouldn't even require an amendment, but to keep everyone happy, I'll make that a part of the amendment to the ordinance. And then, I want to skip on down to the fifth change, we will make a clerical error amendment here indicating that the Family & Medical Leave Policy will be governed by the provisions of the Family & Medical Leave Act as opposed to our policy controlling the Family & Medical Leave Act which I think --

Commissioner Mourdock: In your absence we all thought it was a good idea.

Alan Kissinger: Well, the Feds would probably not agree with that, and they'd probably take our highway money away from us if we tried to do that, so, that's a very simple change. The biggie here, or the one, I suppose, that caused the most controversy was in

reference to vacation benefits. Mr. Irwin has suggested that we add language in there,

"They can request the use of vacation time after it is earned."

or we would delete that and then we would insert,

"An employee shall be entitled to use vacation time during the calendar year that it is earned according to the schedule in this section."

Now, that doesn't make too much sense by itself, but read with the entire vacation benefits section of the personnel policy, it does make sense. I think, once again, Mr. Irwin indicated that some people were saying, well, this entitles me to additional vacation that I would not otherwise have been entitled to. No, it does not. The only additional vacation entitlement involved here is for people who have been employed by the county continuously for twenty years or more, and in that particular case they will be entitled to additional vacation, but not by virtue of the passage of this policy, but by virtue of the fact that we have increased the amount of time allotted to them and the amount of time that they accumulate each month for vacation time. So they will begin to earn more vacation time than they did in the past, but this will not entitle them automatically to any additional vacation time. It does not entitle any employee to any additional vacation time that they would not otherwise have had under the old policy. It basically changes the administration of this and this is going to...every case until we probably go past six months or a year, is going to require some looking at the policy and defining the policy for this particular circumstance. There is, I don't think, any way to avoid that and there are certain people who are going to be grandfathered in under this policy. There are people who have not taken their vacations this year who are going to take it and say, this changes my vacation time. No, it doesn't. There are people who have already taken their vacation that are going to say, I get more vacation time. No, they don't. And if any office holder or department head has a question, I'll give them my phone number and I'll answer their questions. All of their questions can be answered with a two or three word answer. I think probably one of them will be, don't be ridiculous, and then there will be other answers: yes, no., as in reference to this particular person, this is the situation. After that year has passed and everybody starts taking vacation under the new policy, those questions will go away because I think the policy is self-explanatory after that. But, as with anything else, with change there are some pains, but I think the changes, frankly, I think the changes in this personnel policy are going to cause us to ask, to have to answer a lot of questions after the policy takes effect and has matured somewhat. But these changes, once again, I want to emphasize, these changes do have to be made by ordinance, and if you so chose, I'll prepare that ordinance and start getting it advertised appropriately so that we can consider this at another meeting to adopt the changes.

Commissioner Mourdock: Let me just ask a question to clarify because something that Kent said, and then something that you added, Alan, kind of makes me feel like we're on a Monopoly Board and we've just gone back to where we started from here. Kent's initial comment about the fact that it requires an ordinance to make those changes, last week when we voted, we voted, and I just pulled the minutes here to see how Pat made the motion, he basically made the motion contingent, or conditional, upon two of those changes you just mentioned. Did that, in fact, and maybe this is the simplest thing for all of us, did that, in fact, negate that vote, in which case, when we vote now, next time we can vote on this thing once and --

Alan Kissinger: I don't know if it negated the vote or not, I

guess it would depend upon your intent. I can tell you that it did not effectively make the changes that you sought to make because those changes were not advertised.

Commissioner Mourdock: Well then, if we,...oh boy.

Commissioner Tuley: Your question is, if my motion was made with the condition, and we can't do that because it wasn't a motion.

Commissioner Mourdock: Exactly, yes.

Alan Kissinger: You can affirm what you did last week.

Commissioner Mourdock: Well, let me go back to my last statement of a moment ago. It sounds like the simplest way is to have the ordinance, meaning one ordinance with these changes, it can't just suggest it, that you just suggested, get those in that final book, and then we vote on that as one ordinance. Then we don't have any amending ordinances. We just do it once and be done with it.

Alan Kissinger: You may consider that to be the simplest way, but it is going to be the most time consuming way because if we're going to do it in that fashion, then what we're going to have to do first, is get all of the changes incorporated into the handbook, and then the handbook is going to have to be made available for public inspection and the advertisement process will have to be re-instituted and the handbooks will have to be placed for public inspection as we did previously. So, to say that it would be simpler, and I don't want to debate semantics here, it will be a much more cumbersome process in reference to time. It will make a neater package if we do it the way you suggested.

Commissioner Mourdock: I guess my concern here is all predicated on this one thought. Can someone at some later date come back and say, well, because Commissioner Tuley made this a conditional motion and it was voted on, and in fact we find out that change couldn't be made, it couldn't be conditional, we don't have an ordinance at all?

Alan Kissinger: Oh, I suppose that argument could be made, and in fact, I may make it myself sometime in the future if I have an employee in trouble and I'm no longer employed by the county. I suppose, but once again, a lot of the imperfections in procedure are waived by being able to go back to our minutes and showing the intent of the Commissioners.

Commissioner Mourdock: Clearly, the intent was to have this condition.

Alan Kissinger: Yes. But, if now, we read those minutes and then we read the minutes from this meeting and the Commissioners say, okay, go ahead and advertise the changes, the intent, obviously, was to make the changes, however, I don't want to dictate to you one way or the other, and quite frankly, it would give Mr. Irwin some additional time, I guess, and take some of the pressure off him to get the changes incorporated into the handbook. But until we get that handbook back, we cannot even advertise, because we have to place the handbook out for public inspection because the handbook itself is the ordinance.

Commissioner Tuley: Let's clarify it then, having said all that, we still, basically, have a policy that is not up for renegotiating and reopening, or whatever, with the department heads and the office holders, correct?

Commissioner Mourdock: Don't misunderstand, that's not the situation I'm trying to get us into. I just want to do it, and do it clean and have it done.

Commissioner Tuley: I understand.

Commissioner Mourdock: How long does it take? I mean, that's really the question here.

Alan Kissinger: Well, how long it takes, I don't know. But once he tells me, we have the new book printed, then I can go to the Auditor and say, okay, here's our schedule, let's start advertising and I'll prepare a new ordinance and so forth.

Kent Irwin: Let me ask you this. In your legal opinion, is the handbook in effect now with the exception of these changes?

Alan Kissinger: Oh, I think it is, yes. But by the same token, the Commissioners can vote to adopt a new ordinance containing these various changes, basically, the effect of that would be to rescind what they did on August 7th and adopt everything at the next meeting after properly advertising and everything then is cleaned up. There's no question in the future as to the legality, the combining effect of the ordinance.

Commissioner Mourdock: The tone of your voice sounded like a recommendation.

Alan Kissinger: Sir?

Commissioner Mourdock: The tone of your voice, and knowing attorneys like things nice and clean, that sounded like a recommendation.

Alan Kissinger: I would stop short of saying that it's a recommendation, but if anyone feels like they might be looking over their shoulder later, that's certainly a very effective method of curing any problem that anyone may perceive and anything that might arise in the future, and quite frankly, I don't know that any significant problem would be caused by going through that procedure. Can you anticipate anything?

Kent Irwin: No, we can incorporate the revisions readily.

Alan Kissinger: Okay.

President Borries: What's the pleasure of the Board?

Alan Kissinger: If the Commissioners want to instruct me to go ahead and prepare an ordinance and have it advertised by the Auditor to be voted on at the earliest date in consideration of advertising times, incorporating these new recommendations, I'll do so.

Commissioner Mourdock: So we would have one ordinance neat and clean?

Alan Kissinger: Correct.

Commissioner Mourdock: I will make the motion then that pursuant to the County Attorney's recommendation that the suggestions for changes in the personnel policy handbook as he read into the record previously this evening be incorporated, and that we issue the new ordinance as one ordinance.

Commissioner Tuley: Second.

President Borries: So ordered.

Alan Kissinger: Also, Mr. Irwin has provided recommended forms that can be used after we adopt a new county personnel policy and they go from applications for employment, conditional offers of employment, a survey, interview questions, letter of appointment.

I mean, these documents, these forms, basically cover all the bases. I think everybody is going to look at these and say, boy, this is certainly a lot of work, but all this work is going to be spread out over various department heads and various office holders and it is not going to amount to that much. Some of these things seem to be a ridiculous exercise, but as Mr. Irwin will tell you, complying now with federal law is a ridiculous exercise, but we have to do it. Some of these things are designed to keep us out of trouble. Under ADA there are some questions that you would innocently ask a prospective employee like, can you lift 50 pounds, and end up getting sued over it. So, these forms are really designated to avoid some of those problems. Not only that, it gives the potential employers significantly more information than they would have now and it does not take any authority away from any office holder to choose their employees. It merely gives everyone a lot more information to work with than they had in the past. If there are questions about any of these forms, I guess we can save those for the next meeting when we actually vote on the new ordinance, but I have been through these and I strongly recommend that the Commissioners give positive consideration to adopting an Executive Order instructing the various office holders and department heads to use these forms in administering the new personnel policy.

Kent Irwin: I might add, on that point, that I included in your folder a copy of the 1993 summary report on the ADA assessment of the employment title where the forms that Alan just mentioned were a part of training that occurred with the elected officials and department heads at that time, so I think some of those forms are currently being utilized by persons having occasion to look at reasonable accommodations or such requests. So those are basically old forms that the county has had. Whether or not they've been officially ordered or through an Executive Order of this Commission, I am not aware. The other forms, the Family Medical Leave Act, there's a disciplinary form with instructions that are provided for the employees, request leave form and a vacation request form that begins to build a record and document the actions, so that if there are questions in the future over the application of a policy, then there's a form that goes with it that department heads are going to be encouraged to use and we can verify exactly what occurred in a given situation. It's particularly important to document when you're given this number of 800 plus employees here in the county. Without that, as I think Mr. Jones pointed out last week, in the absence of a personnel person, it becomes an overwhelming task. There were a lot of questions last week. I think we sufficiently responded to them.

President Borries: Well, let me just make a comment about that. My ears may be burning, but I heard a little bit about that and, you know, I want to commend you on your professionalism and your tact. Apparently, there were some office holders who, again, perhaps would like to take us back to a time when people had no rights and that, oftentimes, employees were simply treated slightly better than cattle in certain cases. On this day in 1995, that is not the case. We have not, this Board has not told any office holder who to hire or who to fire. This Board would always allow any office holder to have that discretion, I think, again, speaking on a consensus standpoint. So, I think it's unfortunate that some would even imply that, for whatever reason, they chose not to do that, not to obey this policy, because by doing so, it's not thumbing their nose at this Board or the Commissioners, in a sense it is thumbing their nose at the law. Good office holders are going to obey this, good office holders are going to follow and work through this, and again, it's just unfortunate sometimes that we are not all on the same page. So I want to apologize for some of the implications that, for whatever reason, some, because of their particular philosophy, chose not to do this. I suppose in the final analysis, this Board could choose not to defend them if they, in fact, violate the law.

