

TRANSCRIPT  
COUNTY COMMISSIONERS MEETING  
NOVEMBER 7, 1994

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    14, 15 and 16)  
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Special Drainage Board Meeting to Follow

TRANSCRIPT  
COUNTY COMMISSIONERS MEETING  
NOVEMBER 7, 1994

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, November 7, 1994 in the Commissioners Hearing Room with President Pat Tuley presiding.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley called the meeting to order, welcomed the attendees, introduced members of the County Staff (Mark Abell, Supt. of County Bldgs., County Attorney Alan Kissinger, Commissioner Rick Borries, himself, Commissioner Don Hunter, Chief Deputy Auditor Cindy Mayo and Joanne Matthews, the Official Recording Secretary for the Board) and asked the group to stand for the Pledge of Allegiance.

RE: APPROVAL OF MINUTES

Commissioner Tuley said the Commissioners have had the minutes from last week's meeting (October 31st) for review prior to the meeting. He then entertained a motion for approval.

Motion to approve the transcribed minutes of the October 31st meeting, as engrossed by the County Auditor, and dispense with reading of same was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: PRESENTATION OF ROSES BY U.S.I. STUDENTS

President Tuley said every week the Board asks that anybody whose name or agenda item does not appear on the printed agenda to come forward. He understands there are some students from U.S.I. in the audience who would like to come forward.

Mr. Robert Kerney, President of the Student Government Association at U.S.I. was recognized. He identified himself and introduced Mr. Doug Bennett, President of the Student Housing Association. Mr. Kerney said that today they are here on behalf of the U.S.I. Committee to present roses to each of the Commissioners as a token of their thanks for the Commissioners' persistence, hard work and the time, money and everything that was put into the U.S.I. Overpass project. A lot of students are thankful. They can now get to school without having to worry about getting hit by oncoming traffic and it's really good for a blind guy driving to school! But a lot of people have given it nothing but compliments and, hopefully, this will be helpful in the growth of the U.S.I. community.

The Commissioners expressed their thanks to Mr. Kerney.

Mr. Bennett added "Again, on behalf of the U.S.I. community, thank you for your work."

The Commissioners thanked Mr. Bennett and Commissioner Borries said, "Well, this young man certainly is an inspiring example for a lot of people. Rob, thank you, very much. We appreciate that. I'm very flattered." Mr. Hunter also added his thanks, saying this is the first time anyone has ever given him roses.

Commissioner Borries continued, "Throughout this, I've always said I've been kissed, called a Communist, threatened -- well, I haven't been kicked yet -- and nobody has ever swung, but I bet they wanted to. But I certainly think it's a nice gesture and maybe on election eve, as victorolic and as ugly as some of the comments have been in this campaign, it is certainly reaffirming to think that when you do a job like this that there are folks out there who appreciate

what you do. And I, for one, appreciate your being here."

Commissioner Tuley said the Commissioners appreciate their thoughtfulness in taking the time to come to the meeting and express their thanks. It's a project that is great for the whole community and he is glad to have been a part of it.

Commissioner Hunter interjected, "Well, it was simply the right thing to do and the right time to do it. And it's kind of nice to receive some roses. I've been here and these are the first roses. I've received several other things through the mail and phone calls -- but not quite as complimentary. So, again, thank you all very much."

RE: DADS PROGRAM/RENEWAL OF LEASE/BILL CAMPBELL

Mr. Campbell said that is a rather difficult act to follow. He is here today concerning renewal of the lease of their office facilities from Riverside Oil Co. They've been at that particular location since 1981 and have not changed any of the lease arrangements or the cost. This lease arrangement is for an additional three (3) years at no additional cost. They have not raised the rates and they are very supportive. In response to comment by Commissioner Borries, Mr. Campbell said their facility works very well. There are no elevators, but they do have an agreement with them that they can use the ground level and make it accessible to anyone who is handicapped or physically challenged. So there is absolutely no problem whatsoever and they are delightful people to work with.

Motion to approve the lease was made by Commissioner Borries, with a second from Commissioner Hunter.

Commissioner Tuley asked, "This is exactly the same as the previous lease?"

Mr. Campbell replied, "Yes, it is."

So ordered.

Commissioner Hunter asked Attorney Kissinger if he's seen the lease.

Attorney Kissinger replied, "Mr. Hunter, I believe that this lease has been reviewed and re-reviewed and upon Mr. Campbell's representation that there are no alterations, I have no problem with it."

RE: PETITION TO VACATE/HOGUE ROAD/LES SHIVELY

President Tuley said a Petition to Vacate a Public Utility Easement on Hogue Road is the next order of business. He then recognized Attorney Les Shively.

Attorney Shively stated, "Mr. President and Members of the County Commission, briefly this is a little strip of land that was an easement for egress and ingress at the time Mr. and Mrs. Seidl made application to get a building permit. They were told they had to do a minor subdivision. When they did that, the engineer (Mr. Easley) included the private easement and recorded it as a public easement. The property owner to the east and the Seidls have entered into an agreement basically to vacate that easement. It provides no ingress/egress to anyone other than the Seidls to their property and the Duncans, the next door neighbors, wanted to vacate it and the Seidls would like to have it vacated. It was never intended to be dedicated as a public easement. There are some utilities in there and those utilities, as you know, under Indiana law - - regardless of what is done with the vacation -- those utilities that are in place remain there and those rights remain there. A couple of things I'd like to clear up for the record. There was a change in ownership apparently between the time, we filed this and sent out notices. The new owner of the property, I think, we had wrong. And we have a consent from one person. We don't have a green card from Mr. John Wilson (the new owner). Notice was duly published. In the preamble of the Notice there were a couple of numbers transposed, but the legal

description is correct and coincides with the petition. As I said, this is not an easement that serves anyone other than the Seidls to their access and the only reason it got recorded in the first place was in order to do a minor sub and get a building permit. I would be more than happy to answer any questions you have at this time. This is the last item that settles a lawsuit between these two parties and after this evening this will be fully resolved. In fact, 21 ft. of this easement will be purchased by the Seidls as part of their property and they will be able to use it for ingress/egress and none of the utilities in place will be affected. In fact, I believe you received from all the utilities that they have no objection to this. Mr. Duncan is here this evening with his attorney (Mark Miller) and we're all anxious to get this cleared up. Other than conveying the 21 ft., this is the second to the last step we have before both Mr. Miller and I can close our files on this lawsuit and allow our clients to live peacefully and quietly at their respective addresses. Sorry to trouble you, but since this was recorded we had to clean this up and this is the only way we could do it."

President Tuley entertained comments from Mr. Duncan or Attorney Mark Miller. There were none. Attorney Miller said, "We agree with the petition and have signed a consent."

Commissioner Hunter said, "I have one question, Les. Is it routine that the information on this would have been conveyed to the Area Plan Commission?"

Attorney Shively responded, "Yes. In fact, they were one of the first -- because before we did this we met with the APC, told them what our intent was -- what we were trying to do -- and they know exactly what we are doing."

Commissioner Hunter asked, "So how long ago was it that you met with them?"

Attorney Shively said over the summer.

Commissioner Hunter asked, "I guess what I am driving at -- was there something delivered to the APC today regarding this?"

Attorney Shively stated, "Not that I am aware of, no."

Secretary Matthews stated, "I delivered a copy to the APC early this morning as a reminder of the hearing. And I also gave one to John Stoll when it was filed for his review and/or comments."

Attorney Shively said, "Mr. Hunter, I've had extensive conversations with Beverly Behme and Barbara Cunningham on this, as well as Mr. Hustace."

Commissioner Hunter said Ms. Matthews shouldn't have been that nice -- as there was some confusion down at APC on this. And, obviously, there is no problem.

Attorney Shively said, "In fact, I just saw Barbara and Beverly a moment or so before I came up here tonight. Everybody knows what is going on."

Commissioner Borries said, "I would think that if there were a problem that Barbara or Beverly would be here with you."

The other Commissioners concurred.

Motion to approve the Petition to vacate a portion of a public easement on property known as 6024 Hogue Rd. was made by Commissioner Borries.

Commissioner Hunter asked if he should also add 5921 Hogue Rd.

Attorney Shively said the correct addresses should actually be between 6024 Hogue Rd. and 6100 Hogue Rd.

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Mr. Borries said he amends his motion to 6024 Hogue Rd. and 6100 Houge Road. Seconded by Commissioner Hunter.

President Tuley asked for a roll call vote: Commissioner Hunter, yes; Commissioner Borries, yes; and Commissioner Tuley, yes.

President Tuley said the ordinance passes.

RE: AUDITORIUM - SANDRA TOTEN

Acceptance of Rebate Check from SIGECO: The meeting proceeded with Ms. Sandra Toten being recognized. She said, "I want to thank you for allowing me to speak with you this evening, even though I didn't get on the agenda -- and I won't take much of your time. There are a couple of things that I would like to do this evening. Number one, I'd like to present to the Commissioners a rebate check from SIGECO in the amount of \$546.72 to be quietused into the general fund. We attained this rebate from SIGECO due to the action of replacing a couple of our conductor spots on stage with some very high energy efficient fixtures. This pays for one of the two spots in full. Replacement bulbs are going from \$250 per bulb to \$22 per bulb, so we are working on saving money.

Motion to approve acceptance of the check to be quietused in was made by Commissioner Borries, with a second from Commissioner <Hunter. So ordered.

Ms. Toten said they also took the old fixtures and Mr. Acker is using those at the Coliseum.

Mr. Borries said there probably isn't much Mr. Acker wouldn't use if he gets a chance.

Ms. Toten said, "Of course, the bulbs they no longer make -- but we did send what we had available over to him."

Volunteer Program: Ms. Toten said the second thing she'd like to bring up is the volunteer program at the Auditorium. Several months ago the Commissioners gave approval or the program to be put into action. It is in full swing. She has provided the Commissioners with sort of a financial statement as to where they are on the program; what it cost, what they've generated in income and what they have saved in a very short period of time. So the purpose of the program is paying off up front. She also brought a photo to show the Commissioners how professional their people look. This is twelve (12) of the ninety-two (92) retired people they have available for services at the Auditorium. The compliments are overwhelming. They had a children's play this morning and the buses came in from Washington, IN; Jasper, Morganfield, KY; a small town in Illinois -- and the teachers were just amazed that the group was so organized and so helpful and outgoing which they've not had in the past. So it is something the Commissioners can really be proud of at the Auditorium.

Commissioner Borries said he thinks that is great. He was over there this morning and was really impressed with how they looked and their friendliness. He asked, "How many people you have signed up now?"

Ms. Toten said, "We have ninety-two (92) total volunteers. Seventy-five (75) of those have already gone through two training programs. We set up one on a Saturday morning when we had an event in the Gold Room and then one in the evening, so we could cover all possible time spans. And out of that there were twelve (12) that were on vacation or had other commitments - - so we will be holding one more training program. But they are coming in every day. We have sign-up sheets."

Commissioner Tuley asked, "How are you finding them?"

Ms. Toten replied, "We advertised a very small 'We Need You' ad (with our logo) in the Maturity Journal. They came in from that."

Mr. Hunter said, "Apparently the retired teachers are doing something similar for the Convention Bureau. They are providing staffing for registration for conventions -- and it is unbelievably effective. They're getting the same caliber of people you're getting, obviously. But they say it is unreal -- and it's such a neat thing. I've talked to some retired teachers who are working at the Convention Bureau and they have scheduled of when they work, etc., and seem to enjoy it -- because they like communicating."

Ms. Toten interjected, "And it's amazing, because they police themselves. They've read the manual; each person was given a personal manual during the training program. All questions are answered in there for them. It has a dress code. We had one gentleman that was here this morning for the first time and he came dressed in a dark navy blue plaid sports jacket. One of the ladies who was floor manager at the time sort of pulled him to the side and said, 'We're so glad to have you here, but you're not in dress code'. I thought, my God -- they're policing themselves -- it's marvelous! So, as I said, it is something you can really be proud of. We'll keep you updated from time to time as to what is going on."

The Commissioners commended Ms. Toten.

RE: COUNTY ATTORNEY - ALAN KISSINGER

Ordinance Establishing the Evansville-Vanderburgh County Commission on Sexual Violence/First Reading: Attorney Kissinger said, "As you will recall, the City of Evansville, I believe, has already adopted their Ordinance. This is to be a joint venture -- or a joint commission -- and the draft copy or final copy we were provided with for consideration by the Commissioners was not in a form that we could adopt. So it has been amended and reformed so it now becomes a County document and I think everyone is in favor of this. It has just been a matter on getting it on the table. So the Ordinance is prepared and I think it would be appropriate to direct the Auditor's office to go through the necessary advertising so it can be considered and voted on by the Commissioners."

Motion was made by Commissioner Borries that the subject Ordinance be advertised. Seconded by Commissioner Hunter. So ordered.

Ordinance to Establish Rules for Health Care Co-Payments/First Reading: Attorney Kissinger said, "The possibility of charging these co-payments became a reality, I think, with not the most recent legislation -- but the one before -- that came into effect this year and it authorizes the Vanderburgh County Sheriff to charge a co-payment to people housed in the Vanderburgh County Jail -- a co-payment of \$10.00 for each time they are provided with medical care, dental care, optometric care, any other health care related service. Even if that is provided by County medical personnel, we can charge that co-payment or the Sheriff can charge that co-payment. That co-payment may be withdrawn from the confined person's commissary account or jail trust account at the time the health care service is rendered or within thirty (30) days after the service is rendered. If there is nothing in the commissary account at the time the service is rendered, nothing within thirty days after the service is rendered, then obviously our ability to collect that co-payment is waived. And they are not required to make the co-payment if they do not have funds, if the service is provided in an emergency, if it's the result of an injury that occurred in the jail, or the service is provided specifically at the request of the County Sheriff, his authorized Agent, or an Administrator or the person confined is willing and financially able to immediately pay for his or her own health care related services, or the confined person is committed to the Indiana Department of Correction or other penal authority, which is responsible for the payment. It directs the Treasurer of Vanderburgh County to establish a fund to be known as the Medical Care for Inmates Fund and that money collected according to statute shall be deposited into that fund and any money accumulated in the fund shall be used to pay for the Vanderburgh County expenses for medical care for persons confined to the Vanderburgh County Jail. I have also attached for the benefit of the Sheriff (because the Sheriff, obviously, will have to administer this ordinance) another Ordinance and the specific exception -- this Ordinance does not apply to any person who is confined in the jail who has their own health insurance or is a member of an HMO. There is a specific statute allowing the Sheriff or the health care provider

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to make a claim against that insurance carrier or the HMO if the confined person refuses to do so to pay for health care services in the jail. So this is kind of a double punch, if you will. I would recommend that the Commissioners also introduce this and offer for advertisement to later be considered for a vote.

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

Quit Claim Deed/Gary Thornton and Martha G. Thornton: Attorney Kissinger said, "The next matter concerns a Quit Claim Deed by which the Vanderburgh County Commissioners release and quit claim back to Gary Thornton and Martha G. Thornton certain real estate which was redeemed during the grace period, if you will. These folks did redeem their real estate. There had already been a deed signed over to the Vanderburgh County Commissioners (probably prematurely). So to clear that title, it is totally appropriate that the Commissioners execute this quit claim deed indicating we no longer have a tax claim or any other legal claim against the real estate. I recommend that the Commissioners execute that deed."

Motion to execute the Quit Claim Deed was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Application for Health Insurance Coverage/Former Deputy Sheriff Terry Hayes: With regard to this matter, Attorney Kissinger said, "Mr. Hayes resigned from the Vanderburgh County Sheriff's Department (I believe he was age 48 at the time). He has asked that he be extended benefits which were made available to Vanderburgh County Sheriff's Deputies under an Ordinance allowing them to be provided with County Employee Health Care Benefits after retirement, if they had retired by age 50 or later and if they made proper application to reserve those benefits. I've discussed this with Mr. Dennis Feldhaus, our insurance representative, and I've considered the ordinance and researched the law. It's the opinion of both the insurance representative and myself that Mr. Hayes does not qualify for the extended benefit and it is my recommendation that the Commissioners deny Mr. Hayes' request for the extended benefit of the health insurance."

Commissioner Borries said, "County Attorney Kissinger has made the recommendation to deny Mr. Hayes benefits, based on the fact that Mr. Hayes resigned willingly from Vanderburgh County, it is my understanding, before he was fifty (50) years old, which is when the benefits take place."