Kent Irwin: Much of that that occurred --

President Borries: That may come, you know. That is an ultimate decision that this Board would have to make as the County Executive. So, it is always a balancing act in this unusual thing of county government and I, again, want to commend you for your work. I do believe at some point, that this Board, we're going to have to seriously think of some way, not only I think, the Auditor has certainly been a person here that we've been able to work with easily. She has indicated that she would be willing to take these files and keep these things active. We're going to have to communicate that to all office holders because, again, the whole process begins to fall apart if you don't have active, on-going files. Either that, or we're going to have to come up, and I notice there's some changes in the City/County Personnel Department itself, people leaving. We're going to have to also come to grips and in some way keep this whole process, tighten it up, maybe if Councilman Jones indicates that we need to consider some kind of personnel person through that joint department, I think we need to seriously consider this because this does take us considerably a step beyond where we have been before. We are up to date. We are in compliance with the law, and regardless of some of the carping and complaining that some have done, we're on the right track. I think that further considerations we need to do is, I mean, all these forms not only need to be distributed to the office holders, but then they should be kept on file, I would think in the short run, in the Auditor's Office until, for lack of a better thing.

Commissioner Mourdock: Sometimes forms like this actually get incorporated into the personnel policy, kind of sample forms --

Kent Irwin: It could be an appendix.

Commissioner Mourdock: Yeah, but that's not your plan as I heard you before, is that right?

President Borries: Time and everything else, I mean, we have some employees and offices, unfortunately, that we hear from that never turn in anything. We never have any kind of record of vacations or anything else. That stuff has to be done. That's not the Board or any individual, that has to be done. It's the law. We've got to follow that. Now I did attend a meeting myself, we're also working with the Auditor on some fixed asset information, let me put it that way. We did discuss with Councilman Jones as well, the aspect that what we do in terms of verifying time and he had some suggestions there, because that's also something. But it's the law, I guess, is what my point through all this rambling a bit. And again, I appreciate your work on this and am sorry, again, for some rather negative comments I heard that were made.

Kent Irwin: These kinds of things are expected and county government, with it's structure, we experience this in the other counties around the state, but just as your Highway Superintendent is now looking at a policy where he's going to have to randomly test people who have CDL licenses beginning in January, these are required procedures and policy, and it's growing, it's not really receding. I think, given the amount of federal law that we all have to comply with, we want to be in the position where we're making a good faith effort. We can demonstrate through our policies, through our procedures, through the use of forms, that if we do get called into question, we can show that we have that record laid out there. So, we're making a lot of progress here, it's just slow.

Alan Kissinger: I was curious, Mr. Irwin, that policy of having to test people with the Commercial Drivers License, that's a federal law, is it not?

Kent Irwin: It's part of the federal driver's license requirement,

the federal...

Commissioner Mourdock: Department of Transportation?

Alan Kissinger: Is that brand new?

Kent Irwin: It's new within the last two years, the drug testing part.

Alan Kissinger: Is there any money in there for the counties to get this drug testing done?

Kent Irwin: Not to my knowledge. It's another one of those unfunded mandates that we've all come to love so well. Well, thank you, and I'll get with the Attorney and we'll get this back in ordinance form and get it published as quickly as possible. I think you'd mentioned September 4th as the earliest date that we could have it back before you and we'll make every effort to move with all speed in that direction.

Commissioner Mourdock: Thanks, Kent.

President Borries: Again, Board members, let's do some thinking on how we get this thing implemented so that all this effort is not wasted. If we need to, and Attorney Kissinger to, how we get some of this stuff put together in an orderly fashion. It's got to come, so we've got accurate records here. I assume that some of these things are now what, kept in each individual office? Is that the way it...

Alan Kissinger: Yes. I think it's kind of like they said about New York City and the Big Mac Bonds, New York is going to be drug kicking and screaming to the door of fiscal responsibility, you know, some day this county is going to be drug kicking and screaming to the door of employee fairness. We're just going to get there.

President Borries: We have to do it. We've got to come up with some ideas and we need to do that quickly because if we implement this, there's got to be some procedures here. Thank you, again, Kent. Gentlemen, I know you've waited patiently. Are you here with John Stoll?

Bill Nicholson: Yes.

President Borries: Alan, may I deviate a bit, then, in order to, they've been patient. Could we have Mr. Stoll come up and present their case and then we'll come back to you, if that's okay?

Alan Kissinger: Certainly. No problem at all.

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: As you may recall, last week the sidewalk waiver request was presented for Heartland Ridge Subdivision. It just ran up the entrance off of Hogue Road and just went around the block and it stopped there for the proposed location of sidewalks. What you have there highlighted in green is another proposal for that sidewalk waiver. It would be on one side of the streets and this proposal is acceptable to the School Corporation officials.

President Borries: Are these gentlemen here --

John Stoll: Yes, they're here in case you have any questions of them.

President Borries: It's okay with me, again, and we just talked about changes here. What happens to us, with the way the changes are coming in terms of home building, smaller lots, and busses that

there, we are under some pressure to accommodate children, and again, growing numbers of people. Is this agreeable with you gentlemen?

Jerry Atkinson: Yes it is. I'm Jerry Atkinson, Carl Haas of Haas Development is here, Billy Nicholson, the engineer, is here also. This program would allow people to have access to Hogue Road on sidewalks for pavement from any location within the subdivision, with only the people in cul-de-sacs having to walk in the street. Obviously, there is an intersection to cross, or a street to cross, but we feel this is a suitable compromise that's cost effective and allows children to get all the way down to Hogue Road to pick up the school bus without having to do any substantial street walking.

Commissioner Mourdock: This is still being presented to us in the form of a waiver?

Jerry Atkinson: Yes, it is.

Commissioner Mourdock: Okay. John, just for my lack of background, what does the ordinance say, specifically, in other words, what are we going from if we adopt this, basically, a sidewalk (inaudible)?

John Stoll: Yes. Sidewalks are required unless waived and the ordinance does not clearly specify what required means. It doesn't say whether it's one side of the street or both sides of the street, so really, I guess this would be considered a partial waiver even though that language isn't used in the ordinance.

Commissioner Mourdock: Partial waiver, that's one of those little oxymorons...

Jerry Atkinson: I might add that on the west side in that area, other subdivisions do not have sidewalks, but this is 1995 and we are more dense and we are moving forward. This should work for everybody.

Commissioner Tuley: I think that goes to the change you are talking about, you know, the argument that the rest of them don't. That's back when and I think now that that's an appropriate request now. I don't think a total waiver was appropriate, but I don't have a problem with this one. I think, you know, you've talked to the school officials and they don't have a problem with it and that was my concern.

Jerry Atkinson: I've talked with Charlie Johnson and he approves the concept and I don't believe that the County Engineer objects.

President Borries: May I have a motion?

Commissioner Tuley: I will so move at this time.

Commissioner Mourdock: I'll second.

President Borries: Okay, this is to, as the plan is submitted this evening regarding Heartland Ridge. I will say so ordered. The plan is approved.

Jerry Atkinson: Thank you.

President Borries: Thank you, and thank you for your patience this evening. Why don't you write approved up at the top of that?

John Stoll: The next item is also a sidewalk waiver request. This is for Joe Elpers Subdivision II. This subdivision has two and a half acre lots. I have a letter from Bill Nicholson that says,

"On behalf of our client, Mrs. Joe Elpers, we are hereby

requesting a sidewalk waiver for Joe Elpers Sub II. There are not sidewalks in the area and all the lots would be two and a half acres or larger."

President Borries: This is what you call case by case. They are big. Billy, do you have a comment?

Billy Nicholson: They're large lots and, of course, that's out off Henze Road and I don't think traffic is as much of a problem as some of the other streets would.

President Borries: What's the pleasure of the Board then?

Commissioner Mourdock: I'll move that we waive the sidewalk requirement for Joe Elpers Subdivision II.

Commissioner Tuley: I don't want to editorialize, but I'm going to second this one. It's just I get, there's not a better way to put it, I don't want to hear any more, the other subdivisions don't have them. Each one of them has got to be based on their own merits. This one, they're large lots. I don't have a problem with it. I'll second, but every time we have an argument for a waiver, their first line is, the other ones around it don't have it. And that's just an argument that's used.

President Borries: That's right, that's it. Some of them are big, some of them are small. The one we just looked at was different than this one, so you are okay with it. Do you want a roll call?

Commissioner Tuley: No, no, I second it. That's fine.

President Borries: So ordered. Motion is approved, then.

John Stoll: The next item I've got, in regard to the Azteca Railroad Spur project. We were committed to constructing 1,800 feet of track or up to \$217,000. What the plan was, as it was designed, was 1,400 linear feet of track and the bid came in at \$141,000. In order to make up the difference on that, we're going to pay for the turnout office CSX mainline, if it's approved by the Commissioners. What this would involve, would be the county would be responsible for paying an up front fee of \$72,195 to CSX and, over a period of five years, we could be reimbursed that fee at the rate of \$25 per car. What this entails is, the county becoming a third party in an agreement between CSX and Azteca. It's currently been drafted, and what I'm asking from you for this evening is just your authorization to go ahead and send a letter to CSX that states that we would be third party to the agreement and we agree to pay the \$72,195. The proposed agreement, I've looked it over and I submitted a copy of it to Alan. He's looked it over and there's some changes that are recommended, so the agreement will come back to us, it's just that I want to, before I send a letter off to CSX saying the county is going to commit to the \$72,000, I wanted to get the Commissioner's okay.

Alan Kissinger: To obviate the need for one question, John, this merely brings us up to our original dollar commitment. Am I correct?

John Stoll: Right.

Alan Kissinger: The railroad spur didn't cost as much as anticipated and they felt like we had made a dollar commitment and this brings us up to that dollar commitment, basically, to the penny. We will be reimbursed for this \$72,000.

John Stoll: Right, and the other option that was proposed was for the county to be involved in the construction of their other railroad spur. If we were involved in the construction, then we had to bid it and then an escrow fund would have had to been

established and there would not have been a reimbursement if we would have been involved in the construction of their second spur. So, that's why we went with this direction, that we felt that it was the better of the two options.

Alan Kissinger: John and I have discussed this and I think for future reference, and I hope we have a lot of occasion to consider whether or not we'll build a railroad spur or do something else, but the county probably should not be involved in the railroad spur building business. We should find another way to assist these people because it's outside our area of expertise. Ultimately, we're dictated to by other experts on whom we can't really check, although presumably, we can rely, it's just not an area that the county should be involved in.

Commissioner Mourdock: When I hear the word, third party agreement, the thought that goes through my mind is the assumption of liability. If the train derails out there off CSX where we've tied in, now I'm not talking inside the fence, so to speak, at CSX, but on the CSX mainline, I won't say are we free of liability, are we relatively safe from liability?

Alan Kissinger: We're free even to the point that, John went through this thing and recommended certain changes, specifically, in reference to liability and I scoured it and didn't see where any other changes could be made to relieve us of any more liability. Basically, we have no liability except to pay the amounts that we have agreed on and collect the money as it comes back in for reimbursement and --

Commissioner Mourdock: You're saying, though, from the train wreck point of view?