Attorney Kissinger commented, "That is right."

Motion was made by Commissioner Borries that the recommendation be approved. Seconded by Commissioner Hunter. So ordered.

RE: SUPERINTENDENT OF COUNTY BUILDINGS - MARK ABELL

Request for Surplus Properties/Evansville Black Coalition: Mr. Abell said, "In the matter of some of the surplus properties that we hold, Mr. Bobby Ogburn, the Executive Director for the Evansville Black Coalition, Inc., had requested at a previous meeting certain properties that they could possibly buy. They are a not-for-profit corporation. I think we agreed at that meeting that if they accepted certain liabilities that they could go ahead and purchase these. He then contacted the County Attorney and was told to bring forth some legal descriptions of these properties and then the County Attorney would prepare the proper Quit Claim Deeds. Mr. Ogburn has done that. I have them and will forward them on to Alan for his further work, I guess, to turn these into Quit Claim Deeds."

RE: COUNTY HIGHWAY - BILL MORPHEW

Weekly Work Report: Mr. Morpew submitted his Weekly Work Report for period of October 28, 1994 thru November 3, 1994.....report received and filed.

Barberry Lane: Mr. Morphew said they finished Barberry Lane today.

Eastview/Woodland Hills: In response to query from Commissioner Borries, Mr. Morphew said they will next go to Eastview off Oak Hill Road and then on to Woodland Hills, off Browning Road. They also have a few small jobs the County Engineer has requested them to do. They're supposed to lay some box culverts at a bridge and then they will be completely out of money.

Mr. Borries said, "Well, that ought to stop you."

Mr. Morphew said he thinks they're going to end it on a good note this year.

Mr. Borries said he thinks that is great. There have been some concerns about a portion of Koressel Road, he believes, where we've encountered some criticism and some confusion because we paved part of it and not the other part. But that was not done by County crews, is that correct?

Mr. Morphew said that is correct. What happened was, we started a year ago. We knew we were wanting to pave these roads this year. So in the last year and a half we pulled all the shoulders and did some drainage ditching out there and some other drainage projects and driveway culverts, a couple of road culverts and some bridge work -- preparing those roads for paving this year. The road in question is New Harmony Road from the intersection of Koressel west to the County Line and then Koressel Rd., and then, of course, St. Joe Road from Diamond Avenue over to New Harmony Rd. Those roads have been prepared to be resurfaced, but the County Council had told John Stoll they had to repeal -- he doesn't know the figure, John would have to tell us that -- but it was approximately \$300,000 and that was the money that was earmarked for those roads. That is the reason these roads have not been resurfaced.

Mr. Borries said, "So, if we get money next year -- and we hope we do -- we'll be able to finish that road."

Mr. Morphew said, "Absolutely. These roads have been prepared for resurfacing and they were first on the list for consideration this year by the County Engineer's office. We did the survey work -- and all the preliminary work. Had the money not been repealed, we certainly would have had those roads completed."

Mr. Borries said, "Well, you know, people do get confused over who is doing it and I know there were private contracts let versus, obviously, you can't get all of them. You have neither the equipment nor the time to take care of all the needs -- so we've always split these contracts and I think that was part of the confusion. I believe they thought the County Highway was doing it, or at least that was my impression. But it was a private contract and we simply ran out of money."

RE: COUNTY ENGINEER - JOHN STOLL

Change Order/USI Interchange: Mr. Stoll submitted this change order, resulting in an increase of \$11,864.50. There was an error in the original steel quantities -- so this is just correcting that error.

Motion to approve the change order was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Supplemental Agreement/Lynch Road Phase 2/Bernardin-Lochueller & Associates: Mr. Stoll said this is the next item. This agreement is necessitated by the fact that all the projects after October 1996 have to be in metric. Since this project won't be let until after that date, we have to convert all the plans to metric, plus the fact the original proposal called for two bridges that would be the same design basically, but the traffic volumes show that the double left turn lane needed to be built on one of the ramps. So that resulted in the one bridge being wider than the other, so they weren't as easily able to duplicate the one design and make two bridges out of the

same one basically. The third item was the result of additional changes in right-of-way.

Mr. Borries said they'd better convert everybody's brain to metric, too. He wonders what is going to happen. Are they going to do that on speedometers, odometers, etc. and all that kind of stuff that goes on cars?

Mr. Stoll said he hasn't seen a lot of details on how they are going to do it. But if they are changing the plans to metric, then he would think all the castings, pipe sizes and everything would be in metric. So that is going to affect quite a few things. Hopefully, we can get a lot of these projects built without having to keep paying to switch them over.

Motion to approve the agreement, as submitted, was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Request to go on Council Call/Additional Appropriation to Hire

Chad Jordan: Mr. Stoll said this \$200 would be to hire Chad as part time help over his Christmas college vacation.

Motion to approve the request was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Travel Request/John Stoll: Mr. Stoll said he needs to travel to Indianapolis to attend an INDOT meeting on Wednesday and he will be taking a County vehicle.

Motion to approve the request was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Elpers Commercial Sub/Street Acceptance: Mr. Stoll said he has a request to accept two streets in Elpers Commercial Sub; one is Elpers Road (365.6 lft) and Schroeder Road (351.82 lft). The streets were constructed according to plans and he recommends acceptance.

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

Brookview Heights/Section VI-B/Street Acceptance: Mr. Stoll said there is 307.5 lft of Brookcrest Court and 221.4 lft of Brook Run Court. He recommends these streets be accepted.

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

Covington Heights Section I/Street Acceptance: Mr. Stoll said this involves five streets, as follows:

Hartford Place	650 lft
Covington Drive	638 lft
Welton Drive	621 lft
Wethersfield Drive	455 lft
Clifton Drive	727 lft

Mr. Stoll said he recommends acceptance.

Motion to accept the foregoing streets was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Storm Sewer & Retention Basin Acceptance Request/Covington Heights Section I: Mr. Stoll said he recommends acceptance outside the right-of-way, contingent upon the developer providing us the check in the amount of 50 cents per linear foot.

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

Storm Sewer & Retention Basin Acceptance Request/Brookview Heights/Section I: Mr. Stoll said he recommends acceptance outside the right-of-way, contingent upon the developer providing us the check in the amount of 50 cents per linear foot.

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

Idem Demolition Permit for Franklin Street Bridge: Mr. Stoll said this is needed so the contractor can remove the barrier rail and guard rail that is on the bridge. He recommends that it be signed.

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

Mr. Borries said there have been some delays on that. Is that going to get started this week?

Mr. Stoll said, "As soon as the State processes this permit. They basically said they wanted to get going. I talked to our Project Inspector today and he said they are charging the contractor work days already -- whether they are out there or not."

Mr. Borries said, "I sent you an article on the steel bridge in one of those magazines. You'll probably get it. It may be in this issue of Roads & Bridges, I think. Aren't some of the spans in this one a little bit different animal than Franklin Street?"

Mr. Stoll replied, "Quite a bit of difference; a truss bridge with all the steel. I saw a copy of that magazine. There were steel bridges throughout the entire magazine."

Ohio Street Bridge/Letter to INDOT: Mr. Stoll said that in order for Bernardin-Lochmueller to be the firm that will do the construction engineering on the Ohio Street Bridge, the total cost of that agreement (if this is all approved by INDOT) will be \$204,930.00. But right now we are not approving the agreement; we just need to sign off on a letter to be sent to INDOT for their review and they will approve everything from there. There are two copies of this letter.

Motion to sign the letter was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Mr. Borries said he thinks it's a reasonable shot to get that done before they start on that Highway 62 bridge and the Lloyd. They're now talking 1997.

Mr. Stoll said that is all he has, unless the Commissioners have questions.

RE: CONSENT AGENDA

President Tuley entertained questions or comments concerning the Consent Agenda. There being none, a motion was entertained.

Motion to approve the consent agenda, as printed, was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: SCHEDULED MEETINGS

President Tuley said there is a list of scheduled meetings attached to the meeting agenda.

Commissioner Hunter said he would suggest that there may be a problem with the November

21st meeting. Commissioner Borries may not be here and he thinks he will also be out of town.

President Tuley said he thinks it is safe to assume that there will not be an Executive Session for sure.

Ms. Matthews confirmed with Attorney Kissinger that she will need to advertise the cancellation, since the meeting was advertised. Attorney Kissinger said that is correct. He said this is also the appropriate time to advise the Commissioners that he will be in a jury trial on November 21st, so he probably will not be attending the meeting on that date. He will, however, have someone attend in his place.

Secretary Matthews informed the Commissioners that there is a Public Hearing on November 21st with regard to the Petition to Vacate an Easement in Autumn Hills Subdivision. That is also the date of the Board of Finance meeting, wherein the Commissioners will accept proposals, as well as rezoning night.

Commissioner Tuley said there may be a regular meeting -- just not an Executive Session.

Commissioner Borries said, "I'm flying into Indianapolis, arriving at 2:43 p.m. Evansville time - - and I always drive the speed limit -- but it will be a little close. But whether or not I get here...it's still going to push me to get here."

Commissioner Tuley said, "Assuming you land on time."

Commissioner Hunter said, "At this time I'm scheduled to give a paper in Charleston, South Carolina on that date -- so I doubt if I get back."

Commissioner Borries asked if there are any rezonings scheduled to be heard that evening.

Ms. Matthews replied, "I think there are six First Readings only; there are no Third Readings scheduled this month."

Commissioner Borries said, "If we don't have a lot of business, Mr. President, because we normally hear the rezonings at 7:00 p.m., I might move since we advertise these meetings, could we advertise the regular Commission Meeting be held at 6:30 p.m. That would really help me."

Attorney Kissinger stated, "If it is advertised, yes, you can."

President Tuley said he will have the regular agenda held to a minimum, so the rezonings can still begin at 7:00 p.m.

Mr. Tuley asked Mr. Abell to give B.J. Farrell a note to keep the regular agenda on November 21st to a bare minimum.

RE: OLD BUSINESS

President Tuley entertained matters of Old Business to come before the Board. There were none.

RE: NEW BUSINESS

President Tuley entertained matters of New Business to come before the Board.

Soil & Water Conservation District/Workshop: Commissioner Borries said Commissioner Hunter may wish to talk about this. But we got a notice from the Soil & Water Conservation District concerning a Workshop on November 14, 15 and 16 and there is an agenda. Hopefully, we will have some of our local people going to this workshop. He will enter the notice for the

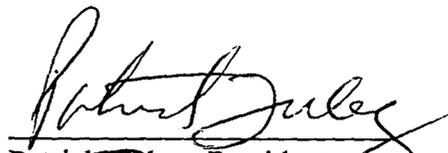
record.

President Tuley entertained further matters of business to come before the Board. There being none, a motion was entertained to adjourn. Motion to this effect made by Commissioner Hunter, with a second from Commissioner Borries. So ordered. Meeting was adjourned at 6:25 p.m., with Commissioner Tuley saying the Drainage Board will convene for a Special Meeting following a brief recess, allowing the Commissioners time to finish up paperwork from the Commission Meeting.

PRESENT:

Patrick Tuley  
Richard J. Borries  
Don L. Hunter  
Cindy Mayo/Chief Deputy Auditor  
Alan M. Kissinger/County Attorney  
Mark Abell/Supt., County Buildings  
Sandra Toten/Vanderburgh Auditorium  
John Stoll/County Engineer  
Bill Morpew/County Highway  
Joanne Morpew  
Lydia J. Seidl  
Gary Seidl  
Les Shively, Attorney  
Mark Miller, Attorney  
Oscar Duncan  
Bob Kerney/USI  
Doug Bennett/USI  
Bill Campbell/DADS  
Toby Shaw/City Attorney  
L.G. Rogers  
Connie Davis  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

  
Patrick Tuley, President

  
Richard J. Borries, Vice President

  
Don L. Hunter, Member



BOARD of  
COMMISSIONERS  
of the County of Vanderburgh

RICHARD J. BORRIES

DON L. HUNTER

PATRICK TULEY

AGENDA

VANDERBURGH COUNTY COMMISSIONERS  
NOVEMBER 7, 1994

5:30 P.M.

*5:30 P.M.*

- 1. CALL TO ORDER ✓
- 2. INTRODUCTIONS ✓
- 3. PLEDGE OF ALLEGIANCE ✓
- 4. ACTION ITEMS

**FINAL**

- A. Approval of minutes *RB/DN*
- B. Any group-individual wishing to address the commission ✓ *USE Student/Res*
- C. Bill Campbell/DADS — *RB/DN*. (No change from previous lease)  
re: renewal of lease for signatures
- D. Petition to Vacate *RB/DN*. *Know app. V&E*  
re: 6024 Hogue Road/5921 Hogue Road

5. DEPARTMENT HEADS

- ✓ \* Alan Kissinger ----- County Attorney ✓
- ✓ Mark Abell ----- Superintendent of County Buildings
- ✓ Bill Morphew ----- County Garage
- ✓ John Stoll ----- County Engineer

\* *Don. Vickers ord - To Be advertised*  
*Co-payment Ord. " " "*

6. CONSENT ITEMS

A. Travel/Education

\* Health (4) to be paid from their funds  
Election Board Attorney (See enclosed information)

B. Employment Changes

\*see attached

C. Claims for payment.....

1) Given & Spindler.....4,241.00  
\*management fee

D. Permission for Gary Miller from YMCA to be in building  
on 12/5, 12/7, 12/9, 12/12, 12/14, 12/16 to register county  
employees for 1995 YMCA membership (new memberships)

7. SCHEDULED MEETINGS - LIST ATTACHED

8. OLD BUSINESS

9. NEW BUSINESS

10. MEETING ADJOURNED - 6:25 pm.

SPECIAL DRAINAGE BOARD MEETING IMMEDIATELY FOLLOWING

COUNTY ENGINEERING DEPARTMENT

CONSENT AGENDA

NOVEMBER 7, 1994

CLAIMS:

ENGINEERING EQUIPMENT 203-4429	
Tom Goodman/Reimbursement	\$114.60
Community Job Club (Inv. #14)	\$ 60.00
USI & SR 62 430 BOND	
Blankenberger Brothers (Est. #29)	\$56,481.21

# November 1994

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1 2:30pm County Council 305 / 60	2 306 / 59	3 307 / 58	4 Pay Day 308 / 57	5 309 / 56
6 310 / 55	7 311 / 54 3:30pm Dept. Head 4:00pm Exec. Session 5:30pm Commissioners 6:30pm Sp. Drainage Board	8 312 / 53 General Election	9 313 / 52	10 314 / 51	11 315 / 50 Veteran's Day	12 316 / 49
13 317 / 48	14 318 / 47 4:30pm Solid Waste 5:30pm Commissioners	15 319 / 46 9:00am Insurance Comm.	16 320 / 45	17 321 / 44 9:00am Steering Comm. 12:00pm PC - Technical 5:00pm Pigeon Creek	18 322 / 43 Pay Day	19 323 / 42
20 324 / 41	21 325 / 40 4:00pm Exec. Session 5:30pm Commissioners 7:00pm Rezoning	22 326 / 39	23 327 / 38	24 328 / 37	25 329 / 36	26 330 / 35
27 331 / 34	28 332 / 33 4:00pm Exec. Session 5:30pm Commissioners 6:30pm Drainage Brd.	29 333 / 32	30 334 / 31 3:30pm Personnel & Finance	Thanksgiving		

October

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					

December

S	M	T	W	T	F	S
	4	5	6	7	8	9
	11	12	13	14	15	16
	18	19	20	21	22	23
	25	26	27	28	29	30
						31

STATE OF INDIANA  
C O U N T Y O F  
VANDERBURGH  
SS:

BEFORE THE BOARD OF  
COMMISSIONERS  
OF VANDERBURGH COUN-  
TY, INDIANA

IN THE MATTER OF THE  
PETITION  
FOR VACATION OF A PUBLIC  
EASEMENT

NOTICE OF PETITION TO VA-  
CATE PUBLIC EASEMENT

NOTICE IS HEREBY GIVEN  
that a petition has been filed  
with the Auditor of Vander-  
burgh County, Indiana, for  
the vacation of the following:  
the east 9 feet of a public  
easement which is 21 feet in  
width and located between  
real estate located at 6024  
Hogue Road and 5921 Hogue  
Road, located in Vander-  
burgh County, Indiana, more  
particularly described as  
follows:

The entire east 9 feet of an  
easement for ingress and  
egress, which easement is  
described as follows, to-wit:  
Beginning at a point on the  
Southerly right-of-way of Ho-  
gue Road which lies South 50  
degrees, 20 minutes East for  
130.0 feet from said Lot 2;  
from said place of beginning,  
thence South 39 degrees, 40  
minutes East for 188.7 feet;  
thence South 50 degrees, 20  
minutes west for 30.0 feet;  
thence North 39 degrees, 40  
minutes West 188.7 feet to a  
point on said right-of-way of  
Hogue Road; thence North  
50 degrees, 20 minutes East  
along said right-of-way for  
30.0 feet to the place of  
beginning.

The said petition to vacate  
the above-described ease-  
ment will be presented to the  
Board of Commissioners of  
Vanderburgh County, State  
of Indiana, at their regular  
meeting on November 7,  
1994, at 6:30 o'clock p.m.,  
Room 307, Civic Center Com-  
plex, Evansville, Indiana, for  
determination by said Board  
and ruling thereon.

DATED, this 10th day of Octo-  
ber, 1994.

Sam Humphrey  
Auditor, Vanderburgh  
County

State of Indiana  
(Courier & Press Oct. 27,  
1994)

ORDINANCE TO VACATE A PORTION OF  
A PUBLIC EASEMENT

BE IT ORDAINED by the Board of Commissioners of Vanderburgh County, Indiana, as follows, to-wit:

**Section 1.** That a sworn Petition was presented to the Board of Commissioners of Vanderburgh County, Indiana, requesting that a portion of a public easement, drawing attached hereto, be vacated by the Vanderburgh County Commissioners.

**Section 2.** That after due and proper notice, a timely public hearing was convened by the Board of Commissioners, at which time all interested persons were permitted to address the Board of Commissioners regarding said vacation.

**Section 3.** That the Board of Commissioners of Vanderburgh County, Indiana, after due investigation and consideration has determined that the nature and extent of the public use and public interest to be subserved is such as to warrant the vacation of that part of a public easement described as follows and further indicated by the words "To Be Vacated" on the drawing hereto attached, which is hereby made a part of this Ordinance, to-wit:

The entire east 9 feet of an easement for ingress and egress, which easement is described as follows, to-wit: Beginning at a point on the Southerly right-of-way of Hogue Road which lies South 50 degrees, 20 minutes East for 130.0 feet from said Lot 2; from said place of beginning, thence South 39 degrees, 40 minutes East for 186.7 feet; thence South 50 degrees, 20 minutes west for 30.0 feet; thence North 39 degrees, 40 minutes West 186.7 feet to a point on said right-of-way of Hogue Road; thence North 50 degrees, 20 minutes East along said right-of-way for 30.0 feet to the place of beginning.

Therefore, the Board of Commissioners of Vanderburgh County, Indiana, does hereby find the above-described public easement is no longer required for public use and the public interest will be served by such vacation, and the Board of Commissioners of Vanderburgh County, Indiana, does hereby vacate that portion of the public easement described above.

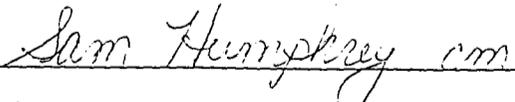
**Section 4.** The County Commissioners shall furnish a copy of this Ordinance to the Vanderburgh County Recorder for recording and to the County Auditor.

**Section 5.** This Ordinance shall be in full force and effect immediately upon its adoption by the Board of Commissioners of Vanderburgh County.

Passed in an open meeting of this Board of Commissioners of Vanderburgh County, Indiana, this 7 day of March, 1994.

ATTEST:

  
\_\_\_\_\_  
Presiding Officer

  
\_\_\_\_\_  
Sam Humphrey cm

This instrument prepared by Leslie C. Shively, Attorney at Law, 915 Main Street, Evansville, Indiana.

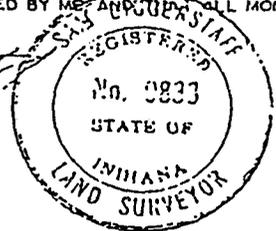


I, SAM BIGGESTAFF HERE  
OF INDIANA, AND FURTHER CERTIFY  
SHOWN, EXIST AT LOCATIONS AS NOTED.  
DATE JANUARY 10, 1989

CERTIFY THAT I AM A LAND SURVEYOR, LICENSED IN  
AT THIS PLAT CORRECTLY REPRESENTS A SURVEY

IN COMPLIANCE WITH THE LAWS OF THE STATE  
COMPLETED BY ME AND OTHERS, ALL MONUMENTS

Sam Biggestaff



### OWNERS CERTIFICATE

We, LLOYD J. SEIOL & GARY M. SEIOL, THE UNDERSIGNED OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HEREON,  
DO HEREBY LAY-OFF, PLAT AND SUBDIVIDE SAID REAL ESTATE AS SHOWN, AND DESIGNATE IT AS MICHAEL'S PLACE

Lloyd J. Seiol  
LLOYD J. SEIOL  
5921 HOGAN RD. 47712

Gary M. Seiol  
GARY M. SEIOL

### NOTARY CERTIFICATE

STATE OF INDIANA )  
COUNTY OF VANDERBURGH ) ss:

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC FOR Vanderburgh COUNTY, STATE OF INDIANA PERSONALLY APPEARED THE ABOVE  
SIGNED OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HEREON AND acknowledged THE EXECUTION OF THE PLAT TO BE THEIR  
VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND SEAL THIS 10<sup>th</sup> DAY OF January 1989.

MY COMMISSION EXPIRES: November 25, 1990

RESIDENT OF Vanderburgh COUNTY

Steve D. Fulton  
NOTARY PUBLIC  
Steve D. Fulton  
PRINTED



### A.P.C. CERTIFICATE

UNDER THE AUTHORITY PROVIDED BY THE ACTS OF 1981, PUBLIC LAW  
NO 309, AND ENACTED BY THE GENERAL ASSEMBLY OF THE STATE  
OF INDIANA, THIS PLAT HAS BEEN GIVEN SECONDARY APPROVAL BY  
THE AREA PLAN COMMISSION OF EVANSVILLE AND VANDERBURGH CO.  
ON JAN 11, 1989.

Richard H. Bauer, Jr.  
PRESIDENT

EXECUTIVE DIRECTOR Salva ...

PLAT RELEASE JAN 11, 1989

EXECUTIVE DIRECTOR Salva ...



# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department AUDITORIUM

*sh*

## APPOINTMENTS MADE

NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
DON CHAMBLISS		ON CALL PAGER	25¢/hr	1-1-94
(See attached addendum #B)				

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*Sandra Jaten*  
General Manager

DATE

*Nov. 2, 1994.*

ADDENDUM TO AGREEMENT  
VANDERBURGH AUDITORIUM CONVENTION CENTER

CHAUFFERS, TEAMSTERS AND HELPERS  
LOCAL UNION NO. 215

CONTRACT TERM: 1-1-94 THRU 12-31-96

8-22-94  
approved  
C. J. [unclear]

A. UNIFORM & RAINWEAR ARTICLE XII, SECTION 2, PAGE 9

A uniform service will be provided for each employee covered by this agreement. All employees must wear the uniform furnished by the County. The rental fee will be borne by the Employer. The only exception to this section concerns back-to-back event re-sets where the employee reports to work for a late night roll-over for the next scheduled event. This activity would occur during hours that the general public is not in the building. For this situation only, employees would be allowed to wear normal street clothing. It should be understood that the county is not responsible for damage to the employees personal clothing under this situation.

B. ON-CALL PAGER:

The maintenance/technical person is required to carry on his/her person and respond to the pager in order to correct any malfunctions related to the computerized heating/air conditioning and lighting systems. To compensate said person after normal working hours for monitoring of said pager, twenty-five cents (.25¢) per hour will be paid to said person for hours after normal shift up to the start of the next normal work shift. If the page requires the employee to report to work after normal work hours, this call-in will be covered under Article IV. Section 6.

LEASE AGREEMENT

THIS AGREEMENT, duly made and entered into this <sup>7<sup>th</sup></sup> day of <sup>Nov,</sup> 1994, by and between RIVERSIDE OIL, INC., of Evansville, Indiana, hereinafter referred to as the "Landlord", of the Landmark Building and the Vanderburgh County Board of County Commissioners in behalf of Vanderburgh County Superior Court Drug & Alcohol Deferral Service, of Evansville, Indiana, hereinafter referred to as the "Tenant",

WITNESSETH THAT:

The said Landlord, for and in consideration of the rents, covenants and agreements hereinafter contained and hereby agreed to be kept and performed by the Tenant, or its successors, do, by these presents, lease unto the Tenant Suite 200, TO HAVE AND TO HOLD unto the Tenant for a period of, said term commencing upon the of and expiring the day of, both dates inclusive, or earlier as herein provided in paragraph 18, upon the following terms and conditions:

1. RENTAL. The Tenant promised, covenants and agrees to pay unto the Landlord as rent for the above-described real estate, the sum of per, which sum shall be payable in consecutive monthly installments, each of which installments shall be in the amount of. The first of said rental payments shall be due and payable on the day of and each subsequent monthly payment shall be paid on or before the day of each month during the continuation of this lease.

2. OPTION TO RENEW. Tenant is hereby granted an option to renew this lease on a month to month basis, with terms and rent agreeable to "Landlord" with a 30 day written notice to cancel.

3. USE OF PREMISES. The Tenant may use the leased premises for any lawful purpose, but, in said use said Tenant shall obey all zoning ordinances, and other ordinances and applicable rules, regulations and statutes.

4. UTILITIES. The Landlord agrees to furnish heat, air-conditioning, electricity, and water to the leased premises. The Tenant agrees to pay for telephone and any and all other utility and service charges incurred or used on said leased premises.

5. MAINTENANCE AND REPAIRS. The Landlord agrees to maintain the roof, floor, exterior walls, water lines and heating and air-conditioning system in a good and substantial condition of repair, excluding, however, any damage caused by the Tenant. Such liability of the Landlord shall extend only to the cost of making such repairs. The Landlord shall not be liable for any resulting damage occasioned by any leak, defect, known or unknown, or for failure to make such repairs. The Tenant agrees to keep and maintain the remaining portions of the leased premises, including particularly, but not by way of limitation; all window and door glass, the interior walls, and any and all fixtures and equipment that may be in or upon the leased premises or under the use or control of the Tenant, all at its won cost and expense. In the event Landlord deems repairs to be necessary which are Tenant's responsibility and in the event Tenant fails to make said repairs within ten (ten) days after written notice being given to Tenant by Landlord, then Landlord may, at its election, make such repairs and add the cost thereof to the next rental installment payment due from Tenant to Landlord. This provision, however, shall not require Landlord to make repairs which are the responsibility of the Tenant.

6. TRADE FIXTURES. The Landlord agrees that the Tenant may install any additional fixtures and equipment in the said leased premises which may be necessary and proper for the conduct and operation of the business of the Tenant, and such trade fixtures shall be deemed as belonging to the Tenant and may be removed by it at the termination of the term of this lease; provided, however, that if the removal of such trade fixtures shall cause any damage to the building or to the freehold belonging to the Landlord, then the Tenant covenants and agrees either to repair such damage and to restore the premises to the same condition they were in prior to the removal, or to compensate the Landlord for such damage.

7. MECHANIC'S LIEN. Nothing herein contained shall be construed as authorizing the Tenant to incur any mechanic's lien or liens against the said premises for any work performed, labor or materials furnished thereon.

8. CARE OF PREMISES. The Tenant, shall use the above-described, equipment and fixtures in a proper and careful manner, obey all city ordinances, state and federal statutes with reference to the occupation and use thereof, shall commit no waste thereon and shall suffer no waste to be committed thereon; and the Tenant shall, at the expiration of the term herein, without notice, surrender the same in a good and proper condition of repair, ordinary wear and tear excepted, and shall remove all debris and ashes from, on, or about the premises.

9. TAXES AND INSURANCE. The Landlord shall pay all real estate taxes and assessments which are due and payable during the term of this lease or any extension or renewal thereof. The Landlord agrees to insure said premises as against fire, wind, or other casualty and in such an amount as the Landlord shall deem sufficient, in the reasonable judgement of the Landlord.

To the extent permitted by the terms and provisions of fire and extended coverage insurance policies covering the improvements, equipment and fixtures, upon the leased premises and the Tenants own fixtures, equipment, inventory and other personal property in and upon said premises (and the parties undertake and agree to exert their best efforts to obtain such permission), the Tenant, to the extent of its recoverable insurance proceeds, releases and discharges, the Landlord of and from any and all claims on account of damages to the Tenant's own said fixtures, equipment, inventory, and other personal property in and upon the leased premises, and the Landlord, to the extent of its recoverable insurance proceeds, release and discharge the Tenant of and from any and all claims on account of damages to the Landlord's building, improvements, equipment and fixtures upon said premises.

10. FIRE AND OTHER CASUALTY. It is agreed and understood that in the event the improvements on the said leased premises are damaged by fire or other casualty, the same shall be promptly repaired by the Landlord, provided the same can be reasonably repaired within a period of ninety (90) days; and in the event that the said premises become untenable by reason of fire or other casualty, the Tenant shall be entitled to an equitable abatement of rent during such period; however, in the event that the premises are totally or substantially destroyed or damaged by fire or other casualty to the extent of fifty percent (50%) or more, or in the event that the damages cannot be repaired within a period of ninety (90) days, ten and in that event, this lease shall terminate.

11. CONDEMNATION. In the event that the premises are condemned fully or in such amount to make said premises unusable for the purposes of the Tenant, by any level of government, governmental authority, or public utility possessing power of eminent domain, under and by virtue of the power of eminent domain, and, if said condemnation occurs as aforesaid, either the Landlord or the Tenant hereto, may terminate this lease on ten (10) days advance written notice to the other party, and, upon such termination, this lease shall be wholly null and void and of no effect. any award for taking of property or damages resulting from condemnation shall be the exclusive property of the Landlord, excepting any relocation expenses which may be the property of the Tenant.

12. INSPECTION OF PREMISES. The Tenant hereby agrees that the Landlord may enter upon the leased premises at all reasonable times for the purpose of inspecting the same.

13. PUBLIC LIABILITY. The Landlord shall not be liable to the Tenant or any other person, including the guests, customers, and employees of the Tenant, for damage to their person or property from any defect known or unknown in the construction, condition, or maintenance of the leased premises. The Tenant further agrees that it will protect and save harmless the Landlord of and from any and all claims for personal injury or property damages of any and all persons by reason of the use, occupation and maintenance of said premises, equipment and fixtures, including any and all public liability to customers, guests, employees, etc. The Tenant shall carry sufficient insurance to cover its obligations under this paragraph naming both the Landlord and the Tenant as insured and in such amounts as shall be acceptable to the Landlord. Once said amount has been determined, the Landlord may require the same to be increased or decreased for good and sufficient reason. Upon request of the Landlord, the Tenant shall be required to furnish sufficient proof that said insurance is in effect and that all premiums have been paid thereon, and the Landlord may require the Tenant to furnish the Landlord with the Proper certificate from said insurance company showing said coverage.

14. INSOLVENCY. It is hereby expressly agreed that in the event that the Tenant, its successors and assigns, shall become insolvent, and/or that suit or other legal actions shall be instituted by or against the Tenant for the appointment of a receiver or trustee for the property of the Tenant in either federal or state court, or under bankruptcy law in bankruptcy, then in the event, this lease shall be automatically terminated and forfeited, and the Landlord shall thereupon be entitled to immediate possession of the leased premises and to keep and retain as its own any and all such rents which may have been paid hereunder.

15. DEFAULT. In the event that the Tenant shall fail to pay any installment of rent when said installment of rent is due, and/or in the event that the Tenant shall violate and continue to violate any of the other terms, conditions, and/or covenants herein contained for a period of ten (10) days after the date written notice for failure to pay rent and/or thirty (30) days for any other violation is given by the Landlord to the Tenant, then the Landlord, without further demand or notice, shall have the right to enter and repossess said premises and dispossess the Tenant therefrom, and to remove any and all persons and property therefrom and store the same without liability for safekeeping, and for the purpose of such entry and possession, the Tenant hereby waives any notice prescribed by law, or otherwise, to vacate said premises, and thereupon the Landlord shall be relieved of any liability under this lease, and the Landlord shall have the further right to release or rerent the premises to the best advantage, applying the rentals received therefrom to any and all expenses incurred in securing possession, repairing, altering or remodeling the said premises or any other expenses or commissions and releasing or rerenting the same, and applying the balance to any and all amounts that may be due from the Tenant under this lease, and the Tenant shall be liable to the Landlord for any balance or deficiency remaining unpaid.