Alan Kissinger: Yes, from the train wreck point of view, it is a problem between CSX and Azteca and if it's joint negligence, then they both contribute. If it's the negligence of one and the other is found to be liable, the other one will reimburse that and the county is out of it completely. As a matter of fact, I thought of telling John that maybe he ought to go to law school, too, and he could advertise dual trades because he did an excellent job on taking the liability out of there for the county. We're parties for the purpose of collecting our reimbursement fees at \$25.00 per car and we are parties because there is an obligation on the part of Azteca to report those cars to us so that we'll know how much to bill or how much to claim for reimbursement. There is, as a matter of fact, even a termination date of our involvement, I think it's five and a half years, isn't it, John?

John Stoll: Five and a half years or when we get our reimbursement back, whichever comes first.

Commissioner Mourdock: We are directly responsible, though, for contracting this work out, putting it out to bid if we hire Annex, or High Rail, or whoever, to come in and do this. We end up writing the check to them, is that right?

John Stoll: For this portion, CSX will cover the cost. That's what we're giving them up front, the \$72,000 for. They'll put in the switch off their mainline from outside of their right-of-way, where our contractor, which is Queen City, would pick up and we would be responsible for paying.

Commissioner Mourdock: That makes me feel better about the liability side for sure.

President Borries: Railroad and industry shall hold county harmless from all losses arising from the joint or concurring negligence of railroad and industry.

John Stoll: This has to be sent to CSX in Cincinnati, and the way I understand it, they will then send it to CSX in Jacksonville where the revisions to the agreement will be made. Once that's all done, in that letter, I requested they send it back to me. I will give it to Alan and make sure that all the revisions that were requested were put in there and make sure nothing else has been put in that would conflict with what the county needs in the agreement before any signatures would ever be requested.

President Borries: So we're not signing tonight?

John Stoll: Right, that letter is sitting on my desk waiting to be mailed if, but I wasn't...I know we've committed to a certain dollar figure, but I wasn't going to send the letter until I brought it before you to discuss the \$72,000.00 figure.

Commissioner Tuley: So you want permission to send the letter?

John Stoll: Right.

Commissioner Tuley: So moved.

Commissioner Mourdock: If I may, then, I'll ask for a roll call here on this one, because I want to be consistent with what I've done in the past. You knew that was coming, Pat.

Commissioner Tuley: Somehow, it didn't surprise me.

Commissioner Mourdock: Yeah, I do feel better about the liability question, but...I will second the motion for a vote, but then ask for a roll call vote.

President Borries: Okay. Roll call vote, Commissioner Mourdock?

Commissioner Mourdock: I vote no.

Commissioner Tuley: I vote yes.

President Borries: And I vote yes.

John Stoll: You can have that copy, if you'd like.

Commissioner Mourdock: I agree, Alan, we ought not be building those railroads and I hope we never see another one.

Alan Kissinger: I agree.

John Stoll: Sounds like a good idea to me, too. The final item I have is, we've received price quotes from Southwest Engineering, CCC of Evansville, Deig Brothers and Phoenix Construction for a rehab of the Eickhoff Road Bridge. This bridge requires removal of six beams out on the bridge. Currently, it had a widening job done at some time in the past, so the two outside beams are in good shape, but all the ones in the middle need replaced according to the bridge inspection report. The low quote that we received was from Southwest Engineering at \$15,107.00. Since it's below the bidding limits, I just wanted to bring it to your attention to get it okayed for us to proceed with hiring Southwest to do the work.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Alan Kissinger: John, be sure to tell them that we will impose those late fees because that's just right outside my driveway.

John Stoll: They get fifteen days. That's all I have.

President Borries: Let me ask you two quick questions, and I go by there a lot, but I just kind of want to make sure everything is cruising along. I see that quite a bit of it's done. Is Franklin Street Bridge okay? Everything coming along all right?

John Stoll: Yeah, their --

President Borries: We're going to be there for the West Side Fall Festival I'm sure, aren't we?

John Stoll: We'd better be.

Commissioner Mourdock: Is that a request or a direction?

President Borries: Oh, I've been asked that a lot.

Commissioner Tuley: I think that was a direction, I'm not sure that was a request.

President Borries: I just want to make sure we get it all done. It's a beauty. It's going to be nice.

John Stoll: They've had some problems with steel fabrication and things like that, but from what our inspectors told us, Stewart May with United, he said that he still thinks they'll have the top of it all done, but there's still a question of whether or not all the painting underneath it will be done. The painting was about a third of the total dollar figure, so it's a --

President Borries: That's an unusual structure, isn't it? Yeah, it's a steel structure.

John Stoll: So, it's supposed to be.

President Borries: But it will have a deck on it and we'll be able to --

John Stoll: Right.

President Borries: Okay, good.

Commissioner Tuley: Could (inaudible) today, I'll bet.

President Borries: And then we're re-advertising on the EARC roof?

John Stoll: Right, it should be opened next Monday.

President Borries: Okay. Thank you, Mr. Stoll. Appreciate it.

John Stoll: Thanks.

RE: ALAN KISSINGER - COUNTY ATTORNEY

President Borries: Alan Kissinger, County Attorney.

Alan Kissinger: The first thing I would like to do is publicly apologize to Keith Rounder. I understand he was somewhat awestruck with the procedure last week. I have to assure him that that's not the commonplace. The only other thing that I have to report is that we have received from David Matthews and Associates, pursuant to appointment of the County Commissioners, the appraisal of the Vanderburgh County Sheriff's Training Center. I have briefly reviewed this, basically looking at the bottom line figures and I want to reassure the Commissioners that those bottom line figures are much higher than the price that the owner of this real estate is offering it for. So, I feel very good about this estimate. We still have to wait for the appraisal from Mr. Bartlett, but pursuant to statute and our ordinance, I'm going to give one copy of this to Cindy and advise her that this must be kept on file in

the Commissioner's Office for a period of five years from today's date and I'm going to give her another copy and ask her to deliver that to the Executive Assistant of the Vanderburgh County Council, which is also required by statute, so that they can note at their next meeting that this appraisal is in and I will keep the other copy and if any of the Commissioners want to see it, I'll certainly make it available to them. I will close with just a brief comment. I had, today, the experience of seeing what it's going to be like when that bridge is closed on the Lloyd Expressway. Look on out! The Lloyd Expressway --

President Borries: Oh, because of the accident at the Evansville Brewery?

Alan Kissinger: And I'm telling you, it was zoo time out there. I assume that there will be coordination and the traffic will be better directed in anticipation of that partial closing, but it was a nightmare. It was just a nightmare. I felt like I was in Cincinnati at rush hour. That's all I have.

President Borries: I missed that one, but I made up my mind after being stuck in one for five hours in Seoul, Korea that I would never talk about traffic again. I have never in my life experienced anything quite like that. So, but I understand and I think that is also a compelling reason why there just simply was no way that whole structure could be closed. It's got to stay open at some point, even if it would take longer to do, it's got to stay open.

Alan Kissinger: Just this incident today, anyone who saw it would say that the decision to close only half that bridge at a time was positively affirmed. It had to be.

Commissioner Mourdock: And throw in a riverboat, there, somewhere.

Alan Kissinger: Right, right.

Commissioner Tuley: With it's 2.4 million visitors a year, assuming that's right.

Commissioner Mourdock: Assuming that's right, too!

President Borries: Okay. Thank you. Welcome back and thanks for your report tonight.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: I have some quit claim deeds that I would like to give to the County Attorney and have him review some of the title searches have been conducted on the '93 property for the Habitat and Choice, so those quit claim deeds have been prepared. The tax title deeds were prepared by the Auditor's Office and put back in the name of the county and this now puts them in the name of Habitat and Choice, so I would like for him to look at those and we can, maybe, approve them next week. That is not all of the ones from Habitat, but they did put, they told Mr. Shroeder the ones that they would like to have done first. So that's what was done with that.

Alan Kissinger: I'll review these and advise the Commissioners. Once again, to give credit where it's due, and perhaps, also as a form of apology to Keith Rounder, again, I want to give credit to Keith because Keith has been the one who has gone back and retraced this entire cumbersome process to bring it to the point we're finally getting these properties straightened out. And it has been a pain the neck for him, but he has not complained and he has done an excellent job.

Cindy Mayo: For your information, I've been working with Virgil

Miller from the School Corporation and Mike McCamish from the city. We are going to, next week, send out requests for proposals for long distance service. I know you're aware that we've been working on this. We have identified about six companies that we are interested in getting proposals from. I don't know if Mr. Mourdock is aware, but we are all jointly in our long distance service together, along with the building authority. They have said that they will go along with whatever we get as the best bids, but it has become a very competitive market and we feel that there might be quite a savings for all of us in this. So, we've been working with Kelly Culiver, who is with Van Ausdall. Her company will not be bidding on this, but she has been very good at working with us and getting this together for us. So, we would like to proceed with that and start getting some proposals.

Commissioner Mourdock: Excuse me, will she be making a full report to the Board, then, when bids come back in --

Cindy Mayo: Yes, she will.

Commissioner Mourdock: Much like Dennis Feldhaus does for insurance, I guess. She's kind of doing the same type thing?

Cindy Mayo: She really is doing this just as a favor and a service. She's been very good...Van Ausdall is the company that handles our telephones, the hardware, and the county has been very good to them, I guess, and they have been very good to us also. She goes well beyond her duties and we've been, all of us, have been very pleased with Kelly and she's just doing this as a favor to us.

President Borries: Great.

Cindy Mayo: I needed to ask the County Attorney exactly what I need to do as far as the '94 properties. There has to be an appraisal done before we can sell these properties by the County Assessor, is that correct?

Alan Kissinger: What you have to do, since I complimented Keith, you have to call Keith Rounder, is what you have to do.

Cindy Mayo: I see, okay. We'll I'm going to be working on that because I would like to proceed with the sale of the '94 properties. I also need to get together and advertise for the county to have its' annual surplus equipment auction. I don't know...does that have to be advertised twice? Do you know or do you want to let me know next week how we need to proceed with that? Okay.

Commissioner Tuley: Cindy, before you go on to your next subject, I want to come back to that one.

Cindy Mayo: Okay, then --

Commissioner Tuley: Are you ready to move on?

Cindy Mayo: Yes.

Commissioner Tuley: When you're talking to Keith, ask him to pay particularly close attention to the law concerning abutting landowners to give us some guidance there, because I've been called by some, one person in particular, but some other people have called in the past. If their property abuts that, I think there's a little different rules that apply to them as opposed to the general public.

Cindy Mayo: How about the gentleman whose building actually overlapped?

Alan Kissinger: Let's not even talk about that.

Commissioner Tuley: Were you here for that?

Alan Kissinger: Yes, I was there for that and I started getting one of those headaches that just clouded over my memory. I had forgotten until this moment.

Cindy Mayo: My last item, we've had since I've been in the office, there have been several calls, and I know you've seen the complaints come across your desks on the fact that there is no ordinance in the county governing dogs. We had a complaint again today and the gentleman did ask if I would ask you at the meeting tonight if you would consider adopting an ordinance where there would be some penalties for people that continue to allow their dogs to run loose and I am doing so.

Commissioner Mourdock: It was not, as some of them are, noise related? He was actually talking about a loose --

Cindy Mayo: The gentleman that called today, and I have not talked to this man before, but he said there were two large dogs that get out, an elderly lady has them. She's not able to run them down, the neighbors are afraid to run them down. There are children in the neighborhood. I believe he said it was Echo Hills Subdivision and they are concerned about it.