16. ASSIGNMENT AND SUBLEASING. The Tenant shall have the right to assign this lease or any interest hereunder or sublet the leased premises in whole or in part; provided, however, that before making any such assignment or subletting, the Tenant shall first be required to obtain the written permission of the Landlord, which permission shall not be unreasonably withheld.

17. SHORT FORM LEASE. Upon the request of either the Landlord or the Tenant, the parties shall execute a short form lease for recording purposes only in order to give record notice of the existence of this lease. Said short form lease shall contain only the names of the parties, the legal description, the term hereof, and the provisions contained herein against mechanic's liens.

18. TERMINATION UPON DEATH OF PRINCIPAL SHAREHOLDER OF TENANT. The parties herein acknowledge and agree that if the principal shareholder of the Tenant, Bill Campbell, shall die prior to the expiration

of the term of this lease as herein set out, that said lease shall terminate with no further obligation to pay rent on the part to the Tenant for the remaining term of said lease remaining after the date of death of principal shareholder of Tenant. Said provision for early termination upon death of principal shareholder of Tenant shall not relieve the estate of the principal shareholder of Tenant and/or Tenant for any liability of unpaid rent accrued through the date of death of the principal shareholder of Tenant.

19. LANDLORD'S LIEN. Tenant, in order to secure the payment when due to Landlord of all payments required to be made under this lease or any renewal thereof, hereby grants and conveys to Landlord a first security interest upon all personal property in or on the leased premises at any time. In the event Tenant fails to pay any installment of rent for a period of ten (10) days after written demand is made or if Tenant fails to pay any other charge or assessment due Landlord from Tenant under this lease for a period of ninety (90) days after written demand is made, Landlord may, at its options, take possession of and sell said property at public auction at any place in Vanderburgh County, Indiana, upon giving Tenant thirty (30) days written notice of the time and place of such sale and by two (2) publications of notice in a newspaper of general circulation in Vanderburgh County, Indiana, the first such notice to be not later than fourteen (14) days from such sale and the second such notice to be not earlier than five (5) days from such sale, such notice to generally describe the property for sale and to give the time, place and terms of said sale. Landlord is hereby authorized to file a financing statement on behalf of Tenant according to the Uniform Commercial Code.

20. HOLDOVER. In the event that Tenant shall holdover and remain in possession of the leased premises after the expiration of this lease and without having been given any notice to quit and leave said premises within thirty (30) days prior to said expiration, then the parties agree that such occupancy shall be a tenancy from month-to-month, and thereafter, either party may terminate such tenancy upon thirty (30) days written notice.

21. ATTORNEYS' FEES. In the event the Landlord or Lessee is required to take legal action to enforce the terms of this lease agreement by reason of Tenant's or Landlord's failure to pay rent or by reason of any default by either party of any of the Terms and provisions of this lease, then the other party shall be entitled to recover the costs of such suit and reasonable attorneys' fees as may be fixed by the Court.

22. FORCE MAJEURE. If either Landlord or Tenant shall be delayed or hindered in or prevented from the performance of any act required hereunder by reason of any strike, lockout, labor trouble, inability to procure materials, failure of power, restrictive governmental laws or regulations, riot, insurrection, picketing, sit-in, war or other reason of a like nature not attributable to the negligence or fault of the party delayed in performing work or doing any act required under the terms of this lease, then the performance of such work or act shall be excused for the period of the unavoidable delay and the period for the performance of any such work or act shall be extended for an equivalent period. However, this provision shall not operate to excuse Tenant from the timely payment of rent or other payments required by the terms of this lease.

23. NONWAIVER. Either party shall not be considered to have waived any of its rights, covenants or conditions under this lease unless evidence by written waiver; provided, however, that the failure to terminate this lease, or demand to secure possession by reason of any breach or default shall not be deemed a waiver of, nor act as an estoppel of, the right to terminate this lease or demand to secure possession by reason of any further, future and/or continuing breach or default on the part of either party.

24. PARTIES BOUND. All of the terms, covenants and agreements herein contained shall be binding upon the administrators, heirs, executors, devisees, successors and assigns of the respective parties hereto, except as limited thereby by the provisions of paragraph 18.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals to this lease the day and year hereinabove set forth.

RIVERSIDE OIL INC.

By *[Signature]*  
A.D. Searl, President

"LANDLORD"

ATTEST:

*[Signature]*

Drug & Alcohol Deferral

ATTEST:

*Sam Humphrey cm*  
\_\_\_\_\_  
\_\_\_\_\_

COUNTY COMMISSIONERS:

*[Signature]* 11/7/94  
*[Signature]*  
*[Signature]*



VOLUNTEER PROGRAM EXPENSES

<u>Item</u>	<u>Cost</u>
folders	\$64.08
art book	5.20
misc. office supplies	17.79
index cards	4.00
reminder cards	49.35
flashlights	19.96
ties/rosettes	90.00
advertising	68.00
<u>Total</u>	\$318.38

VOLUNTEER PROGRAM INCOME

<u>Date</u>	<u>Event</u>	<u>Income</u>
9-30-94	Dan Seals in Concert	\$ 75.00
10-11-94	Alice in Wonderland	200.00
10-21-94	The Secret Garden	200.00
11-7-94	Pinnocchio	200.00
<u>Total</u>		\$675.00

\*The volunteers also served as coatcheck personnel October 28, 1994 and November 2, 1994. This saved us time and energy generally used to contact someone who will work for tips. Also, the coat-check personnel served as ushers after those from the Civic Theatre ushers left mid-concert.

ATTN: PAULA NANCE

**FAX LEGAL AD TRANSMISSION**

**FROM:** Joanne Matthews, c/o County Auditor, Room 208, Civic Centerm,  
Evansville, IN 47708

**NO. OF PAGES INCLUDING COVER:** 5

**LEGAL AD** THE EVANSVILLE COURIER & THE EVANSVILLE PRESS ON  
**RUN SCHEDULE:** MONDAY, NOVEMBER 14, 1994

**EXTRA PROOFS OF PUBLICATION NEEDED AND TO WHOM:** \_\_\_\_\_

**SPECIAL REQUESTS FOR SETTING STYLE:** \_\_\_\_\_

**COPY OF LAST TIME LEGAL RAM ATTACHED:** \_\_\_\_\_

VANDEBURGH COUNTY AUDITOR.....FAX NO. 426-5344

NOTICE OF PUBLIC HEARINGS  
ORDINANCE ESTABLISHING THE  
EVANSVILLE-VANDERBURGH COUNTY  
COMMISSION ON DOMESTIC AND  
SEXUAL VIOLENCE

notice is hereby given that the Board of Commissioners of Vanderburgh County, Indiana, has scheduled hearing dates for the subject Ordinance in Room 307, Administration Building, Civic Center Complex, Evansville, Indiana, as follows:

6:30 P.M. - Monday, November 21, 1994

5:30 p.m. - Monday, November 28, 1994

The Ordinance reads, as follows:

(INSERT ATTACHED ORDINANCE HERE)

ORDINANCE ESTABLISHING THE  
EVANSVILLE-VANDERBURGH COUNTY  
COMMISSION ON DOMESTIC AND  
SEXUAL VIOLENCE

WHEREAS, the Board of Commissioners of Vanderburgh County recognizes the right of every citizen to live in a safe and healthy environment free from physical and sexual violence and emotional abuse; and

WHEREAS, domestic and sexual violence that occurs in this community constitutes a major threat to the safety, health and welfare of the citizens of Evansville and Vanderburgh County and imposes a financial burden upon the criminal justice system, social service delivery system and medical resources; and

WHEREAS, Vanderburgh County desires to establish policies to significantly decrease the incidence of domestic and sexual violence and promote the permanent relief and safety of the victims of domestic and sexual violence; and

WHEREAS, the formal establishment of an Evansville-Vanderburgh County Commission on Domestic and Sexual Violence to meet the purpose of the policy hereinafter stated is recommended;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Vanderburgh County, Indiana, as follows:

SECTION 1. AMENDMENT OF COUNTY CODE OF ORDINANCES

The Vanderburgh County Code of Ordinances is hereby amended by the addition of Chapter 3.30.40 which shall read as follows:

TITLE 3: ADMINISTRATION, CHAPTER 33: COMMISSIONS, Section 33.65 COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE.

There is hereby established the Evansville-Vanderburgh County Commission on Domestic and Sexual Violence.

(A) The purpose of the Evansville-Vanderburgh County Commission on Domestic and Sexual Violence is to substantially decrease the occurrence of domestic and sexual violence in the community by:

(1) Promoting and strengthening community and government efforts to provide a collaborative approach in building capacity to meet the needs of victims of existing or threatened domestic and sexual violence and encourage those targeted to access and make use of all available help and to provide perpetrators the motivation, skills and opportunity necessary to abandon domestic and sexually violent behavior;

(2) Encouraging the development of educational efforts within the general public, agencies, and organizations dealing with domestic and sexual violence by recognizing that education is effective in intervention and the prevention of domestic and sexual violence; and

(3) Developing new programs and approaches to reduce domestic and sexual violence as community and societal needs change.

(B) The Evansville-Vanderburgh County Commission on Domestic and Sexual Violence shall consist of not less than eleven (11) and not more than seventeen (17) members. There shall be eleven (11) permanent positions on the Commission and six (6) nonpermanent positions. The total number shall be determined by the number of persons appointed.

(1) The eleven (11) permanent positions shall be occupied by the following persons:

Mayor of the City of Evansville (or a designee), President of the County Commissioners (or a designee), Chief of Police (or a designee), Sheriff (or a designee), Vanderburgh County Prosecutor (or a designee), Chief Judge - Vanderburgh Superior Court (or a designee), Judge - Vanderburgh Circuit Court (or a designee), YWCA Shelter for Domestic Violence, Director, Albion Fellows Bacon Center Executive Director, Chairperson of the Sexual Assault Task Force, and the Director of the Domestic Abuse Intervention Program. There shall be no more than one (1) representative from any agency named in this subsection.

(2) The remaining six (6) nonpermanent positions shall be chosen from the community at large and shall serve at the discretion of the appointing authority. The Mayor shall have up to three (3) appointments to the Commission and the County Commissioners shall have up to three (3) appointments. The terms shall be two (2) years.

(3) A president and vice president shall be chosen annually by the members of the Commission.

(4) The members of the Commission shall serve without compensation.

(C) The Commission shall have the following powers and duties:

(1) To prepare a written annual report to the Mayor and County Commissioners on the status of domestic and sexual violence in the community; the first annual report to be due December, 1995.

(2) To do any and all lawful acts to carry out the purpose of this ordinance.

SECTION 2. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of Vanderburgh County and signing by the President of the Board.

Date: \_\_\_\_\_, 1994

\_\_\_\_\_  
Patrick Tuley, President  
Board of Commissioners of  
Vanderburgh County

ATTEST:

\_\_\_\_\_  
Samuel Humphrey, Auditor

APPROVED AS TO FORM:

\_\_\_\_\_  
Alan M. Kissinger,  
County Attorney

# FAX LEGAL AD TRANSMISSION

FROM: Joanne Matthews, c/o County Auditor, Room 208, Civic Center,  
Evansville, IN 47708

NO. OF PAGES INCLUDING COVER: 4

LEGAL AD RUN SCHEDULE: THE EVANSVILLE COURIER & THE EVANSVILLE PRESS  
ON MONDAY, NOVEMBER 14, 1994

EXTRA PROOFS OF PUBLICATION NEEDED AND TO WHOM: \_\_\_\_\_

SPECIAL REQUESTS FOR SETTING STYLE: Per attached

COPY OF LAST TIME LEGAL RAM ATTACHED: \_\_\_\_\_

ANDERBURGH COUNTY AUDITOR.....FAX NO. 426-5344

NOTICE OF PUBLIC HEARING  
ORDINANCE TO ESTABLISH RULES FOR  
HEALTH CARE CO-PAYMENTS

NOTICE IS HEREBY GIVEN that the Board of Commissioners of Vanderburgh County, Indiana, has scheduled hearing dates for the subject Ordinance in Room 307, Administration Building, Civic Center Complex, Evansville, Indiana, as follows:

6:30 p.m. - Monday, November 21, 1994

5:30 p.m. - Monday, November 28, 1994

The Ordinance reads, as follows:

(INSERT ATTACHED ORDINANCE HERE)

ORDINANCE TO ESTABLISH RULES FOR  
HEALTH CARE COPAYMENTS

WHEREAS, I.C. 11-12-5-5 authorizes the Board of Commissioners to adopt rules for the implementation of health care copayments collections for persons confined to the county jail;

IT IS HEREBY ORDAINED by the Board of Commissioners of Vanderburgh County as follows:

Section 1. Except as provided in Section 2, below, any person confined to the Vanderburgh County Jail shall be required to make a copayment in the amount of Ten Dollars (\$10.00) for each provision of any of the following services:

- A. Medical care;
- B. Dental care;
- C. Optometric (eye) care; or,
- D. Any other health care related service.

Said copayment may be withdrawn from the confined person's commissary account or jail trust account at the time the health care related service is rendered, or within thirty (30) days after the service is rendered.

Section 2. A person confined to the Vanderburgh County Jail is not required to make the copayment pursuant to Section 1, if:

- A. The person does not have funds in a commissary or jail trust account at the time the service is provided or within thirty (30) days thereafter;
- B. The service is provided in an emergency;
- C. The service is provided as a result of an injury received in the Vanderburgh County Jail;
- D. The service is provided at the request of the Vanderburgh County Sheriff or his authorized agent or administrator;
- E. The confined person is willing and financially able to immediately pay for his or her own health care related services; or,
- F. The confined person is committed to the Indiana Department of Correction or other penal authority which is responsible for the payment of the confined person's health care related treatment or services.

Section 3. The Treasurer of Vanderburgh County is hereby directed to establish a fund to be known as the County Medical Care for Inmates Fund. All money collected pursuant to this ordinance shall be immediately deposited into said fund. All

money accumulated in said fund shall be used to pay for Vanderburgh County expenses for medical care for persons confined to the Vanderburgh County Jail.

Section 4. This ordinance does not apply to a person confined to the Vanderburgh County Jail who is insured under an accident and sickness insurance policy or is an enrollee under an accident and sickness insurance policy or is an enrollee under a health maintenance organization, as defined by I.C. 36-2-13-14.

This ordinance shall be in full force and effect from and after the date of its passage by the Board of Commissioners of Vanderburgh County and signing by the President of the Board.

Date: \_\_\_\_\_, 1994

\_\_\_\_\_  
Patrick Tuley, President  
Board of Commissioners of  
Vanderburgh County

ATTEST:

\_\_\_\_\_  
Samuel Humphrey, Auditor

APPROVED AS TO FORM:

\_\_\_\_\_  
Alan M. Kissinger,  
County Attorney

QUIT CLAIM DEED

THIS INDENTURE WITNESSETH

THAT VANDEBURGH COUNTY BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY, STATE OF INDIANA.

RELEASE AND QUIT-CLAIM

TO GARY THORNTON AND MARTHA G THORNTON OF VANDERBURGH COUNTY, STATE OF INDIANA FOR THE SUM OF ONE DOLLAR AND NO CENTS THE FOLLOWING DESCRIBED REAL ESTATE IN VANDERBURGH COUNTY, IN THE STATE OF INDIANA TO WIT:

Lot 171 HYDE PARK  
1402 Cody Street

Recorded in Plat Book F Pages 160 and 161 in the office of the Recorder of Vanderburgh County Indiana.

IN WITNESS WHEREOF, The said VANDERBURGH COUNTY BOARD OF COMMISSIONERS has set hereunto their hands and seal this 7th Day of November, 1994.

Patricia Julee

Richard J. Borries

[Signature]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF INDIANA, VANDERBURGH COUNTY, SS

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Vanderburgh County Board of Commissioners, who acknowledged the execution of the foregoing Deed to be their voluntary act and deed.

Witness my hand and seal this 7th Day of November, 1994.

Joanne A. Matthews  
Joanne A. Matthews

My Commission Expires:  
Notary Residence

JOANNE A. MATTHEWS  
NOTARY PUBLIC STATE OF INDIANA  
VANDERBURGH COUNTY  
MY COMMISSION EXP. JUNE 12, 1996

This Deed prepared by Sam Humphrey-dmr

Mailing Address: 1402 Cody St 47710



VANDEBURGH COUNTY HIGHWAY DEPARTMENT  
PROGRESS REPORT

FRIDAY, OCTOBER 28, 1994 THRU THURSDAY, NOVEMBER 3, 1994

FRIDAY, OCTOBER 28, 1994

Gradall and one crew ditched Old Princeton and Mann Road.  
Gradall and two crews cleaned up yard.  
Pothole patcher and one crew worked on work orders.  
Grader and six crews rocked and graded roads in the Bottoms.  
Two mowers worked on work orders.

MONDAY, OCTOBER 31, 1994

Gradall and one crew ditched Old Princeton.  
Pothole patcher and two crews worked on work orders.  
Grader, roller, broom, and seven crews rocked shoulders on  
Heckel, Millersburg and Kansas.  
Front end loader and one crew worked rocking yard.  
Two mowers worked on Frontage and Owensville Road.  
One crew worked on paver.

TUESDAY, NOVEMBER 1, 1994

Paver, roller, broom, and seven crews rocked shoulders on  
Heddon and Kansas Roads.  
Gradall and one crew worked on Hilltop Road.  
Two tree crews worked at Millersburg and Oakhill, Middle Mt.  
Vernon, Old State & Bujey, Alta Vista, and Old Henderson.  
Trash crew ran regular routes.  
Mower worked on Kansas and Green River.  
One crew worked on Paver.

WEDNESDAY, NOVEMBER 2, 1994

Paver, roller, distributor and nine crews paved New Maple.  
Gradall and one crew installed driveway pipe on Graff Rd.  
Pothole patcher and one crew worked on work orders.  
Grader worked on Seminary Road.

THURSDAY, NOVEMBER 3, 1994

Paver, roller, distributor and eight crews paved Barberry.  
Gradall and one crew replaced road pipe on Campbell.  
Pothole patcher and one crew worked on 10101 Hogue Road.  
Mower worked on Barberru Lane.

VANDEBURGH COUNTY BRIDGE CREW

PROGRESS REPORT

FRIDAY, OCTOBER 28, 1994 THRU THURSDAY, NOVEMBER 3, 1994

FRIDAY, OCTOBER 28, 1994

Crew #1 - finish pipe on Old Princeton, put turn down on box culvert on Schroeder.

Crew #2 - work at shop.

Backhoe - work at Burdette Park.

MONDAY, OCTOBER 31, 1994

Crew #1 & Backhoe - put up guardrail on Westlake.

Crew #2 - Old Princeton and finish driveway putdown and load of rock for driveway at box culvert on Schroeder.

TUESDAY, NOVEMBER 1, 1994

Crew #1 & Backhoe - put up guardrail on Westlake.

Crew #2 - trim and paint Maasberg, Bender, Sensmier, Scott, and Heppler.

WEDNESDAY, NOVEMBER 2, 1994

Crew #1 & Backhoe - install driveway pipe on Graff Road.

Crew #2 - install pipe across Campbell and drop box.

THURSDAY, NOVEMBER 3, 1994

Crew #1, #2, and Backhoe - finish pipe on Graff.

Crew #3 - put in pipe on Campbell and drop box.



# VANDERBURGH COUNTY ENGINEERING DEPARTMENT

201 Northwest Fourth Street · Suite 307  
Old Vanderburgh County Courthouse  
Evansville, Indiana 47708 · Tel. (812) 424-9603

## Agenda for November 7, 1994

- RB/DN* 1. U.S.I. interchange change order resulting in an increase of \$11,864.50
- RB/DN* 2. Lynch Road Phase 2 Supplemental Agreement #4
- RB/DN* 3. Council call request for a \$200 appropriation for Extra Help to hire Chad Jordan from 12/19/94 - 1/6/95
- RB/DN* 4. Travel request for John Stoll to attend an INDOT meeting in Indianapolis on Nov. 9, 1994 - (*the 2 co. vehicle exp'd.*)
- RB/DN* 5. Street acceptance requests:

	<u>Subdivision</u>	<u>Street Name</u>	<u>Length</u>
<i>RB/DN</i>	Elpers Commercial	Elpers Road	365.6 lft
		Schroeder Road	352.82 lft
<i>DB/RB</i>	Brookview Heights VI-B	Brookcrest Court	307.5 lft
		Brook Run Court	221.4 lft
<i>RB/DN</i>	Covington Heights Sec. 1	Hartford Place	650 lft
		Covington Drive	638 lft
		Welton Drive	621 lft
		Wethersfield Drive	455 lft
		Clifton Drive	727 lft

### 6. Storm sewer and retention basin acceptance requests:

	<u>Subdivision</u>	<u>Pipe Size</u>	<u>Length</u>
<i>RB/DN</i>	Covington Heights Sec. 1	12"	475 ft
		15"	195 ft
		18"	259 ft
		21"	124 ft
		24"	295 ft
		19"x30"	128 ft
		27"	550 ft
		Shoreline	600 ft
<i>RB/DN</i>		Brookview Heights VI-B	12"
	15"		113 ft

- RB/DN* 7. IDEM demolition permit for the Franklin Street bridge
- RB/DN* # 8. Ohio Street bridge construction engineering agreement letter to be sent to INDOT (*204,830.00*)  
*Letter only; Not the Agreement.*

INDIANA DEPARTMENT OF TRANSPORTATION  
CHANGE ORDER

Project No. LOC E-180(A) Contract No. VCR 20697

Change Order No. 07

Whereas, the Standard Specifications for this contract provides for such work to be performed, the following change is recommended. (Give location, description and reason)

BECAUSE OF A MISTAKE ON THE MATERIAL LIST FOR THE BRIDGE THE FOLLOWING ITEM NEEDS TO BE INCREASED TO ALLOW FOR THE TRUE AMOUNT OF REINFORCING STEEL PLACED IN THE BRIDGE DECK.

ITEM NO.	DESCRIPTION OF ITEM	UNIT PRICE	INCREASE		DECREASE		% CHANGE	
			QUANTITY	AMOUNT	QUANTITY	AMOUNT	THIS C.O.	TO DATE
79	REINFORCING STEEL, EPOXY	.50	23,729	11,864.50				
PLACE "EW" FOR EXTRA WORK ITEMS			TOTALS					
PLACE "FA" FOR FORCE ACCOUNT ITEMS			NET	<del>INCREASED</del> <del>DECREASED</del>	11,864.50	ESTIMATED COST \$		11,864.50

It is the intent of the parties that this change order is full and complete compensation for the work described above. Notification and consent to this change in plans is hereby acknowledged.

Contractor BLANKENBURGER BROS By Patrick Blankenburger Date 11-01-94

Submitted For Consideration	
PE/S <u>CPM</u>	D.E.
AE	CONST. ENGR.
DCE	CHIEF DIV.

VANDERBURGH COUNTY COMMISSIONERS  
Patrick J. Jolley  
Richard J. Barnes  
[Signature]

Approved for Indiana Department of Transportation

Robert R. Mills (SIGNATURE) P.S. (TITLE) 11-01-94 (DATE)

# BERNARDIN · LOCHMUELLER & ASSOCIATES, INC.

PLANNERS · ENGINEERS · SURVEYORS

20-24 N. W. FOURTH ST., SUITE 606

EVANSVILLE, IN 47708

TEL. (812) 426-1737

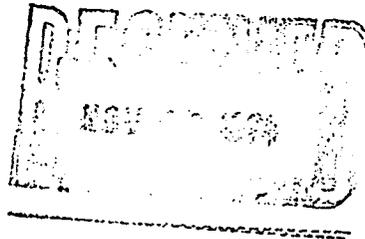
FAX (812) 426-7369

November 1, 1994

Vanderburgh County Engineer  
Old Court House, Suite 307  
201 NW Fourth Street  
Evansville, Indiana 47708

Attn: Mr. John Stoll, P.E.

Re: Lynch Road-Phase 2  
Project Nos: RS-6882() and RS-6887()  
Supplemental Agreement No. 4  
BLA Project No.: 90-38-1



Dear John:

Please find enclosed two (2) original Supplemental Agreements No. 4 for preliminary engineering services on the Lynch Road-Phase 2 project. Since the inception of the Lynch Road-Phase 2 project in 1990, three significant developments have occurred. The change in Federal Law states "All projects let in and subsequent to October, 1996, regardless of funding sources, shall be in SI metric units". Updated traffic projections require a change in the median width on the two bridges that cross over I-164. Updated traffic projections require that the mainline east of I-164 be built as a two lane road but have right-of-way designed and purchased such that an additional two lanes and a median can be added in the future.

The breakdown of the proposed fees for the changes in services is as follows:

Metric Conversion of Road Plans	\$19,005.00
Metric Conversion of Bridge Plans	4,438.00
Redesign of 4-Lane R/W East of I-164	35,519.00
Additional Bridge Design over I-164	<u>22,780.00</u>
<b>TOTAL ADDITIONAL SUPPLEMENTAL NO.4 FEE</b>	<b>\$81,742.00</b>
Plus Supplemental Agreement No. 3 Amount	<u>609,328.00</u>
<b>New Agreement Amount</b>	<b><u>\$691,070.00</u></b>

The breakdown of the fees for Vanderburgh and Warrick Counties for the additional services included in this supplemental are as follows:

	<u>Vanderburgh County</u>	<u>Warrick County</u>
Metric Conversion of Road Plans	85% \$16,154.00	15% \$2,851.00
Metric Conversion of Bridge Plan	100% 4,438.00	0% 0.00
Redesign of 4-Lane R/W East of I-164	70% 24,863.00	30% 10,656.00
Additional Bridge Design	100% <u>22,780.00</u>	0% <u>0.00</u>
<b>TOTAL</b>	<b>83% \$68,235.00</b>	<b>17% \$13,507.00</b>

Mr. John Stoll, P.E., Vanderburgh County Engineer  
Lynch Road, Phase 2, Supplemental No. 4  
November 1, 1994  
Page 2

Please have the County Commissioners execute these agreements and return one of them for our files at your earliest convenience.

Should you have any questions in regard to this matter, please do not hesitate to contact me.

Sincerely,

**BERNARDIN, LOCHMUELLER & ASSOCIATES, INC.**



Thomas G. Bernardin, P.E., L.S.  
Principal/Director of Engineering

TGB/cle

Enclosures: 2

SUPPLEMENTAL AGREEMENT NO. 4

This Supplemental Agreement is made and entered into November 7, 1994, by and between the County Commissioners of Vanderburgh County, Indiana, hereinafter referred to as the "COUNTY", and Bernardin, Lochmueller & Associates, Inc., hereinafter referred to as the "CONSULTANT."

WITNESSETH

WHEREAS, the "COUNTY" and the "CONSULTANT" did on August 6, 1990, enter into an Agreement providing for the "CONSULTANT" to prepare all preliminary engineering activities for Lynch Road-Phase 2 from 100 feet east of Burkhardt Road in Vanderburgh County to the intersection of S.R. 62 and Telephone Road in Warrick County, Indiana, Project Nos.: RS-6882( ) and RS-6687( ).

WHEREAS, due to Federal Law as stated in INDOT Design Memo #18, dated July 1, 1993, "All projects let in and subsequent to October, 1996, regardless of funding sources, shall be in SI units". This requires converting the design plans from English to metric units, and

WHEREAS, updated traffic projections required a change in median width from sixteen (16) feet to thirty (30) feet resulting in two separate bridges of different widths, rather than one bridge in the original scope of the project.

WHEREAS, in order to provide for completion of the work, it is necessary to amend and supplement said agreement.

1. The first paragraph of Section A. - Appendix "D" is changed to read as follows:

1. The CONSULTANT shall receive as payment for the work performed under this Agreement the total fee not to exceed \$ 691,070.00, unless a modification of the Agreement is approved in writing by the COUNTY.

2. Appendix "D", Section A.2.d. has been revised to include the following:

g. Metric Conversion of Road Plans	\$19,005.00
h. Metric Conversion of Bridge Plans	\$4,438.00
i. Redesign of 4-Lane R/W East of I-164	\$35,519.00
j. Additional Bridge Design	\$22,780.00

3. Except as herein modified, changed and supplemented, all terms of the original Agreement dated August 6, 1990, shall continue in full force and effect.

The previous "not to exceed" total was \$609,328.00. This Supplemental increases this value by \$81,742.00, to a new "not to exceed" value of \$691,070.00.

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

CONSULTANT

Bernardin, Lochmueller & Associates, Inc.

LOCAL PUBLIC AGENCY

Board of County Commissioners  
Vanderburgh County

BY Keith Lochmueller  
Keith Lochmueller, President

BY Richard J. Borries  
Richard J. Borries, President

Attest:

BY Patrick Tuley  
Patrick Tuley, Vice President

Thomas G. Bernardin  
Thomas G. Bernardin, Secretary

BY Don Hunter  
Don Hunter, Member

ATTEST:

Sam Humphrey  
Sam Humphrey, County Auditor

Approved as to Legality and Form:

Alan Kissinger  
Alan Kissinger, Attorney for  
Vanderburgh County

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 1st day of November, 1994 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 Vanderburgh, SS:

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

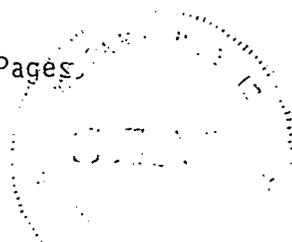
and acknowledged the execution of the foregoing agreement on this 7<sup>th</sup> day of November, 1994.

Witness my hand and seal this said last named date.

My Commission Expires:

JOANNE A. MATTHEWS  
NOTARY PUBLIC STATE OF INDIANA  
VANDERBURGH COUNTY  
RESIDENCE  
My Commission Expires June 12, 1996

Joanne A. Matthews  
Notary Public



(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   1st   day of   November  , 1994.