Commissioner Tuley: Where's that guy from (inaudible)

President Borries: Let me ask our County Attorney on something like this. I have been lectured sometimes by farmers and people who live in the rural areas, and believe me, they are rural and some townships of Vanderburgh County who would probably be violently opposed to this simply because they say that some of these dogs, as farms dogs, kind of run around, it's impossible for them, sometimes, to leash them up as it would be in a subdivision. So I guess where I'm headed is, can we make an ordinance that applies to subdivisions? Look at something that would have to do with subdivisions that kind of reflects urban life as opposed to rural life in the county, with farm dogs and that type of thing? Can we do that?

Alan Kissinger: In a word, no.

President Borries: I knew you were going to say that. I knew you were going to say that.

Alan Kissinger: What we do is, the magic word is, we create, then, under the constitution orders referred to a magic phrase is, a suspect class. And that is unconstitutional, it's a violation of equal protection, da-da, da-da, da-da, I can go on with those as long as you like.

President Borries: No, I just was kind of wanting to, you know --

Alan Kissinger: The history of those things, President Borries, is that dog ordinances are practically impossible to enforce in rural areas. They are much easier to enforce in urban areas because an authority to go out and pick up these dogs, you have a recognized nuisance, you have more people to monitor the activities of these dogs, but you know, for example, I think that there are even some farmers in this county who have working dogs. You can not restrict that activity. Effectively, you can't restrict someone...if it becomes a nuisance, there are other remedies and I know people don't like to engage in those remedies because then, they have to go confront their neighbors, but it's not really government's job to do that and not only that, it has been proven historically that government doesn't do a very good job at doing that. There are state statutes in reference to allowing animals to roam at large.

Meeting interrupted for tape change

Alan Kissinger: As I say, the history of enforcement is (inaudible) it's almost like, you know, it's easier to do nothing than to try to do something, but in this case, it's really true because we have found from past experience that trying to do something is as frustrating as not doing anything.

Commissioner Mourdock: Realizing where the road to good intention leads, and asking Rick's question another way, certainly there are ordinances that pertain to other things like septic systems where you have to have a lot of a certain size, minimum, could you do something, and not so much suburban/rural as saying --

Alan Kissinger: Those laws developed around public health concerns and now, once again, you create a suspect class. I have 1.5 acres, and if I have 2.5 acres, I'm not regulated. Why? How can you single me out for regulation without violating my constitutional rights as refers to my neighbor?

Commissioner Mourdock: Yeah, same argument.

President Borries: Mrs. Mayo, you've done the right thing, you brought this to our attention and I would ask each of my fellow members of the Board to check with their constituencies and we'll take this matter under advisement. How's that for dodging a bullet?

Cindy Mayo: That's all I that I have.

President Borries: Thank you.

RE: BILL MORPHEW - COUNTY HIGHWAY/GARAGE

President Borries: Bill Morphey, County Highway. For the record, Mr. Morphey has submitted a Highway and Bridge Crew Progress Report for the days of Friday, August 4th through Thursday, August 10th, 1995, which shows work done in all parts of the county. Bill, any items that you have other than, I know that you're folks are probably feeling the heat, literally.

Bill Morphey: Literally, yes. We had two people go home today because of the heat.

President Borries: Well, I know you're doing the right thing there, and you just have to do the best you can. I mean, you know, when it's a 115° in the shade, that's probably one of the only times I was ever sympathetic to major league ballplayers sometimes over in St. Louis, you know, as much money as those guys make. I'm probably still not, but you get over to Busch Stadium and you see that astro turf and I think they're going back to natural grass. Sometimes it's like a 120° on that stupid thing, you can just see the heat waving up there. I guess for the money they make versus our highway guys, maybe I shouldn't have been sympathetic, but it is, it's really been tough. So...

Bill Morphey: Vast difference.

President Borries: Any questions of Bill this evening?

Commissioner Tuley: Just that at Millersburg & Green River Road, there's still a hole. It's not in the road, but it's just on the shoulder of the road there, and it's pretty good size.

Bill Morphey: Yes, I've got that on a work order, we just haven't got it done yet.

Commissioner Tuley: Okay.

Bill Morpew: There's one place that Mr. Borries asked me about last week on Mesker Park Drive and it seems that at the intersection of Mesker Park and Mill Road, what the person, I guess, was talking about was a hill there. Valerie, out of the Engineer's Office, is currently looking into getting some right-of-way to remove a portion of that hill. She will let me know at a later date what we can do there. I told her we could do the work if she was to get the property and the ingress/egress permission to get our equipment down there on that lot, working on that hill, that added intersection would be dangerous, so she will let me know as soon as possible.

President Borries: Good. Thank you, unless you have anything?

Commissioner Tuley: No.

Bill Morpew: That's all I have.

RE: CONSENT ITEMS

President Borries: Consent items are available here for review. These include, again, reports and travel requests. May I have a motion to approve those?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

RE: SCHEDULED MEETINGS

President Borries: There is a list of scheduled meetings attached.

RE: OLD BUSINESS

President Borries: Is there any old business this evening?

Commissioner Tuley: None for me.

Commissioner Mourdock: Two quickies here: the first, a couple of weeks ago when I mentioned about the County Administrator, I told you I'd be sending a letter off to the Indiana Association. I've done that. When I get a response, I'll let you know. And second, an item I had was just to ask Alan if you would, and perhaps you've already spoken to Keith about this, but we had a discussion last week or the week before about a possible noise ordinance somewhat in line with what Cindy was talking about, so we were hoping to get some research on that in the not too distant future so that's old business.

President Borries: Pat, any old business?

Commissioner Tuley: No.

President Borries: I don't have any old business at this time.

RE: NEW BUSINESS

President Borries: New business, we have two appointments that we need to make, one of which, well, we've discussed this but, again, inadvertently we'd probably left it off, a reappointment of Michael Shoulders to the Evansville Vanderburgh Building Authority. That's the Board of Trustees for this building and the second would be of appointment of Attorney Tom Montgomery who would fill a position vacated by Russell Woodson on the Community Corrections Board.

Commissioner Tuley: I thought we did that.

President Borries: Well, that's what I thought. I thought we had done that, didn't' we, last week?

Suzanne Crouch: I think so.

President Borries: I thought so, too.

Commissioner Mourdock: I'm sure we did because that replaced Eric Williams.

President Borries: No, no, no, no. That's your appointment that we need to do yet on the Redevelopment Commission. Could we review that? I thought we had, too, but...

Commissioner Tuley: Well, we had talked about Eric Williams and you were going to come up with a name.

Commissioner Mourdock: Right, I still don't have one.

Commissioner Tuley: But it was either last week or the week before last...

Suzanne Crouch: It's on page 33 of last weeks' minutes, yes, you did. Commissioner Tuley made the motion and Commissioner Mourdock seconded it --

President Borries: Yes, we have appointed Thomas Montgomery so please strike that, then.

Cindy Mayo: Mrs. Titzer must have been out of the meeting at that time, I was not here, so, we didn't think that had been acted on and I apologize.

President Borries: That could have been.

Commissioner Mourdock: I will make the motion, then, on the reappointment of Michael Shoulders to the Building Authority Board.

Commissioner Tuley: I will second.

President Borries: So ordered.

Commissioner Tuley: I don't know if this is new business or old business, but you were going to come up with a name, or someone was going to come up with a name of a hydrologist?

Commissioner Mourdock: I have both those things here and I've been working on those and I do not have either, but I will --

President Borries: Okay. Is there other business this evening? We do have a few claims to sign and one claim check to look over, the journal.

Commissioner Mourdock: I just wanted to ask that two of you, since you did go and you said something earlier about the depressing report, or something. The local group is working hard, I'll tell you.

President Borries: Yes, they are.

Commissioner Tuley: From that standpoint, we're probably quite a bid ahead of some communities.

Commissioner Mourdock: Is that right?

President Borries: Some had not appointed any members, some seemed to be really lost in relation to what the scope of this was. And again, it was just a classic case of no money, there were two

legislators that talked in the morning, and basically, talked about the fact that there's going to have to be some money put into this program. But you're exactly right, from what I understand we did have several members who were there, Chairman Gary Heck was there, I understand Jerry Yezbick, although I didn't see him, but he must have been seated with the Spencer County group, and we had two other persons there, so we were well represented and we are, I think as you said, our group is working hard and they do seem to have a good attitude and that's, maybe, all I want to say about it at this point.

Commissioner Mourdock: I think they're going to have some innovative and interesting proposals for this county to consider as well as what they submit to the five county regional group that they're working with.

President Borries: Great, great. And you're attending, I think?

Commissioner Mourdock: Yes.

President Borries: Okay, good.

Commissioner Tuley: Cindy just pointed out that any correspondence or any clerical work or whatever, that Sarah from our staff will be handling.

President Borries: Okay.

Commissioner Mourdock: I have mentioned Sunny to them to make them see her as an asset, but if it comes to Sunny, I trust she'll get it to Sarah. So, I'd make them aware of that.

President Borries: We just had some concerns in terms of some overtime as you would imagine at the time of their meetings and so we're trying to deflect that as best we can with trying to work through, maybe incorporating those minutes later.

Commissioner Tuley: The disturbing part of that meeting was you had the two senators, a democrat and a republican, that wrote the bill, that sponsored the bill, sitting up there saying, well, the state's going to have to come up with some money. We're not the state, they are!

President Borries: It was like they were talking in a third person and they, in fact, were the ones that wrote the bill.

Commissioner Mourdock: They be it!

Commissioner Tuley: That's right, that's exactly right.

Commissioner Mourdock: One other point that I should add, as happens with any board, especially as large as that, several of the folks that we appointed, and I don't have a name or names, but just haven't attended and the group is working so hard at it, they would be interested in filling those slots. I've suggested to them, not mandated to them, but suggested to them, is they knew some names of folks who wanted to work on that board, get back to us and we could formally appoint them, although we do not want to put more people on that board than is already on it for voting members.

President Borries: Right.

Commissioner Tuley: I do have someone else's (inaudible) that someone that's not going to attend is removed.

Commissioner Mourdock: Okay.

President Borries: I agree, I think that's an excellent idea. Yes, we need to do exactly that and make sure they are a working

board and have workers on it. So, that's great. Good, thanks for that item. If there's no other business, then, we're adjourned.

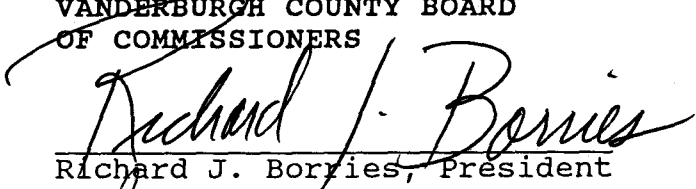
Meeting adjourned at 7:47 p.m.