*Cynthia R. Evans*  
Notary Public

My Commission Expires:  
September 22, 1995



FILENAME  
Path

90-38mcB.wk3  
f:\lotus\ees\metric

revised 06/21/94

PROJECT NUMBER: RS-6882()  
ROAD: LYNCH ROAD PART II (BURKHARDT TO SR 62)  
METRIC CONVERSION OF ENGLISH PLANS(BRIDGE PLANS)  
MANHOURL JUSTIFICATION

DESCRIPTION	Principal	Senior Engineer	Engineer III	Engineer II	Engineer I	Engineer Tech	Draftsman	Clerical	TOTAL MAN-HRS
METRIC CONVERSION									
Convert Title Sheet					1		2		3
Convert Bridge Layout Sheet		2			24		40		66
Convert Bridge General Plan Sheet		2			16		40		58
TOTAL MANHOURS	0	4	0	0	41	0	82	0	127
HOURLY RATES(1994)	\$36.06	\$25.16	\$24.05	\$19.65	\$14.84	\$13.51	\$10.12	\$12.43	
MANHOUR COSTS	\$0.00	\$101.00	\$0.00	\$0.00	\$608.00	\$0.00	\$830.00	\$0.00	

Printing	\$1,539.00
Transportation	\$2,320.00
Meals (\$18/day)	\$3,859.00
Lodging (\$60/nt)	\$579.00
DIRECT NON-SALARY	\$4,438.00
DIRECT NON-SALARY	\$0.00
GRAND TOTAL	\$4,438.00

DIRECT SALARY	\$1,539.00
OVERHEAD COSTS 150.73%	\$2,320.00
SUBTOTAL	\$3,859.00
PROFIT 15%	\$579.00
SUBTOTAL	\$4,438.00
DIRECT NON-SALARY	\$0.00
GRAND TOTAL	\$4,438.00





Project No.: 90-38-4X  
 Project Status: SUPPLEMENTAL FEE  
 Location: 90-38X(4).wikd

ROADWAY FEE JUSTIFICATION  
 Project No: SUPPLEMENTAL FOR REVISIONS IN RW FOR FUTURE 4 LANE EAST OF I-164  
 Route:  
 County:

Rev. 09/07/94

DESCRIPTION	YEAR	Shgs	No.	MANHOURS BY JUSTIFICATION					Tech.	Dirt.	Security	TOTAL MAN-HRS	SALARY COST	TOTAL HOURS			EFFECT LABOR RATE % PROJECT
				Prlnc.	Sr.Eng.	Eng III	Eng II	Eng I						ENG	TECH	PROJECT	

TOTAL

IMPACT NON-SALARY COSTS  
 Millage:  
 Lodging:  
 Meals:  
 Reproduction:

sheets x 25 sds @ \$1/sht +  
 sops @ \$10.00/sopla =

TOTAL DIRECT NON-SALARY COSTS

COST SUMMARY

YEAR	INFLATION	Manhours - Year	Hourly Wage	Direct Salary Cost	Manhours - Year	Hourly Wage	Direct Salary Cost
1994	-	\$56.06	\$25.16	\$24.05	\$19.05	\$14.84	\$13.51
1994	5.0%	\$37.86	\$26.42	\$25.25	\$20.63	\$15.50	\$14.19
1994		\$740	\$740	\$6,643	\$6,643	\$610	\$6,032
1996		\$39.75	\$27.74	\$26.51	\$21.66	\$16.36	\$14.90
1996	5.0%						

TOTAL MANHOURS  
 TOTAL DIRECT SALARY COST  
 Overhead Costs ( 150.73% )

Total Salary + Overhead Costs  
 Fixed Fee ( 15.00% )  
 Direct Non-Salary Costs

TOTAL FEE

402	367	\$12,318	\$16.02
769		18,567	
		\$30,886	
		4,633	
		\$35,519	



Project No.:  
 Current Status:  
 Bridge No.:  
 Filename:

90-38-1  
 proposed supplemental fee for extra bridge  
 2  
 90-306E.wk3

BRIDGE DESIGN FEE JUSTIFICATION  
 Project No: RS-8892(1)  
 Route: LYNCH ROAD  
 County: VANDERBURGH  
 Bridge Over: I-184  
 Structure No.:

Rev. 06/07/84

WESTBOUND (ADDITIONAL WORK FOR SEPARATE STRUCTURE PLANS

DESCRIPTION	YEAR	No. Sits	MANHOURS BY JUSTIFICATION					TOTAL MAN-HRS	SALARY COST	TOTAL HOURS		EFFECT LABOR RATE	% PROJECT
			Plnc.	St.Eng.	Eng.III	Eng.II	Eng.I			Tech.	Draftsmn		
Superstructure Design	1995	10		12	40		32	84		84		16.3%	
Superstructure Details		2		2		8	38	158		38		30.5%	
Screeds							20	28		8		6.4%	
SUPERSTRUCTURE PLANS													
	1995			14	40		78	270	\$4,052	130	140	\$15.01	52.2%
End Bent Design				4			8	12		12		2.1%	
End Bent Details		2				18	18	88		18	50	11.5%	
Interior Bent Design				8			18	24		24		4.2%	
Interior Bent Details		3				24	24	74		24	50	12.6%	
SUBSTRUCTURE PLANS													
	1995			12			84	178	\$2,377	78	100	\$13.51	82.6%
Finalize Typical Section (post-hearing)													
Final Cross Sections (post-hearing)													
Final Plan & Profile Sheets (post-hrg)													
Final Approach & Drive Details (post-hrg)													
Final Intersect/Cont Details (post-hrg)													
Final Drainage Design													
Structure Data Sheet													
Underdrain Design & Table													
P.S.D., Sed, Riprap & Sign, Striping Tbl													
Earthwork Comp/Balance/Mass Diagram													
Final Maintenance of Traffic													
Final Channel Change Layout													
Final Layout													
Final General Plan													
Quantity Calculations													
Bridge Summary													
Prel Estimate of Quantities & Cost Est													
Finalize Title Sheet													
Preliminary Special Provisions													
Miscellaneous Tables													
Utility Agreements													
Permit Processing													
Quality Assurance Review													
FINAL CHECK PRINTS													
	1995			38			38	80	\$1,028	38	44	\$12.88	86.2%
Revise Plans per Final Check Print Rvw.													
Construction Cost Estimate													
Final Special Provisions													
Quality Assurance Review													
Project Management													
Preconst Conf Attendance													
Design Exception Reports													
TRACINGS SUBMITTAL													
	1995	17		8			8	24	\$285	8	16	\$12.28	100.0%

Project No.:  
 Current Status:  
 Bridge No.:  
 Filename:

90-30-1  
 proposed supplemental fee for extra bridge  
 2  
 90-30b2.wk3

BRIDGE DESIGN FEE JUSTIFICATION  
 Project No: RS-0082(1)  
 Route: LYNCH ROAD  
 County: VANDERBURGH  
 Bridge Over: I-184  
 Structure No.:

Rev. 00/07/04

WESTBOUND/ADDITIONAL WORK FOR SEPARATE STRUCTURE PLANS

DESCRIPTION	YEAR	No. SHs	MANHOURS BY JUSTIFICATION					TOTAL MAN-HRS	SALARY COST	TOTAL HOURS	TECH	ENG	EFFECT LABOR RATE	% PROJECT
			Sr.Eng.	Eng.III	Eng.II	Eng.I	Tech.							
DIRECT NON-SALARY COSTS														
Mileage:														
Lodging:														
Meals:														
Reproduction:			17 sheets x 25 sets @ \$1/SH +										425	
													\$425	
TOTAL DIRECT NON-SALARY COSTS														

17 sheets x 25 sets @ \$1/SH +

copies @ \$10.00/copy =

TOTAL DIRECT NON-SALARY COSTS

COST SUMMARY

	YEAR	INFLATION	
		1994	1995
Manhours - Year	1994	-	-
Hourly Wage	1994		
Direct Salary Cost	1994	\$30.08	\$25.10
		\$24.05	\$10.05
		\$13.51	\$10.12
		\$14.84	\$12.43
Manhours - Year	1995	20	40
Hourly Wage	1995	\$37.80	\$20.42
Direct Salary Cost	1995	\$097	\$1,010
		\$2,867	\$3,100
		\$14.10	\$13.05
		\$3,100	\$7,753
Manhours - Year	1998		
Hourly Wage	1998	\$30.75	\$27.74
Direct Salary Cost	1998	\$20	\$20.51
		\$11.10	\$13.70
		\$14.00	\$13.70
		\$3,100	\$3,100
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		\$2,867	\$2,867

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 11/7/94 DEPARTMENT: Co. ENGINEERING DEPT.

EMPLOYEE (S): JOHN STOLL

DATES OF TRAVEL: 11/7/94

DESTINATION: INDIANAPOLIS

PURPOSE: INDOT MEETING

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

LODGING REQUIRED: N/A

MEANS OF TRAVEL: \_\_\_\_\_ COUNTY VEHICLES NUMBER: 90

OTHER: \_\_\_\_\_

REIMBURSEMENT CLAIMED:  Mileage  Parking  
 Per Diem  Registration  
 Air Fare  Other

APPROVED: John Stoll  
Department Head

APPROVED: \_\_\_\_\_  
Office Holder

APPROVED BY:  
VANDERBURGH COUNTY COMMISSIONERS this 7<sup>th</sup> day of November, 19 94.

Patrick Tuley  
Patrick Tuley, President

Richard J. Borries  
Richard J. Borries, Vice-President

Don L. Hunter  
Don L. Hunter, Member

# VANDERBURGH COUNTY ENGINEERING DEPARTMENT

OLD COURT HOUSE, SUITE 307  
201 N.W. 4TH STREET  
EVANSVILLE, INDIANA 47708

812-435-5773

DATE: November 7, 1994

## ACCEPTANCE OF STREET/ROAD IMPROVEMENTS IN: ELPERS COMMERCIAL 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 November 4, 1994. These improvements were constructed/finished on/by October, 1994. All streets were constructed with 7" 3500 psi concrete in accordance with the approved plans.

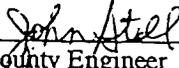
The following is a summary of the length of the completed 30 and/or 40' b/c to b/c feet wide streets.

STREET NAME	R/W	LENGTH LF	MILES
Elpers Road (continuation)	50'	365.6 [30' width]	.07
Schroeder Road	50'	168.0 [30' width]	.03
Schroeder Road	50'	50.0 [30.40' width]	.01
Schroeder Road	50'	134.82 [40' width]	.03
Total		718.42	.14

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:

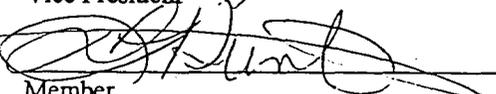
  
County Engineer

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

# VANDEBURGH COUNTY ENGINEERING DEPARTMENT

OLD COURT HOUSE, SUITE 307  
201 N.W. 4TH STREET  
EVANSVILLE, INDIANA 47708

812-435-5773

DATE: November 7, 1994

## ACCEPTANCE OF STREET/ROAD IMPROVEMENTS IN: BROOKVIEW HEIGHTS VI-B

Dear Commissioners:

The undersigned have made an inspection of the subject street and storm drainage (included in the street right of way) improvements on November 2, 1994. These improvements were constructed/finished on/by July 1994. All streets were constructed with 6" 3500 psi concrete in accordance with the approved plans.

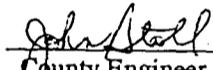
The following is a summary of the length of the completed 24' b/c to b/c feet wide streets.

STREET NAME	R/W	LENGTH LF	MILES
Brookcrest Court (w/cul-de-sac) (continuation)	40'	307.5	.06
Brook Run Court (with cul/de/sac) (continuation)	40'	221.4	.04

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.

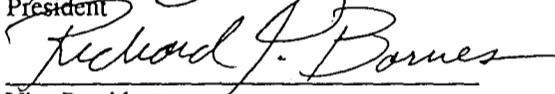
Respectfully:

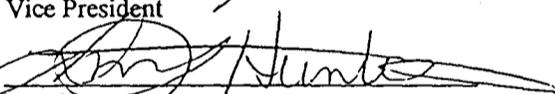
  
County Engineer

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

# VANDEBURGH COUNTY ENGINEERING DEPARTMENT

OLD COURT HOUSE, SUITE 307  
201 N.W. 4TH STREET  
EVANSVILLE, INDIANA 47708

812-435-5773

DATE November 7, 1994

## ACCEPTANCE OF STREET/ROAD IMPROVEMENTS IN: COVINGTON HEIGHTS SUBDIVISION..SEC. I

Dear Commissioners:

The undersigned have made an inspection of the subject street and storm drainage (included in the street right of way) improvements on November 3, 1994. These improvements were constructed/finished on/by October, 1994. All streets were constructed with 6" 3500 p.s.i. concrete in accordance with the approved plans.

The following is a summary of the length of the completed 29 b/c to b/c feet wide streets.

STREET NAME	R/W	LENGTH LF	MILES
Hartford Place	50'	650	.12
Covington Drive	50'	638	.12
Welton Drive	50'	621	.12
Wethersfield Drive	50'	455	.09
Clifton Drive [North]	50'	451	.09
Clifton Drive [South]	50' [24' width]	276	.05
TOTAL		3091'	.59

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.

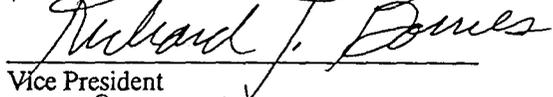
Respectfully:

  
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. FOURTH STREET  
EVANSVILLE, INDIANA 47708

DATE: November 7, 1994

RE: Acceptance for Maintenance of Retention Basin(s) and  
Storm Sewers under SECTION B of Subdivision Drainage  
Ordinance for Vanderburgh County In: Covington Heights-Sec. I

Dear Commissioners:

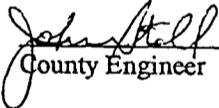
The undersigned have made an inspection of the subject Retention Basins(s) and storm sewers (NOT within the street right of way) on November 3, 1994. All drainage construction was in accordance with the approved street and drainage plans. The following is a summary of the length and fees of the completed drainage improvements in the subject subdivision:

<u>SHORELINE OF RETENTION BASIN(S)</u>	<u>600</u>	<u>LFT</u>	<u>@ \$ .50</u>	<u>\$300.00</u>
<u>STORM SEWERS (OUTSIDE COUNTY ROAD R/W)</u>	<u>2026</u>	<u>LFT</u>	<u>@ .50</u>	<u>1013.00</u>
<u>TOTAL</u>		<u>LFT</u>	<u>@ .50</u>	<u>\$1313.00</u>
MEMO; 12" RCP 475'	18" RCP 259'			
15" RCP 195"	21" RCP 124'			
24" RCP 295"	19" X 30" RCP 128'			
27" RCP..550"				

Date of County Engineer Approval Letter November 7, 1994 (One year developer guarantee from this date)

It is recommended that these retention basin(s) and storm sewers (not within the street right of way) improvements be accepted for maintenance.

Respectfully,

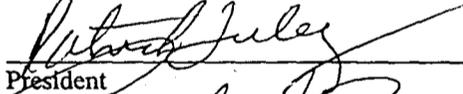
  
County Engineer

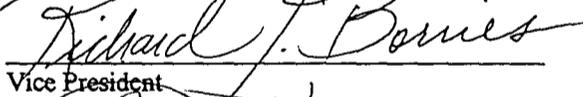
CC: Developer  
Design Engineer  
APC  
Highway Department  
Road File

10/93

c:/bill/stmacc

Accepted for Maintenance by the Board of County  
Commissioners

  
President

  
Vice President

  
Member

VANDERBURGH COUNTY ENGINEERING DEPARTMENT

OLD COURT HOUSE, SUITE 307  
201 N.W. FOURTH STREET  
EVANSVILLE, INDIANA 47708

DATE: November 7, 1994

RE: Acceptance for Maintenance of Retention Basin(s) and  
Storm Sewers under SECTION B of Subdivision Drainage  
Ordinance for Vanderburgh County In:  
Brookview Heights VI-B

Dear Commissioners:

The undersigned have made an inspection of the subject Retention Basins(s) and storm sewers (NOT within the street right of way) on November 2, 1994. All drainage construction was in accordance with the approved street and drainage plans.

The following is a summary of the length and fees of the completed drainage improvements in the subject subdivision:

<u>SHORELINE OF RETENTION BASIN(S)</u>	<u>LFT</u>	<u>@ \$ .50</u>	<u>-0-</u>
<u>STORM SEWERS (OUTSIDE COUNTY ROAD R/W)</u>	<u>330 LFT</u>	<u>@ .50</u>	<u>\$165.00</u>
<u>TOTAL</u>	<u>LFT</u>	<u>@ .50</u>	<u>\$165.00</u>

Memo: 113' 15' RCP  
220' 12" RCP

Date of County Engineer Approval Letter November 7, 1994 (One year developer guarantee from this date)

It is recommended that these retention basin(s) and storm sewers (not within the street right of way) improvements be accepted for maintenance.

Respectfully,

  
County Engineer

CC: Developer  
Design Engineer  
APC  
Highway Department  
Road File

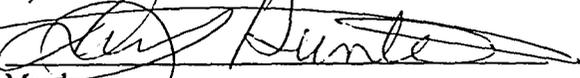
10/93

c:/bill/stmacc

Accepted for Maintenance by the Board of County  
Commissioners

  
President

  
Vice President

  
Member

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
 NOTIFICATION OF DEMOLITION AND RENOVATION OPERATIONS

I. TYPE OF NOTIFICATION (Check One): Original  Revised  Cancelled

II. FACILITY INFORMATION (Identify owner, removal contractor, demolition contractor, inspector and project designer)

Owner: VANDEBURGH COUNTY COMMISSIONERS  
 Address: ROOM 305 1 NORTHWEST MARTIN LUTHER KING JR. BLVD  
 City: EVANSVILLE State: IN Zip: 47708  
 Contact: JOHN STOLL Telephone #: (812) 435-5773

Removal Contractor: <u>n/a</u> Address: _____ City: _____ State: _____ Zip: _____ Contact: _____ Phone #: _____ IN Accred #: _____ Expiration: _____	Demolition Contractor: <u>GOHMANN ASPHALT AND CONST. INC</u> Address: <u>1630 BROADWAY</u> City: <u>CLARKSVILLE</u> State: <u>IN</u> Zip: <u>47131</u> Contact: <u>ROY ZIMMERMAN</u> Phone #: <u>812-282-13</u>
Inspector: <u>CHANDLER ROSENER</u> Address: <u>ATEC, 5150 EAST 56TH STREET</u> City: <u>INDIANAPOLIS</u> State: <u>IN</u> Zip: <u>46220</u> IN Accred #: <u>19511123</u> Expiration: <u>02/95</u> Phone #: <u>317-849-4990</u>	Project Designer: <u>N/A</u> Address: _____ City: _____ State: _____ Zip: _____ IN Accred #: _____ Expiration: _____ Phone #: _____

III. TYPE OF OPERATION (Check One) Renovation:  Demolition:  Emergency Renovation:  Ordered Demolition:

IV. IS ASBESTOS PRESENT? (Check One) Yes:  No:

V. PROCEDURES, INCLUDING ANALYTICAL METHODS, IF APPROPRIATE, USED TO DETECT THE PRESENCE AND AMOUNT OF ASBESTOS MATERIAL:  
BRIDGE WAS INSPECTED. BULK SAMPLES WERE TAKEN & ANALYZED BY POLARIZED LIGHT MICROSCOPY (PLM). AMOUNT ESTIMATED BY VISUAL INSPECTION.

VI. APPROXIMATE AMOUNT OF ASBESTOS INCLUDING: 1) Regulated ACM, 2) Category I non-friable ACM, 3) Category II non-friable ACM

	Regulated ACM to be removed	Nonfriable asbestos material not to be removed before demolition	
		Category I	Category II
Pipes (Lbft)	0	0	0
Surface Area (Sqft)	0	1664 SQ FT.	0
Total Volume BACH on or off Facility Components (Cuft)	0	555 CU FT	0

VII. SCHEDULED DATES OF ASBESTOS STRIPPING/REMOVAL: start: N/A End: N/A

VIII. SCHEDULED DATES OF DEMOLITION/RENOVATION: start: 12-1-94 End: 9-1-95

IX. FACILITY DESCRIPTION (Include building name, floor and number of room):

Building Name: BRIDGE OVER PIGION CREEK  
 Street Address: FRANKLIN STREET BRIDGE OVER PIGION CREEK 2.0 MILES WEST OF US41  
 City: EVANSVILLE State: In. County: vanderburgh  
 Location of removal within bldg.: N/A  
 Building size (sqft): 24,970 # of floors: N/A Age: 1932  
 Present use: bridge Prior use: BRIDGE

**I. DESCRIPTION OF PLANNED DEMOLITION OR RENOVATION WORK, METHODS/TECHNIQUES TO BE USED, AND AFFECTED FACILITY COMPONENTS**  
 THE PROJECT WILL INVOLVE REMOVING THE EXISTING CONCRETE BRIDGE DECK AND DAMAGED STRUCTURAL STEEL. THE DAMAGED STRUCTURAL WILL BE REPLACED AND A NEW CONCRETE DECK PLACED ON THE STRUCTURE. THE DECK WILL BE SAWED INTO PIECES, LIFTED ONTO TO TRUCKS AND HAULED TO A CONCRETEDISPOSAL SITE. THE STEEL PARTS WILL BE SENT TO SALVAGE YARD FOR RECYCLING.

**XI. DESCRIPTION OF WORK PRACTICES AND ENGINEERING CONTROLS TO BE USED TO PREVENT EMISSIONS OF ASBESTOS AT THE SITE; INCLUDING ASBESTOS STRIPPING, REMOVAL AND WASTE HANDLING PROCEDURES AND THE PROCEDURES TO PREVENT NONFRIABLE ASBESTOS MATERIAL FROM BECOMING FRIABLE IN THE COURSE OF THE PROJECT:**  
 WET SAWING TO DISMANTLE THE BRIDGE WILL PREVENT THE ASBESTOS CONTAINING TAR IN THE EXPANSION JOINTS FROM BECOMING FRIABLE. A WRECKING BALL WILL NOT BE USED.

**XII. DESCRIPTION OF PROCEDURES TO BE FOLLOWED IN THE EVENT THAT UNEXPECTED ASBESTOS IS FOUND OR PREVIOUSLY NONFRIABLE ASBESTOS MATERIAL BECOMES CRUMBLD, PULVERIZED OR REDUCED TO POWDER:**  
 WORK WILL BE HALTED. NOTIFICATIONS WILL BE CHANGED, AN ACCREDITED ASBESTOS ABATEMENT CONTRACTOR WILL BE HIRED TO POST SIGNS, EVALUATE THE ACM AND PROPERLY CLEAN AND /OR REMOVE THE MATERIAL AS REQUIRED.

**XIII. WASTE TRANSPORTER**  
 Name: K&K EXCAVATING INC.  
 Address: RT 1 BOX 482  
 City: FT. BRANCH State: IN Zip: 47648  
 Contact: KEITH NAAS Phone #: 312-768-5082

**XIV. WASTE DISPOSAL SITE**  
 Name: JERRY DAVID ENTERPRISES, INC.  
 Address: 1710 DIEFENBACH ROAD  
 City: EVANSVILLE State: IN Zip: 47713  
 Contact: JERRY DAVID Phone #: 812-422-1827

**XV. IF DEMOLITION ORDERED BY A GOVERNMENT AGENCY, PLEASE IDENTIFY THE AGENCY BELOW AND ATTACH A COPY OF THE ORDER TO THIS FORM**  
 Name: N/A Title: \_\_\_\_\_ Date ordered to begin: \_\_\_\_\_  
 Authority: \_\_\_\_\_ Date of Order: \_\_\_\_\_

**XVI. FOR EMERGENCY RENOVATIONS:**  
 Date and Time of emergency: N/A  
 Description of the sudden, unexpected event: \_\_\_\_\_  
 Explanation of how the event caused unsafe conditions or would cause equipment damage: \_\_\_\_\_

**XVII. I HEREBY CERTIFY THAT THE INFORMATION PROVIDED IN THIS NOTIFICATION IS CORRECT AND THAT I WILL ONLY USE INDIANA ACCREDITED WORKERS AND PROJECT SUPERVISORS TO IMPLEMENT THIS ASBESTOS PROJECT. I HAVE READ 326 IAC 14-16; 40 CFR PART 61, SUBPART M (AS AMENDED 11/28/90); AND INDIANAPOLIS REGULATION XIII AND I UNDERSTAND THE REQUIREMENTS OF THOSE REGULATIONS.**  
 Signature of Owner/Operator: [Signature] Date: Nov 7, 1994

\*\*\*\*\* FOR OFFICE USE ONLY \*\*\*\*\*

POSTMARK:	RECEIVED:	REVIEWED BY:	DEFICIENCIES:
OPERATOR #:	NOTIFICATION #:	LOGGED:	CC TO:



**NVLAQ Accredited**

Solid & Hazardous Waste Site Assessments  
Remedial Design & Construction  
Underground Tank Management  
Asbestos Surveys & Analysis  
Hydrogeologic Investigations & Monitoring  
Analytical Testing / Chemistry  
Industrial Hygiene / Hazard Communication  
Environmental Audits & Permitting  
Exploratory Drilling & Monitoring Wells  
Wastewater Treatment Systems

October 26, 1994

ATEC Environmental Consultants  
Attn: Kurt Gilliam  
5150 E. 65th Street  
Indianapolis, IN 46220

RE: Five PLM Analyses  
Client Project Name: Gohmann Asphalt  
Construction  
Client Project Number: 21-07-94-00828  
Laboratory Batch Number: A-941823

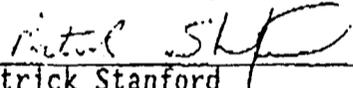
Dear Mr. Gilliam:

Enclosed are the results from the bulk asbestos analyses for the five samples submitted to the ATEC Asbestos Laboratory on October 20, 1994. Percentages were determined by visually estimating the area percentage for each type of fibrous material. Samples that are estimated to contain less than ten percent asbestos fibers may require quantification by point counting. These samples can be resubmitted at your discretion.

ATEC will hold your samples for thirty days after the completion of the analysis. At the end of the thirty day period, it will be our policy to dispose of the samples unless prior arrangements are made.

It has been a pleasure serving you and if there are any questions, please contact me at (317) 849-4990.

Respectfully submitted,  
ATEC Associates, Inc.

  
Patrick Stanford  
Asbestos Laboratory Supervisor

PS/feb



**NVLAQ Accredited**

- Solid & Hazardous Waste Site Assessments
- Remedial Design & Construction
- Underground Tank Management
- Asbestos Surveys & Analysis
- Hydrogeologic Investigations & Monitoring
- Analytical Testing / Chemistry
- Industrial Hygiene / Hazard Communication
- Environmental Audits & Permitting
- Exploratory Drilling & Monitoring Wells
- Wastewater Treatment Systems

**Indianapolis Chemistry Division  
Intercompany Invoice**

Date: October 26, 1994

Client: ATEC Environmental Consultants  
Client Address: 5150 E. 65th Street  
Indianapolis, IN 46220

Client Project Number: 21-07-94-00828 Laboratory Invoice No.: A-941823

Client Project Manager: Kurt Gilliam

**Services Performed**

<u>Item No.</u>	<u>Quantity</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
10994	5	PLM Analysis	15.00	75.00
<i>Bill client at 20<sup>th</sup> each</i>				
Invoice Total				75.00

**Approved For Payment**

Project Mgr Approval: *[Signature]*

Date Approved: 10/27/94

ACCT. No.	Amount	By
- -3250		
- -3250		
- -3250		
Job No.	Posting Month	

DATE: October 26, 1994  
 CLIENT: ATEC Environmental Consultants  
 5150 E. 65th Street  
 Indianapolis, IN 46220

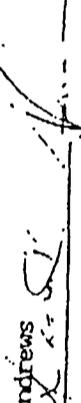
PROJECT IDENTIFICATION:  
 Gehmann Asphalt Construction  
 21-07-94-00828  
 DATE SAMPLE RECEIVED: October 20, 1994  
 ATEC LAB BATCH NUMBER: A-941823

SAMPLE I.D.	SAMPLE COLOR/DESCRIPTION	ASBESTOS CONTENT PERCENT				OTHER FIBROUS MATERIAL PERCENT				NON-FIBROUS MATERIAL
		CHRY	AMOS	CROCID	OTHER	GLASS	MM	CELL	OTHER	
034641	Black Sealant Tar	2-3	ND	ND	ND	ND	ND	20-30	ND	Bitumen
034642	Black Sealant Tar	30-40	ND	ND	ND	ND	ND	ND	ND	Bitumen
034643	Tan Concrete	ND	ND	ND	ND	ND	ND	<1	ND	Aggregate Binder
034644	Tan Plaster	ND	ND	ND	ND	ND	ND	<1	ND	Aggregate Binder
034645	Tan Concrete	ND	ND	ND	ND	ND	ND	<1	ND	Aggregate Binder

Comments:

Analytical Methods: Friable Material - EPA 600/M4-82-020, December 1982  
 Non-Friable Material - ATEC Standard Operating Procedures  
 Analytical Instrument: Olympus Polarizing Microscope BHTP-2  
 NVLAP accredited Bulk Asbestos Quality Assurance Program  
 Percentages given by visual estimate  
 Test report relates only to items tested  
 Report cannot be used to claim product endorsement by NVLAP

Samples that are inhomogeneous and consist of two or more building materials will be treated as separate samples. When applicable, separate components will be combined in proportion to their abundances and a single analysis will be provided. When materials cannot be separated without compromising the material, it will be treated as one sample.

Analyst: Dana V. Andrews  
 Signature 

AMOS  
 GLASS  
 CROCID  
 MM  
 CELL  
 ND  
 NOF  
 IS  
 HH

AMOSITE  
 FIBERGLASS, MINERAL WOOL  
 CROCIDOLITE  
 MAN-MADE  
 CELLULOSE  
 NONE DETECTED  
 NO OTHER FIBERS  
 INSUFFICIENT SAMPLE  
 HORSEHAIR

Respectfully submitted,  
 ATEC Associates, Inc.  
 Environmental/Analytical Testing Division

A941873 (10/2002)

21-01-94 CAS 251 Ver. 6.00 Forms

PROJECT NAME: Gohman Asphalt & Concr. BUILDING: Franklin St. Bridge  
 SITE ID/NAME: ADDRESS: ATEC INSPECTORS: DENNY ARTOOS  
C. Poesner

DATE: 10-19-94  
 PROJECT NO: 442  
 SQ FOOT: \_\_\_\_\_

PHONE #: (912) 483-5306

\*\*\*\*\* LAB USE ONLY \*\*\*\*\*

Sample Number	Material Type Abbrev.	HA #	Func. Space	Sample Location	Average Material Condition (Circle one)	Total Amt. of Material	Prior 1 Amt.	Prior 2 Amt.	Prior 3 Amt.	Type of Asbestos	X	Other Material		
ATEC INDIANAPOLIS, IN 034641	Sealant Tar Type	- 1		Topside bridge @ northwest corner	No damage Damage Significant damage					Asbestos		2-3%		
REMARKS: Sealant between topside end supports + side rails														
ATEC INDIANAPOLIS, IN 034642	Sealant Tar Type	53		Topside bridge @ northeast corner	No damage Damage Significant damage					Asbestos		2-3%		
REMARKS: Sealant between topside end supports + side rails														
ATEC INDIANAPOLIS, IN 034643	Concrete			Bottom side of bridge - from support system	No damage Damage Significant damage					Asbestos				
REMARKS: Center of bridge														
ATEC INDIANAPOLIS, IN 034644	Concrete			Bottom side of bridge - from bridge bed	No damage Damage Significant damage					Asbestos				
REMARKS: North-East end of bridge														
ATEC INDIANAPOLIS, IN 034645	Concrete			Topside bridge @ end support	No damage Damage Significant damage					Asbestos				
REMARKS: North-East end of bridge														
Retinquished by (Signature)					Retinquished by (Signature)					Date / Time			Received for Laboratory by: (Signature)	
<u>Danny Artoos</u>					<u>Danny Artoos</u>					<u>10/19/94</u>				









ATTN: PAULA NANCE

## FAX LEGAL AD TRANSMISSION

FROM: Joanne Matthews, c/o County Commissioners, Room 208, Civic Center  
Evansville IN 47708

NO. OF PAGES INCLUDING COVER: 2

THE EVANSVILLE COURIER & THE EVANSVILLE PRESS ON  
MONDAY - NOVEMBER 14, 1994

LEGAL AD  
RUN SCHEDULE: \_\_\_\_\_

EXTRA PROOFS OF  
PUBLICATION NEEDED  
AND TO WHOM: \_\_\_\_\_

SPECIAL REQUESTS FOR SETTING STYLE: Per attached

COPY OF LAST TIME LEGAL RAN ATTACHED: \_\_\_\_\_

VANDERBURGH COUNTY AUDITOR.....FAX NO. 426-5344

T H A N K S!

NOTICE OF CHANGE IN  
MEETING TIME  
BOARD OF COMMISSIONERS  
NOVEMBER 21, 1994  
6:30 P.M.

NOTICE IS HEREBY GIVEN that the Board of Commissioners of Vanderburgh County, Indiana will hold their regular weekly meeting at 6:30 p.m. on Monday, November 21, 1994, rather than at 5:30 p.m.

REZONING HEARINGS are still scheduled at 7:00 p.m. on this date.

BOARD OF COMMISSIONERS OF  
VANDERBURGH COUNTY, INDIANA

Patrick Tuley, President  
Richard J. Borries, Vice President  
Don L. Hunter, Member

Sam Humphrey  
County Auditor

Alan M. Kissinger  
County Attorney

ATTN: PAULA NANCE

FAX LEGAL AD TRANSMISSION

FROM: Joanne Matthews, c/o County Commissioners, Room 208, Civic Center  
Evansville IN 47708

NO. OF PAGES INCLUDING COVER: 2

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MONDAY - NOVEMBER 14, 1994

LEGAL AD  
RUN SCHEDULE:

EXTRA PROOFS OF  
PUBLICATION NEEDED  
AND TO WHOM:

SPECIAL REQUESTS FOR SETTING STYLE: Per attached

COPY OF LAST TIME LEGAL RAM ATTACHED:

VANDERBURGH COUNTY AUDITOR.....FAX NO. 426-5344

T H A N K S!

NOTICE OF CANCELLATION OF  
EXECUTIVE SESSION  
BOARD OF COMMISSIONERS  
November 21, 1994

NOTICE IS HEREBY GIVEN that the Board of Commissioners  
has canceled an Executive Session scheduled at 4:00 p.m.  
on Monday, November 21, 1994 for purposes of discussing  
Pending and Possible Litigation and Personnel Matters.