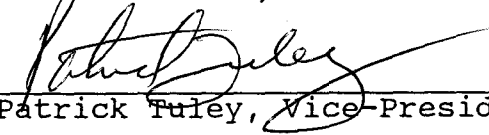
THOSE IN ATTENDANCE

Richard J. Borries
Richard E. Mourdock
Alan Kissinger
Teri Lukeman
Phil Hoy
Ray Karczewski
Kent Irwin
Jerry Atkinson
Bill Morphey

Patrick Tuley
Suzanne Crouch
Cindy Mayo
Rick Jones
Betty Knight Smith
Joe Profaizer
John Stoll
Bill Nicholson

VANDEBURGH COUNTY BOARD
OF COMMISSIONERS


Richard J. Borries, President


Patrick Tuley, Vice-President

Richard E. Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

AUGUST 21, 1995

TABLE OF CONTENTS

Introductions & Pledge of Allegiance.....	1
Approval of Minutes.....	1
Action Items.....	1
Mike Robling - Deputy Executive Director DMD.....	1
Adoption of Resolution Approving the U.S. 41 & Baseline Road Economic Development Area	
Request to open bids for VC95-08-01 EARC Parking.....	2
Garage Deck Repairs	
Mike Cason - Public Employees Benefit Service Corp.....	2
Permission to include letter with payroll checks	
Cindy Mayo - Superintendent of County Buildings.....	3
Request from individual to remove siding from county owned houses to be razed	
Bill Morphey - County Highway/Garage.....	3
Highway & Bridge Crew Progress Report August 11th through August 17th, 1995 Paving update Approve Jeff Baggett to fill full-time position on cum bridge	
John Stoll - County Engineer.....	4
Sidewalk waiver request for Ryan Commercial Park Section II Request for street acceptance in McCutchan Estates, Section II, Phase 1 & 2 Westwood Hills Road residents request for repairs to bring road up to standard for county accept- ance Correction on road acceptances: Woodland Hills Drive Schmitt Lane Pfeiffer Road bridge quotes on deck overlay	
Alan Kissinger - County Attorney.....	7
Bid Recap on VC95-08-01 EARC Deck Repair Deed to Gerald W. Watson as part of settlement from Lynch Road extension Personnel policy Appraisal by Bill Bartlett for real estate where Vanderburgh County Sheriff's Training Center is located Approval for separate hourly billing to prepare for trial - Davis & Lant vs. Vanderburgh County Approval for separate hourly billing on behalf of Carl Heldt to prepare for trial - Michael Davis vs. Chris Lenn	
Consent Items.....	10
Employment changes Travel requests Request from Health Department for Council Call	
Scheduled Meetings.....	10
Old Business.....	10

New Business.....	10
Fixed asset project	
Adjournment.....	11

The Vanderburgh County Board of Commissioners met in session at 5:36 p.m. on Monday, August 21, 1995 in the Commissioner's Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Good evening, everyone. Welcome to the August 21st meeting of the Vanderburgh County Commission. I'd like to introduce our folks this evening, our staff that are with us. To my far right:

Cindy Mayo, Superintendent of County Buildings & Office Manager
Alan Kissinger, County Attorney
Pat Tuley, County Commissioner
Rick Borries, County Commissioner
Richard Mourdock, County Commissioner - absent
Bill Fluty, Deputy Auditor
Teri Lukeman, Official Recording Secretary

Would you join us, please, for the Pledge of Allegiance?

RE: ACTION ITEMS

President Borries: We have approval of minutes from our last meeting which was held on August 14.

Commissioner Tuley: Okay, Mr. President, at this time I move that the minutes from the August 14th meeting be adopted as submitted by the County Auditor's staff and dispense with the reading.

President Borries: I will second. So ordered. Is there any person here this evening who does not see his or her item on the agenda, and if so, wanting to speak here before the Commission this evening?

RE: MIKE ROBLING - DEPUTY EXECUTIVE DIRECTOR OF THE DEPT. OF METROPOLITAN DEVELOPMENT

Mike Robling: I got my information late so I slipped in this way.

President Borries: Alright, that's fine.

Mike Robling: I think you have a copy of the --

President Borries: Introduce yourself, Mike.

Mike Robling: This is Mike Robling, Deputy Executive Director of the Department of Metropolitan Development. I have submitted for your consideration tonight, a resolution that essentially will ratify the previous actions that have been taken in establishing the U.S. 41 and Baseline Road Economic Development Area. Initially, the Redevelopment Commission designated the area, the Area Plan Commission issued an approving order of that designation. This Board adopted a resolution approving the declaratory resolution and the approving order, and then subsequently, there was a public hearing held on confirming the resolution approved by the Commission. In getting the documents ready for the bond issue, we discovered that we had missed this ratification action which requires one last final approval of all that by the Board of Commissioners.

President Borries: Okay, without reading all of it, again, Mr. Robling has said exactly what it's all about, approving the expansion of the area. This is a formality here that we need to do for the record.

Commissioner Tuley: Yeah, I've got a copy of it. We've taken all the other steps, we might as well keep this ball rolling now that it's started --

Mike Robling: We're almost there at this point.

Commissioner Tuley: Right

Mike Robling: We got a bond rating from Standard & Poor's of A-, which was what was required by Traub's proposal and that's what the current county bond issue is rated and we're expecting the bonds to be sold any day. We don't exactly know the rates yet, but the intention is to have the whole thing closed by the 31st of August.

Commissioner Tuley: Okay, having heard all that, at this time, Mr. President, I'll move the approval of the adoption of the resolution approving the U.S. 41 & Baseline Road Economic Development Area.

President Borries: I will second. So ordered.

Mike Robling: Here's the original for signatures. Thank you very much.

Commissioner Tuley: Thanks, Mike.

**RE: REQUEST TO OPEN BIDS FOR EARC VC95-08-01 PARKING GARAGE
DECK REPAIRS**

President Borries: John Stoll, County Engineer, regarding a request to open bids on the EARC building and this would be for the garage deck repairs. Commissioner Tuley...are we ready to do that tonight, John? Good.

Cindy Mayo: There are two bids.

President Borries: Two bids?

Commissioner Tuley: At this time, then, I wish to move that the County Attorney be authorized to open up the bids on the EARC building in reference to VC95-08-01 Parking Garage Deck Repair.

President Borries: I will second. So ordered.

RE: MIKE CASON - PUBLIC EMPLOYEES BENEFIT SERVICE CORPORATION

President Borries: Mr. Mike Cason is here regarding Public Employees Benefit Service Corporation concerning permission to include a letter with payroll checks. Mike, welcome.

Mike Cason: Thank you very much. I'd like to submit to all of you here a copy of the letter that I ask to be considered. One note, on the first paragraph, first sentence, where it states Cities, that's a typo error. That should be County, and that will be corrected. At my cost, I will furnish the 700 and some odd forms, and have them printed up. They'll be folded, and I talked to Karen Joest and she said if that's all right with everyone here concerned, then well, we can go from there then. We haven't set a designated date yet, because that's still to be decided. It would be sometime within the next sixty days, though.

President Borries: There's also one other typo here that you need to look at. Right here. It's the old teacher coming out in me.

Mike Cason: Oh, thank you very much.

Commissioner Tuley: What else did you find, Rick, Mr. Teacher?

President Borries: Mike, you've done this before, though, haven't you? I mean...

Mike Cason: No.

President Borries: We've not done this before?

Mike Cason: No.

President Borries: Okay.

Mike Cason: It's estimated right now from the last count, we have about 52% participation which is the second highest of all the counties in Indiana. But it was brought to my attention by Betty Knight Smith that in her particular area, no one had been at her office for at least six years. I've run into isolated pockets of that. So as to prevent that in the future, I thought the best way would be to send a letter out and no county employee can say that they weren't made aware of the program that is available to them.

President Borries: Okay.

Commissioner Tuley: It's a good program for the employees. I move that his request be approved.

President Borries: I will second. So ordered.

Mike Cason: Thank you.

President Borries: Coming to department head reports, Alan, you need some extra time here?

Alan Kissinger: If you please.

President Borries: Okay.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: I just have one item. I had a phone call today from someone that was interested in taking some siding off of one of our houses. I told him there was no provision for him to do this and he said that he does know that when the city comes in and razes property, they just level it, they don't take anything off. I explained that we could not accept any liability for him being on this property, but he did wish me to present it to the Commissioners and get your approval or disapproval on this.

President Borries: I think you have told him well, Mrs. Mayo. I think that you are exactly right and I don't think that there needs to be any other discussion of that.

Cindy Mayo: They just don't like to take my word for it. So, that's all I have.

Commissioner Tuley: You need to disguise your voice, make it sound a little deeper!

RE: BILL MORPHEW - COUNTY HIGHWAY

Bill Morpew: Good evening.

President Borries: For the record, this report is submitted for the dates of Friday, August 11th through Thursday, August 17th and indicates work that has been done in all parts of the county, the same with the Vanderburgh County Bridge Crew. Are you managing in this heat to do some paving? It looks as if Woodland Hills, huh?

Bill Morpew: Yes, we've paved Woodland Hills and we put the surface on Baumgart Road. Today, we were paving on Happel, tomorrow we'll put the surface on Happel and also move down to Buena Vista. This week I expect to get those done and West Terrace Drive, we've widened West Terrace and expect to pave that this week before school starts. We do have that road twenty foot wide.

President Borries: That's good.

Bill Morpew: And we're preparing Old Henderson Road and some of the rock roads, Huebner Road, Kimber Lane has been primed, and

we're going to widen Irene. We've got Irene widened, but we have to put the surface on it.

President Borries: Okay. Good. Any questions of Bill?

Commissioner Tuley: Not on his report, I just have a personnel question for you, Bill. There are some changes at the Garage and what have you, I understand there's at least one opening now on the bridge crew that can be filled. Is that correct?

Bill Morphew: Yes, I believe it comes down Wednesday. It's a laborer's position on the cum bridge.

Commissioner Tuley: Okay.

Bill Morphew: The indication that I have from the auditorium and also Burdette Park is that no one is interested in that job.

Commissioner Tuley: We've got a guy working out there part-time, he's only been there for a week or so, but I'd like to go ahead if Commissioner Borries would approve to put Mr. Jeff Baggett on in the full-time opening that we have out there on the bridge crew.

President Borries: Okay. Starting on Wednesday?

Commissioner Tuley: Yes, I'm sorry, Wednesday's the first available date --

President Borries: Okay.

Bill Morphew: He is on the summer crew out there now, yes.

Commissioner Tuley: Okay. Yeah, effective Wednesday then if that's possible and then you could type up, if approval is given here, a pink slip to run through the meeting next week, but at least we could have it on the record tonight. I know I've been talking to you about it, and it's gone through all the changes and bumps from this department to that department and now, finally, it's available.

President Borries: Good. That's fine.

Commissioner Tuley: Okay, so then you'll just go ahead and submit it and put him to work Wednesday, and then we can type up a pink slip and run that through next week.

Bill Morphew: Okay.

Commissioner Tuley: Have you guys had a chance to get out there to that Millersburg hole yet?

Bill Morphew: It's been patched.

Commissioner Tuley: Good for you, thank you.

Bill Morphew: It's done.

Commissioner Tuley: Thanks, Bill.

President Borries: Thanks, Bill.

Bill Morphew: Yes, sir.

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: What I've got there before you is the plan for Ryan Commercial Park Section II and the letter from Dick Rheinhardt requesting a waiver of sidewalks along that subdivision. This will result in the construction of the extension of Royal Avenue south

from Vogel Road down to the current dead end of Royal next to the American General building. There aren't any sidewalks along Royal Avenue along the American General building, there aren't any sidewalks along Vogel Road, and there aren't any sidewalks north of Vogel along Royal.

Commissioner Tuley: That's all commercial, right?

John Stoll: Right.

Commissioner Tuley: I move it be approved.

President Borries: Second. So ordered.

John Stoll: Next, I've got requests for acceptance of streets in McCutchan Estates, Section II, Phase 1 & 2. It is 444 feet of Torrey Hill Road, 458 feet of Ashmore Drive, and 832 feet of Yorktown Road. They were all constructed according to the approved plans and I recommend that they be accepted for maintenance.

Commissioner Tuley: I will so move.

President Borries: I will second. So ordered. John, while we're on this, I had a discussion with you on this, not on these, but this is the procedure that we have used as long as I have been on this Board for accepting streets and, of course, at the end of the year what you do, is forward the length of these to the State Highway where we get reimbursed. I did have a call from a gentleman, again, on Westwood Hills. The research that you've done indicates that, as we have had a couple other streets in the county built by some developer who either went bankrupt or left, or whatever, but in whatever situation it was, the streets were never accepted. Now they are in poor condition. I share this gentleman's frustration. I don't have a good solution for him because, in effect, what I told him was that, without going through this procedure as we have done, and without having gone through a lot of checks that we now have in place that probably weren't in place years ago, for whatever reason these roads were never accepted. The paving that you have reviewed, or at least the thickness of the concrete in these areas, is not satisfactory in certain areas and that's why it's, in some cases, it's cracked and deteriorated. I guess the reason I'm bringing it up is maybe our Attorney, at some point, can research...What this gentleman wanted to do is, he said he thought that the residents would be willing to pay by the month --

Commissioner Tuley: Installments.

President Borries: Yeah, to get these roads fixed. I said, well, that's all well and good. But the only thing that I could think of was, he must have been referring to something that maybe had to do with the Barrett Law, and I don't know if the Barrett Law can be used in a process like this or not. I told him I would bring it up. I told him that, in effect, we can't do work, he even wanted to start talking about the signs and everything on what, at this point, is really considered private property. We can not do this until these roads have been officially accepted for county maintenance. So, I don't know what we can do. I told him we could send our Engineering staff out there. I guess we could give a rough estimate as to what would have to be replaced, repaired and see, then they would have to get some costs on that, but it's going to be an expense to them. There's no doubt about it and I don't know if the Barrett Law can be used in a situation like that or not.

Alan Kissinger: No. The Barrett Law came into effect, basically, because of the fact that it was understood that when you're putting in sewers and things such as that, there are already going to be homes, improvements, etc. in place that this system was designed

for. These people didn't necessarily ask for it, but here it is now and they need an opportunity to pay. On the road situation, the very reason that we accept these things for maintenance and go through this procedure is, we make certain demands that the roads be brought up to a certain level before we can accept them. This is not the type of situation where we're providing a service and someone is asking to use it. Someone is asking us to provide them a service and there is no provision in the law for allowing a time payment or an installment payment for a situation such as this.

President Borries: That's what I thought you'd say.

Commissioner Tuley: Is this that subdivision where Boehne Camp dead-ends at whatever...Mt. Vernon, Upper Mt. Vernon?

Commissioner Tuley: Yep, Upper Mt. Vernon.

John Stoll: We've had people out of my office go out there several times and look things over and talk to several different residents over the two and a half years that I've been here and everybody wants to see it get done, but nothing has ever happened. Nobody has ever taken the next step to actually consider hiring contractors to do that work to bring it up to the standards where we could take it over. It's basically the same thing as Westchester and Whitman.

Commissioner Tuley: The developer is gone, nobody knows who he was?

John Stoll: Not off the top of my head, I don't know which it is out there.

President Borries: Whoever the developer was, I think he mentioned that and I can't remember, he said something, I don't know if he'd gone bankrupt or not. But what happens to so many of those streets is that a lot of them were just...and county regs have changed, inspections were not sometimes done properly, I guess, quick fashion, and so unless you're out there when they're pouring the concrete and get that core sample, you're not going to --

Commissioner Tuley: It's not a real old subdivision, is it? Just as little as a year or two years ago, they were still building homes out there.

John Stoll: The sections that are newer, roads were put in properly. The northwest corner --

President Borries: The older --

Commissioner Tuley: The northwest corner is the newest part.

John Stoll: Those streets could be accepted, but since they don't connect to any other county accepted road, we can't take them.

President Borries: Well, I'll call him back with that answer. I don't know, as I told him, what we could do next. There is no way that I know that we can get our County Highway crews to get on there without, I mean, there's just no way we can do it. I can't think of any way we can do it. Okay, just thought I would ask.

John Stoll: While we're talking about road acceptances, those are two that have been accepted in the past where there have been errors that have been found, well, not errors, these are mainly clarifications. Woodland Hills Drive, when it was accepted back in 1968, it said that it would be accepted from Browning Road east for a distance of about a quarter of a mile where the forty foot right-of-way has been granted. There was never a specific distance associated with that. Whenever the County Highway crews went out and paved it recently, we checked it and the right-of-way is up to

fifty-five feet out towards the end of Woodland Hills, so to clarify that, we've put the correct distance of what it is to the dead end, the county's portion of that road. Then on Schmitt Lane, in 1952, the Commissioners had adopted a change in the master plan that said that the county was going to take 1,271 feet of Schmitt Lane, but the only record of an acceptance that could be found showed that it was 580 feet. The county has always been maintaining the 1,271 feet based on what the master plan said, so this acceptance form is just to clarify those two errors.

President Borries: Okay.

Commissioner Tuley: At this time, then, I'll move we sign this Acceptance of Street/Road Improvements in reference to Correction of Previous Acceptances.

President Borries: I will second. So ordered.

John Stoll: The final thing I've got is on the Pfeiffer Road bridge, we currently have some specs out to some contractors to get quotes on deck overlay on that and we're going to put in a concrete overlay and replace some rusted steel, and hopefully, make that bridge quite a bit better than it used to be. I just wanted your okay to go ahead and hire contractors as long as it came in under the bidding limit of \$25,000.00.

Commissioner Tuley: So moved.

President Borries: Second. So ordered.

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

Commissioner Tuley: Did you get your air conditioning fixed?

John Stoll: Oh yeah, ten minutes after I called you, it kicked back on.

Commissioner Tuley: Good.

President Borries: There was a power outage down in that area is what happened, I think.

John Stoll: Our air conditioning was out pretty much all day Friday. Good day for it.

President Borries: Man, what a day. But it's back on and everything is okay?

John Stoll: Right.

President Borries: Good. I guess we'll hear from Alan next and we can maybe move forward here on the EARC roof.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: The bid recap on VC95-08-01 which is the EARC Deck Repairs. There were two bidders: the first bidder was Mid-Continental Restoration Company, Inc., the amount of that bid was \$131,683; the second bidder was Western Waterproofing Company, Inc., the amount of that bid was \$124,600. It is statutorily appropriate for me to point out to the Commissioners at this time, that the bidder, Western Waterproofing Company, Inc., is the same company that bid on this project previously, did not complete, did not start, and as a matter of fact, is the cause for us re-bidding this. It is totally appropriate for the Commissioners to take that into consideration because of past performance or lack of past performance in awarding this bid. Even though Mid-Continental is not the low bidder, Western Waterproofing's past performance or lack of past performance would justify the Commissioners in

awarding the bid to the only other bidder if that is what you chose to do.

President Borries: Oh boy, that's why they say lowest and or best, right?

Alan Kissinger: Yes.

President Borries: You want a week to look this over, John, and give us a report? We've got to get on this. This thing has --

Commissioner Tuley: I don't have a real problem. But I mean, once, shame on you...

President Borries: I'm not familiar with either firm but I know one thing, and Alan is exactly right, we wouldn't be here tonight discussing this if these folks would have followed through on what they said they were going to do the first time.

John Stoll: From the way I understand it, there was another company called the H. S. Peterson Company that originally put in a bid for this project back when the EARC Board put it out for bid. That company was then bought by Western Waterproofing and it was under, I guess, their H. S. Peterson Company that they requested the bid specs. We found out last week that that's what had happened, that Western Waterproofing had bought the Peterson Company and they told us that they would be submitting a bid. So that's how it all came about.

President Borries: So what do you want? Do you want a week to review these?

John Stoll: Yeah, I want to make sure everything is in order in both bids --

President Borries: Give us what you think, you know,...

Alan Kissinger: I would point out to you also that Carl E. Most & Sons of Indianapolis will be a subcontractor, but that's not the one you were referring to, so I guess that would not be a problem.

John Stoll: Is that through Mid-Continental?

Alan Kissinger: Yes, Mid-Continental.

John Stoll: They originally put in a bid back when the EARC Board put it out for bid as well.

President Borries: Are the guidelines for this in terms of money, roughly, okay?

John Stoll: These are higher than last time --

President Borries: Higher?

John Stoll: They are higher, but we revised the specs.

President Borries: Okay.

John Stoll: We had 3I Engineering help us out with the specs. They reviewed it, we've added several things and I think that they are probably better specs than the last set, it's just that there were more items and that's probably a majority of the increase.

Commissioner Tuley: It's still less than what we originally thought, though, isn't it?

John Stoll: Yeah, it was \$150,000, wasn't it?

President Borries: Yeah.

Commissioner Tuley: Why don't we just, because John wants to take them under review and I agree with that, I'll move at this time, then, that they both be taken under advisement for a week for John to review and make sure that they match up all the requirements.

President Borries: I will second. So ordered.

Alan Kissinger: The next matter I have is a deed which has been prepared for the signature of Mr. Borries as President of the Board of Commissioners. This is a deed to Gerald W. Watson and three or four other people, I'm not certain. However, this is a deed which completes an agreement that was entered into with these parties, probably four years ago. This is property that represents part of the extension of Lynch Road, and a part of the settlement made with these parties for the purchase of their real estate was that if the county actually acquired title to other real estate by eminent domain or by purchase for this project, that the county would deed to these parties, as a part of the compensation for their real estate, the real estate that is described in this document. Without going through all the steps that have brought us here, this deed does represent that real estate and it does represent a culmination of that agreement. I recommend that the Commissioners approve this deed and that President Borries sign this deed. I need the deed and the disclosure documents back, but I'll make copies for the Auditor's Office if they need it.

Commissioner Tuley: Based on Mr. Kissinger's recommendation, then, I will move at this time that you be authorized to sign the deed.

President Borries: I will second. So ordered.

Alan Kissinger: The next matter is the personnel policy. We have received from Waggoner, Irwin and Scheele the final, final draft or the final, final version of the new personnel policy and personnel handbook. If the Commissioners approve, I will prepare a new ordinance for advertising and advertise this personnel policy for a final vote at the September 11th meeting.

Commissioner Tuley: So moved.

President Borries: Second. So ordered.

Alan Kissinger: We have received from Mr. Bill Bartlett, the second appraiser who was appointed by the Commissioners to appraise the real estate where the Vanderburgh County Sheriff's Training Center is located, those appraisals are in. So according to the statute, one copy of this appraisal must be delivered to the Vanderburgh County Council, and another copy must be kept on file in the Commissioner's Office for a period of five years. I will do the calculations which will tell us how much the county is allowed to pay for this real estate, make that known to the Sheriff and have him go to the County Council, I guess, for final approval on the purchase of this real estate. The next matter I have, actually it's in the form of two matters. We have a case, Davis & Lant versus Vanderburgh County, it's a case in reference to a denial of a rezoning some years back. This has become what I would define as, and I think fits the definition of protracted litigation. Keith Rounder and I are now working on this case. We anticipate that it is going to go to trial and we request that the Commissioners approve separate hourly billing on this case for trial preparation and trial.

Commissioner Tuley: Is that the Lynch Road thing?

Alan Kissinger: Yes, it is.

Commissioner Tuley: I'll move the request be approved.

President Borries: Second. So ordered.

Alan Kissinger: The next matter is the same request on behalf of Carl Heldt. There's a case named Michael Davis versus Zirkelbach, another city police officer, another fellow by the name of Michael May, the City of Evansville, Vanderburgh County and Chris Lenn, a former Vanderburgh County Deputy Prosecuting Attorney. This is a case that was filed in federal court, and interestingly enough, Carl Heldt was able to get the county dismissed out of this case, so the county is no longer a defendant, but our former employee, Chris Lenn, remains a defendant. Because of the contract between the county office holders and employees, we are still bound to defend Mr. Lenn in this case. It's interesting because Vanderburgh County is out and Mr. Lenn is no longer an employee, but our obligation to defend continues. This has become also protracted litigation and I sat down with Mr. Heldt to talk to him about the progress of this case, and where he felt we stood on it. I just looked at his file and realized that this case is a mess and it promises only to get worse and may very well go to trial, also. So I would make the same request on behalf of Carl Heldt in reference to the case of Michael Davis versus Vanderburgh County and Chris Lenn for separate hourly rate payment.

Commissioner Tuley: Under the contract we took with you guys, I'll move at this time that your request be approved.

President Borries: Second. So ordered.

Alan Kissinger: I have nothing further to report at this time.

President Borries: Thank you, Alan.

RE: CONSENT ITEMS

President Borries: We have consent items that include employment changes, travel, and also a request from the Health Department for a Council Call.

Commissioner Tuley: I'll move the consent items be approved as submitted.

President Borries: I will second. So ordered.

RE: SCHEDULED MEETINGS

President Borries: We have a list of scheduled meetings also included in our meeting tonight and we will enter those for the record.

RE: OLD BUSINESS

President Borries: Any old business this evening?

Commissioner Tuley: I have none.

President Borries: Nor do I.

RE: NEW BUSINESS

President Borries: Any new business?

Commissioner Tuley: No.

President Borries: I guess the one item of new business that we have is, we met with County Auditor Suzanne Crouch and former Commissioner Don Hunter, several people from the Evansville Vanderburgh Schools regarding a project where we're going to work with students to help us continue and update our fixed asset policy which is something we have worked with quite a lot in our county.

VANDERBURGH COUNTY BOARD OF COMMISSIONERS
MEETING OF REZONINGS
AUGUST 21, 1995

The Vanderburgh County Board of Commissioners met in session for the purpose of rezonings at 7:00 p.m. on Monday, August 21, 1995.

President Borries: Well, good evening again, folks. I appreciate you coming out this evening. This is our rezoning portion of our County Commission meeting, and in a rare occurrence this evening, we were finished at about quarter after six which made some people mad, and I guess others a little bit impatient that we would not take these a little early. But in deference and consideration to the Evansville City Council, which also considers rezonings at the same time, it just avoids a lot of confusion if we do it at approximately the same time in order to assist the public, because sometimes they get in the wrong meeting and so forth. So, at any rate, here we are. We're glad you're here. Let me quickly introduce the folks that are part of our staff this evening for your information. To my far right is:

County Attorney, Alan Kissinger
County Commissioner, Pat Tuley
County Commissioner, Rick Borries
Deputy Auditor, Bill Fluty
Recording Secretary, Teri Lukeman

We have already said the Pledge of Allegiance so we're not going to do that again. We do appreciate, again, you being here. We have the following rezonings which we'll take in this order.

RE: VC2-95 PETITIONER: JAMES BAKER
1930 ALLENS LANE

President Borries: The rezoning request is from A & R4 to C2.

Les Shively: Mr. President and members of the Board of Commissioners of Vanderburgh County, my name is Les Shively, representing the petitioner. Briefly, this particular request is for the establishment of a new business, an auto parts facility, which necessitates the, I believe that we're down to C2. Did they read it off as C4? It's actually C2, we changed that when the staff informed us we didn't need to go quite that strong. This is actually a request for C2. This is on Allens Lane between St. Joe to the west and to the east, Kratzville Road. If you'll look at your location map, you'll see that there are, toward the intersection of Grove Street, C4, C1 and R4, M2 and M2 clustered there. As you move further down, you'll see some M1 across the way. We have been going at this for several months now and one of the good things about the delay is it allowed us to find out what the concerns were of the people that do have residences in the area and we have reached an agreement. Here is basically the essence of the agreement. Mr. Baker has agreed to plant trees on the west side of the fence, trees that will grow taller than the fence to create a sight and sound barrier. He's agreed that the buildings and improvements to the property be built as far to the west as permissible to create as much buffer zone as possible. He's agreed to have no windows or doors on the east side of any buildings or structures, with the exception of fire doors. Mr. Baker has also agreed to erect a wood privacy fence of a type that would not easily be attempted to be climbed by children, with this fence to run north and south along the east property line, the elevated portion of the lot. With the help of the neighbors, we have prepared a little sketch and a little agreement. Mr. Baker has already met on site with Mr. Steven Gray at 1920 Allens Lane, who is the spokesperson for the residents in that area. It's my understanding that we have reached an agreement. We understand this is technically not a Use and Development Commitment. I explained that to Mr. Gray. Mr. Gray feels that the dialogue he's had with Mr. Baker, and since Mr. Baker already has a business in the area, he feels comfortable with this commitment and is willing to take Mr. Baker

at his word providing he signs this document. I'm prepared to make sure Mr. Baker sticks to his word. So, with that, we'd like to provide the opportunity to answer any questions that the Commissioners have at this time. I would note, Mr. Baker is also here if you have any questions about his particular proposed use.

President Borries: I don't have any at this time.

Commissioner Tuley: I don't really have any questions or comments at this particular point. I would like to hear if in fact there are any remonstrators? Is Mr. Gray here?

Les Shively: Mr. Gray is here.

Commissioner Tuley: Okay.

Steve Gray: My name is Steve Gray and there are three properties that are directly adjacent to this piece of property here to the east of that. If you'll look at the paper there, it would be on the right-hand side of the paper.

President Borries: Mr. Gray, would you give your address, also, for the record?

Steve Gray: My address is 1920 Allens Lane.

President Borries: Thank you.

Steve Gray: My property touches this. We did have some concerns about noise, traffic, all kinds of things. There's a lot of children there in the neighborhood. We're concerned about them running over there with the increased traffic and different people coming in and out, things like that. But as Mr. Shively said, we've pretty well come to an agreement on what might cure all the problems, and you know, nothing is ever going to be perfect in any agreement that you have.

President Borries: You understand this is a private agreement between you and Mr. Baker?

Steve Gray: Yes. We'd like to have it put into the record so it's part of the record. That's all we ask.

President Borries: Okay. Fine. Refresh my memory, but C2 also should give you some agreement here that this is not for, as I understand it, retail sales. Is that correct?

Steve Gray: That's what I've been told.

Barbara Cunningham: C2 does allow retail sales.

Les Shively: You can't do any alcohol and beverage, or things of that nature with C2.

President Borries: Alright.

Steve Gray: Our original concern with the C4 was, you know, parts of cars sitting out there.

Commissioner Tuley: The only question I'd have for you, Mr. Gray, is you spoke before the Area Plan Commission both meetings, and the impression I got was you were representing not just yourself, but several of the neighbors as well.

Steve Gray: Yes, some of the neighbors are with me here tonight in the back row.

Commissioner Tuley: So they're in agreement as well, then?

Steve Gray: Yeah, they have the homes that are also adjacent to it. There's three homes that are directly adjacent and those owners are here tonight.

Commissioner Tuley: Okay,

Steve Gray: And they will sign this too, so we're all in agreement, so it's all done.

Commissioner Tuley: Okay.

Barbara Cunningham: What I'm telling Commissioner Borries is that C2 does allow liquor sales and such. You don't have a Use & Development Commitment, but your private commitment with them does not allow that?

Steve Gray: It doesn't exactly say that. I didn't know that was -

Les Shively: We can put that in. We have no objection to doing that. I thought C4 (inaudible - comments not made from microphone)

Barbara Cunningham: C2 does.

Steve Gray: We definitely wouldn't want liquor sales and I don't think Mr. Baker wants to, but what if he sold the property later on? That might be a concern. I had no idea that was allowed.

Les Shively: All I can simply say is, we'll add that to the agreement (inaudible - comments not made from microphone) and what we'll do, too, even though it's a private agreement, we will record it, make sure it's in the chain of title. It may not be enforceable by you all, but we will put it in a recordable format as notarized so that it will run with the land and be binding upon anybody else that he would sell to.

Steve Gray: Okay.

President Borries: Those earlier comments were made by Mrs. Barbara Cunningham, Director of the Area Plan Commission.

Commissioner Tuley: Do we have any remonstrators?

President Borries: Okay, is there anyone else who wishes to speak? We call this, it's kind of an unusual word, I've never been able to understand it, remonstrators, which is for or against. But is there anyone else that wishes to speak for or against at this time? Okay. Thank you.

Commissioner Tuley: Just for the record then, so everybody understands, at the Area Plan Commission I abstained from voting on this. Mr. Baker's wife is one of the secretaries in the company that I work for. Had there been remonstrators here tonight to speak against this, I would have abstained from voting. However, since you have worked out a private agreement with the neighbors, and you guys all are for this now, don't have a problem with it, I'll go ahead and vote tonight, but I just want to be on record and that everybody know that Mr. Baker's wife is one of our secretaries. If that's not a problem to anybody for me to vote, I'll vote tonight.

President Borries: I think you're quite candid in that, and frankly, you don't have any financial interest in this, do you?

Commissioner Tuley: I have no financial interest one way or the other.

President Borries: I don't think there's any conflict there myself.

Commissioner Tuley: Okay, having put that on the record, then, at this time I would move that VC2-95 be approved with the change from R4 & Ag to C2 as requested with the understanding there is a private agreement amongst the property owner and the surrounding neighbors.

President Borries: Okay, I will second that motion. Because these are, in effect, ordinances that do change the zoning area and ordinances of the county, I will call for a roll call vote. Commissioner Tuley?

Commissioner Tuley: I'll vote yes.

President Borries: I vote yes. The rezoning is approved.

RE: VC4-95 PETITIONER: ARROWHEAD LAWN CARE
13549 ST. WENDEL RD.

President Borries: The stated use, this rezoning request goes from A to C4 with a Use & Development Commitment. Do we have a person here to present?

Martha Posey: Yes, Martha Posey with Kahn, Dees, Donovan & Kahn. We represent Arrowhead Custom Lawn Care, Inc. Glen Smith, the owner of the business is also here if you might have any questions for him. As you stated, this was a petition to rezone a portion of his property. It's approximately 1.15 acres from Agriculture to C4, which would be used for a lawn care business. As you've also noted, he has stated that he will file a Use & Development Commitment which will restrict the use of the property, and if he should cease to use the property for that business, he will seek to rezone it back to Agriculture. This was unanimously approved at the Area Plan Commission meeting. There were no remonstrators present at that time. He has not had any opposition from any of the neighbors.

President Borries: Okay. Commissioner Tuley, any questions?

Commissioner Tuley: No, she stated pretty clearly that it was, I think, ten votes for and no votes against it at the Area Plan. They have a rather large area of land there, but they're only going to request the change on a very small portion of it. There are other nurseries or something not too --

Martha Posey: There are other businesses zoned C4 that are just north, I believe, on the other side of the intersection from his house or from this land.

President Borries: Thank you for your presentation. For the record, let me ask, are there any persons here who wish to speak for or against this petition? Okay, let the record show that there were not. I will ask for a motion here for VC4-95 from Commissioner Tuley.

Commissioner Tuley: I will move then that the petitioner's request to rezone this from Ag to C4 be approved with the understanding they did have a Use & Development Commitment.

President Borries: I will second that motion and call for a roll call vote at this time. Commissioner Tuley?

Commissioner Tuley: Yes.

President Borries: And I vote yes. Motion is approved.

Martha Posey: Thank you.

President Borries: Thank you.

Commissioner Tuley: Through the Signature School students?

President Borries: Yeah, and also some business vocational students at several other schools. So, we are working on that. We have had a meeting and we're going to continue to work on that particular item so that we can maybe get that enacted during the school year. It will be a nice partnership and also highlight the skills of some of these students as we begin to get things to enter into a database to update our fixed asset policies. It's worked out well, so far. Other than that, I don't have any other items. We do have some rezonings, and as we advertise these so not to confuse the public, we hear them at the same time that the Evansville City Council hears theirs, so I think we're going to have to recess this meeting until approximately 7:00 and start again.

Commissioner Tuley: So moved.

President Borries: Second. So ordered.

Meeting adjourned at 6:18 p.m.

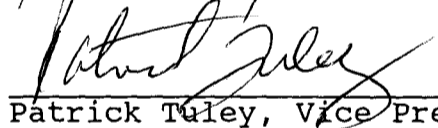
THOSE IN ATTENDANCE

Richard J. Borries
Bill Fluty
Cindy Mayo
Mike Robling
John Stoll

Patrick Tuley
Alan Kissinger
Teri Lukeman
Mike Cason
Bill Morphey

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RE: VC5-95 PETITIONER: CLARE E. GREIN & ET AL
2500 N. ST. JOSEPH AVENUE

President Borries: Rezoning from A to C4.

Mark Palm: Good evening. My name is Mark Palm. I'm an attorney representing the Grein and Bauer families. Let me give you custody of the photographs so you can look at those. This property is on the corner of St. Joe and Diamond on the southwest corner. It's bordered on the north by Diamond Avenue, across from that is the old Kmart, other than a small strip of land that is already zoned C4 that is on the --

Barbara Cunningham: This is the city part and this is the county part, and he's here for the county. This is already (inaudible - comments not made from the microphone).

Mark Palm: As you can see, there's that little strip of land there that's already C4. We own the property behind it. So to the north and to the east, we have a commercial development, to the south is where we've got the city border as well as a little bit to the west. The property itself, right now, is a landfill. My understanding, I've only been in Evansville for about five years, but when they put in Diamond Avenue, this kind of became a low grounded area and we believe that it's above the floodplain at this point. In fact, as you look at the pictures, I'm not sure if you can tell, I think it's even higher than what Busler's level is across the street.

President Borries: You understand that you would have to clearly state that whatever development you do, it would have to be above the floodplain?

Mark Palm: Right, we understand we'll have to petition to do that and we're prepared to do that assuming we get favorable votes here, and when I go across and speak with the City Council. The access will be from St. Joe, obviously, it can't be from Diamond. Our hope is to work something out with the people that already own that small C4 either for an easement to drive across to get back there, or there is some access to St. Joe. Like I was saying, the property is a landfill. It's currently zoned as Agricultural, it's only 17 acres and I don't think it's really appropriate any more for Agriculture, or really almost anything other than commercial development. Pictures, I think the most important one is probably number 12, because that shows you that there is a natural border between what we're attempting to rezone and where there's residential property to the west. There's a ditch, or gully, or whatever you want to call it that goes across it there and it's all very well wooded. Odds are, the people living there wouldn't even be able to see it. Unfortunately, we don't have a specific use at this point. We've had requests all the way from just putting up another billboard on Diamond to softball fields.

President Borries: You understand that to rezone this for the purpose of billboards would be pretty tough to do? You understand that, I'm afraid, don't you?

Mark Palm: For the purpose of what?

President Borries: Just for billboards.

Mark Palm: Yes, we understand that. Right now, it's Agricultural and every time we get a potential client, they want to know if it be changed to commercial or not. So we're attempting to do that today. We've spoken with all the neighbors, the people that own the former Kmart building are in favor of it. Two families that live along Buchanan had some questions about it. Mr. Grein spoke with them and they don't have any objections any longer. They never had any objections, they just had a few questions. As I look

around, I don't see any remonstrators. We had the same situation at the Area Plan Commission, Mr. Tuley remembers, and then we had an unusual six to three vote even though none of the members of the Area Plan Commission asked any questions or voiced any concerns, so I hope that if you do have any, please ask me them. I'll be more than happy to answer them.

Commissioner Tuley: The only thing I was going to say was a little further on what Mr. Palm is talking about, having an unusual vote. We had the city and the county on the same property, although it's two areas because of the division between city and county. The one for the city portion went on with an affirmative or a recommendation eight to one vote. When it came to the county, the same group of people voted six to three, which was no recommendation and I don't understand --

President Borries: I don't get it either, that's why I was going back to the record here and seeing that.

Barbara Cunningham: Part of it is because so much of this property is in the floodplain and that might be one reason that they wouldn't do it.

President Borries: But they can not build unless it comes up to the floodplain.

Barbara Cunningham: Unless it's brought up to an elevation, but that might be a reason.

Mark Palm: And like I said, if you look at those pictures, I presume Busler's is above it and we're as high as Busler's is, so I don't, like I said, we'll have to deal with that situation when it comes up. But I'm 99% sure that it's above the floodplain anyway.

President Borries: I think it's 380...how much? 382, somewhere in there, that it would have to be above that. You'd certainly have to have it surveyed to that extent. Well, I think it's kind of a weird deal if you have one portion here that was approved and the other...the other was essentially a majority vote, but you require seven votes or it has to be seven...what are there, thirteen members, to go forward with a definite recommendation?

Commissioner Tuley: Right. Mr. Palm is right, there was no one there that spoke against it, and apparently, there's no one here tonight. The only thing you said that, and I know it got a rise over here, is I don't believe when you mentioned something about those billboards, you can not rezone strictly for placement of a billboard.

President Borries: I'm not saying one way or another if you're going to have it, but that is not an ordinance, nor is it really permissible from our standpoint to do it from --

Mark Palm: We understand that whatever building we put up, or billboard, or whatever, that we have to get the proper permits, etc. to do that and we just want it to be commercial so when a client comes and says, I'd like to buy that property or I'd like to put something on it, we can tell them, it's commercial, but you'll have to do whatever you need to do to get the building on it.

President Borries: Well personally, I hope the whole area starts to kind of revive because we've got that area across the street where Kmart was and they need some help. We've talked a little bit about trying to get a median out of there to help with the access to get into that particular area and I hope that we can begin to see some growth in that area.

Mark Palm: I spoke with an attorney, Sam Cullen, I believe, who represents the people that own that building and he said they were all in favor of it and wished me good luck.

President Borries: Okay. I need to ask again for our record, are there any persons here wishing to speak for or against this particular petition, VC5-95? Let the record show there was none. At this time then, Commissioner Tuley, I'll ask for a recommendation from you or for a motion.

Commissioner Tuley: I move at this time that VC5-95 request for rezoning from A to C4 be approved.

President Borries: I will second. We'll have a roll call vote at this time. Commissioner Tuley?

Commissioner Tuley: Yes.

President Borries: I vote yes. Your request is approved.

Mark Palm: Thank you very much. I'm going to take the photographs and go to the City Council.

RE: VC7-95 PETITIONER: WILLIAM L. KOESTER
14649 HWY. 41 N.

President Borries: The rezoning request is for A to M2, stated use here is for Industrial. Do we have a person here?

Beth Burger: Good evening. Members of the Commission, my name is Beth Burger. I'm an attorney with Bamberger, Foreman, Oswald and Hahn representing Mr. Koester this evening. Also here with me is a representative from Koester Contracting Corporation, Mr. Tim Buehner. We are requesting a rezoning from Agricultural or A to M-2, General Industrial, of two parcels that are owned by Mr. Koester. They are actually located adjacent to the existing business site of Koester Contracting Corporation just to the east and to the south of the site. They are located off of Inglefield Road to the north and to the east of Highway 41 North. They intend to use the property for, at this point in time, equipment storage. They also intend to use the existing buildings, no new structures are intended to be built at this time. The staff report prior to the Area Plan Commission meeting stated that the proposed use was consistent with the concept of the comprehensive plan to establish an industrial corridor along U.S. 41 North. It was approved by the Area Plan Commission with no remonstrators there, and with that, I'd be happy to address any questions you might have.

President Borries: The only one that I had, but okay, we got it. We had an amended plan that looked like there was one strip of Ag that in this new map I've seen has been changed.

Commissioner Tuley: You know Cap Gardner?

President Borries: Yeah.

Commissioner Tuley: That's the property.

President Borries: Oh, okay.

Commissioner Tuley: Where that house is, right? Cap Gardner lives in that house that's part of this now?

Beth Burger: Right, and then there's another strip to the north of that, northeast.

Commissioner Tuley: Okay.

President Borries: I don't have any questions other than, you've

already addressed the one question that I had in regard to that one strip there of Ag, but that's apparently corrected.

Beth Burger: That's incorrectly shown on that previous site plan.

President Borries: Okay. Let me, again, for the record, are there any persons here wishing to speak for or against this particular request? Let the record show there was not.

Commissioner Tuley: I'll move at this time, then, that VC7-95 request for change in the zoning from Ag to M2 be approved as requested.

President Borries: I will second that motion. We'll have a roll call vote. Commissioner Tuley?

Commissioner Tuley: Yes.

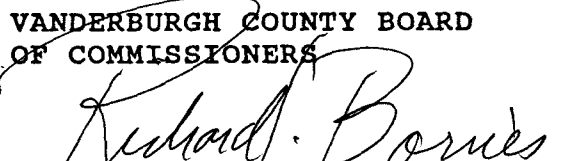
President Borries: I vote yes. The request is approved.


Beth Burger: Thank you.

President Borries: All right. I don't believe there is any other business, and if there is none, we will adjourn the meeting.

Meeting adjourned at 7:26 p.m.

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