BOARD OF COMMISSIONERS OF  
VANDERBURGH COUNTY, INDIANA

Patrick Tuley, President  
Richard J. Borries, Vice President  
Don L. Hunter, Member

Sam Humphrey  
County Auditor

Alan M. Kissinger  
County Attorney

Urgent

ATTN: PAULA NANCE

**FAX LEGAL AD TRANSMISSION**

**FROM:** Joanne A. Matthews, c/o County Auditor, Room 208, Civic Center,  
Evansville, IN 47

**NO. OF PAGES INCLUDING COVER:** 2

**LEGAL AD RUN SCHEDULE:** THE EVANSVILLE COURIER & THE EVANSVILLE PRESS  
ON THURSDAY, NOVEMBER 10, 1994

**EXTRA PROOFS OF PUBLICATION NEEDED AND TO WHOM:** -

**SPECIAL REQUESTS FOR SETTING STYLE:** -

**COPY OF LAST TIME LEGAL RAM ATTACHED:** -

**VANDERBURGH COUNTY AUDITOR.....FAX NO. 426-5344**

PAULA,

The only correction, as indicated via telecon,  
is the TIME! Everything else is status quo.

Many thanks!

Joanne

CORRECTED COPY

NOTICE OF MEETING  
BOARD OF FINANCE OF  
VANDERBURGH COUNTY, INDIANA

NOTICE IS HEREBY GIVEN that the Vanderburgh County Board of Finance will meet at 6:30 p.m. on Monday, November 21, 1994 in the Commissioners Hearing Room (Room 307) Civic Center Complex, Evansville, Indiana to consider written proposals submitted by eligible financial institutions by 4:30 p.m. on November 14, 1994 on forms prescribed by I.C. 5-13-8-6 to become a depository of Vanderburgh County, Indiana, and to receive public funds under I.C. 5-13-8-1.

BOARD OF FINANCE  
VANDERBURGH COUNTY, INDIANA

Joanne A. Matthews  
Secretary

APPROVED:

Alan M. Kissinger  
County Attorney

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

COPY

DATE OF REQUEST: 10-24-94 DEPARTMENT: ELECTION

EMPLOYEE(S): THOMAS MONTGOMERY  
ELECTION BOARD ATTORNEY

DATE(S) OF TRAVEL: 12-13, 14, 15, 1994

DESTINATION: INDIANAPOLIS IN

PURPOSE: ELECTION SEMINAR.

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

LODGING REQUIRED: 12-13, + 14

MEANS  
OF  
TRAVEL

COUNTY VEHICLE NUMBER: \_\_\_\_\_

OTHER:

REIMBURSEMENT CLAIMED

Mileage

Parking

Per diem

Registration

Air fare

Other

APPROVED: Albina Matlock  
Department Head

APPROVED: Betty Knight Smith  
Office Holder

Sec. Election Board

APPROVED BY:  
VANDERBURGH COUNTY COMMISSIONERS this 7<sup>th</sup> day of November, 1994

Richard J. Borries

RICHARD J. BORRIES,

Patrick Tuley

PATRICK TULEY,

DON L. HUNTER,

VANDERBURGH COUNTY ELECTION BOARD

214 CIVIC CENTER COMPLEX  
1 NW MARTIN LUTHER KING, JR. BLVD.  
EVANSVILLE, IN 47708-1832

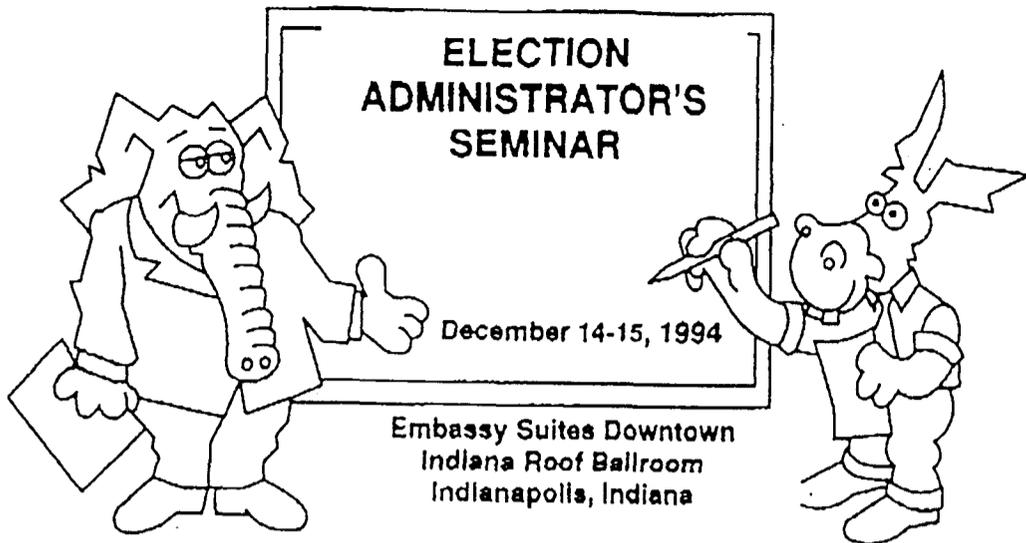


OCTOBER 25, 1994

AN ELECTION BOARD MEETING WAS HELD ON OCTOBER 24, 1994. THE MEMBERS VOTED THAT THOMAS MONTGOMERY, ELECTION BOARD ATTORNEY, SHOULD GO TO THE ELECTION SEMINAR, IN INDIANAPOLIS ON DECEMBER 13, 14, AND 15, 1994.

NEW ELECTION LAWS COME INTO EFFECT IN JANUARY, AND THE BOARD FELT THAT THE BOARD NEEDED REPRESENTATION.

*Betty Knight Smith - Sec.  
Vand Co. Election Board.*



**REGISTRATION FEE AND REFUND POLICY**  
The cost per registrant is \$50, if received by November 20th, 1994. After that date, the cost is \$60. Reservations cancelled by November 20th, 1993 will have the registration fee fully refunded. After that date, only 50% of the fee will be refunded. Use the attached registration form.

**APPROXIMATE PROGRAM TIMES:**

Tuesday, December 13, 1994 4:00 pm - 9:00 pm ..... Registration in hotel lobby  
Wednesday, December 14, 1994 8:00 am - 9:00 am ..... Registration in ballroom  
Wednesday, December 14, 1994 9:00 am - 5:00 pm ..... Seminar (reception in evening)  
Thursday, December 15, 1994 9:00 am - 4:30 pm ..... Seminar (includes luncheon & awards ceremony)

**TOPICS** include Implementation of the National Voter Registration Act and the 1995 municipal elections.

**ROOM RESERVATIONS:**

Hotel rooms may be reserved by mailing a reservation card (available from the State Election Board) to the Embassy Suites Hotel. Room rates start at \$72 for single occupancy and increase \$15 per person occupying the room.

**SEMINAR REGISTRATION FORM**

Mail this form to the State Election Board, 302 W. Washington Street, Room E032, Indianapolis IN 46204-2738

Please type or print the names and titles of registrants. List additional people on a separate sheet. **Please note the refund and cancellation policy.**

COUNTY: VANDERBURGH

Name: Thomas Mont Gomerly Title: Election Board Attorney

Address: 2811 1st Ave

City: EVANSVILLE IN Zip: 47710 Phone: (812) 424-8248

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_



# STATE OF INDIANA

EVAN BAYH, GOVERNOR

## STATE ELECTION BOARD

Indiana Government Center South, E032  
302 W. Washington Street  
Indianapolis, IN 46204-2738  
Phone: (317) 232-3839  
Fax: (317) 233-6793

September 29, 1994

John Hill, Member  
Vanderburgh County Board of Registration  
County Building  
Evansville, IN 47732

Re: *State Election Board Seminar*

Dear Mr. Hill:

The Election Administrator's Seminar, sponsored by the State Election Board is mandatory for Circuit Court Clerks as per IC 3-6-4-15 and is strongly recommended for members of boards of registration and county election boards. This is especially so in the case of the Vanderburgh County Board of Registration, since it performs many of the Clerk's election functions.

As you know, the annual seminar is usually held in January of each year and attended by between 300 and 400 Hoosier election officials. Due to the January 1, 1995 implementation date of the National Voter Registration Act (NVRA), we thought it important to hold the "1995" seminar in December of this year. I know that that creates a potential budget problem for counties, but due to the extraordinary changes that are about to occur in elections and registration, we felt the advantages of a December 1994 (instead of a January 1995) conference outweighed the disadvantages.

With your office's responsibilities for voter registration and the great impact that NVRA will have on your operations, I would suggest in the strongest possible terms that your office be well represented.

Sincerely,

A handwritten signature in black ink, appearing to read "DM", written over a horizontal line.

David H. Maidenber

TRAVEL REQUEST FORM FOR

COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 10/28/94 DEPARTMENT: Health

EMPLOYEE(S): Wallace Cobbitt  
Sarah Stanton

DATE(S) OF TRAVEL: 11-8 then 11-9-94

DESTINATION: Indpls, IN

PURPOSE: Attend a work shop

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

LODGING REQUIRED: yes

MEANS OF TRAVEL  
COUNTY VEHICLE NUMBER: \_\_\_\_\_  
OTHER:

REIMBURSEMENT CLAIMED  
 Mileage  Parking  
 Per Diem  Registration  
 Air Fare  Other

Part out of HIV Grant

APPROVED: [Signature]  
Department Head

APPROVED: \_\_\_\_\_  
Office Holder

APPROVED BY:  
VANDERBURGH COUNTY COMMISSIONERS this 4th day of November, 1993.

[Signature]  
Richard J. Borries, President

[Signature]  
Patrick Tuley, Vice President

[Signature]  
Don Hunter, Member

## The Training

# Building Skills in HIV Education

Today, more than ever, there is a crucial need for effective HIV/AIDS information and education.

This one-day interactive workshop is geared specifically towards HIV educators. Participants will acquire skills to enhance their teaching techniques.

The following topics will be covered:

- \* Effective HIV education techniques
- \* Age appropriate information
- \* HIV facts/myths
- \* Personal biases and values
- \* Awareness of cultural differences
- \* How to answer difficult questions
- \* Client risk assessment
- \* HIV curriculum development
- \* Training techniques for African-Americans

**When:** November 9, 1994

**Time:** 9:00a.m. - 4:00p.m.

**Where:** Lunch—on your own  
Planned Parenthood  
Conference Room

3219 N. Meridian Street  
Indianapolis, Indiana

**Cost:** \$35 per person

*Scholarships are available*

## The Trainer

# Karla Taylor-Temple, M.Ed.



Karla Taylor-Temple, Program Coordinator for Planned Parenthood of Central Indiana's *Now For The Future* Program, will lead this timely training opportunity. Prior to her work with Planned Parenthood, she served as Outreach Coordinator and HIV Education Consultant for the Indiana Department of Education.

Karla has extensive teaching experience working with youth and adults in the areas of HIV/AIDS, conflict resolution, and sexuality education. She also works as an independent consultant.

Ms. Taylor-Temple received her Bachelor's and Master's Degrees in Counseling Psychology from Howard University. Her Ph.D. in Counseling Psychology is pending.

## Registration

# Building Skills in HIV Education November 9, 1994

Please print or type. Complete one form for each person registering. This form may be duplicated.

NAME \_\_\_\_\_  
TITLE/POSITION \_\_\_\_\_  
AGENCY \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_  
STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
PHONE \_\_\_\_\_  
FAX \_\_\_\_\_

### Method of Payment: (please check one)

\_\_\_ Check enclosed (Payable to Planned Parenthood)

\_\_\_ Charge to: MC VISA (circle one)

Card # \_\_\_\_\_

Expires \_\_\_\_\_

Signature \_\_\_\_\_

Please detach this section and mail with payment by November 4, 1994 to:

Planned Parenthood of Central Indiana  
Dept. of Education and Training  
3209 N. Meridian Street  
Indianapolis, IN 46208  
ATTN: Maria

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: OCTOBER 26, 1994 DEPARTMENT: HEALTH DEPARTMENT

EMPLOYEE(S): SHARON KING

SUSAN TEER

DATE(S) OF TRAVEL: MONDAY, NOVEMBER 21, 1994

DESTINATION: BEDFORD, IN

PURPOSE: VITAL RECORDS WORKSHOP GIVEN BY INDIANA STATE BOARD OF HEALTH

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

LODGING REQUIRED: NONE

MEANS OF TRAVEL COUNTY VEHICLE NUMBER: 873

OTHER: \_\_\_\_\_

REIMBURSEMENT CLAIMED	<u>          </u> Mileage	<u>  X  </u> Parking
	<u>          </u> Per diem	<u>          </u> Registration
	<u>          </u> Air fare	<u>          </u> Other

APPROVED: *Sam Eldley*  
Department Head

APPROVED: \_\_\_\_\_  
Office Holder

APPROVED BY: VANDERBURGH COUNTY COMMISSIONERS this 24<sup>th</sup> day of November, 1994

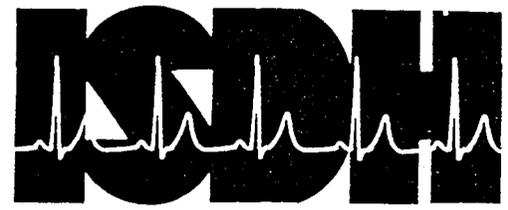
*Patrick Tuley*  
PATRICK TULEY, PRESIDENT

*Richard J. Borries*  
RICHARD J. BORRIES, VICE PRESIDENT

\_\_\_\_\_  
DON L. HUNTER, 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  
317/633-0100 Fax: 317/633-0776  
OCTOBER 14, 1994



Indiana State Department of Health

An Equal Opportunity Employer

1994 VITAL RECORDS WORKSHOP  
MEETING ANNOUNCEMENT

THE 1994 VITAL RECORDS WORKSHOPS WILL BE HELD AT FOUR LOCATIONS AROUND THE STATE. THERE IS NO REGISTRATION FEE. THE MORNING SESSION WILL BE FOR HOSPITAL AND HEALTH DEPARTMENT PERSONNEL. THE AFTERNOON SESSION WILL BE GEARED TOWARD LOCAL HEALTH DEPARTMENT ISSUES. THE LOCATIONS AND DATES OF THE WORKSHOPS ARE AS FOLLOWS:

WORKSHOP #1

NOVEMBER 2, 1994  
LUTHERAN HOSPITAL  
7950 WEST JEFFERSON BLVD.  
FORT WAYNE, INDIANA  
10:00 A.M. - 12:00 NOON  
1:00 P.M. - 3:00 P.M.

WORKSHOP #2

NOVEMBER 14, 1994  
PORTER MEMORIAL HOSPITAL  
814 LAFAYETTE AVENUE  
VALPARAISO, INDIANA  
10:00 A.M. - 12:00 NOON  
~~1:00 P.M.~~ 3:00 P.M.

WORKSHOP #3

NOVEMBER 16, 1994  
INDIANA GOVERNMENT CTR SOUTH  
402 WEST WASHINGTON STREET  
INDIANAPOLIS, INDIANA  
10:00 A.M. - 12:00 NOON  
1:00 P.M. - 3:00 P.M.

WORKSHOP #4

NOVEMBER 21, 1994  
STONEHENGE LODGE  
STATE ROAD 37  
BEDFORD, INDIANA  
10:00 A.M. - 12:00 NOON  
1:00 P.M. - 3:00 P.M.

All meetings will observe local time. For more information, please call Mary Hinds at 317/383-6253 or Mildred Lewis at 317/383-6284.



November 2, 1994

*New business*

Re: Coordinated Resource Management Workshop  
Evansville, Indiana  
November 14-16, 1994

Dear Workshop Participant:

This will confirm your reservation for the Coordinated Resource Management Workshop scheduled for November 14, 15, and 16, 1994. Enclosed is an agenda, and a copy of the workshop announcement with directions to the Evansville Ramada Inn.

Please note that the workshop begins at 12:00 pm Central Standard Time on Monday, November 14. Registration will begin at 11:00 am. The workshop will adjourn at 5:00 pm on Wednesday, November 16.

If you need overnight accommodations and have not already made arrangements, information is provided in the announcement. Please make your reservations directly with the hotel.

If you need additional information, please call Darrell Rice at 812/867-0729.

Sincerely,

Don Hunter, Chairman  
Vanderburgh County Soil and Water  
Conservation District



## COORDINATED RESOURCE MANAGEMENT WORKSHOP

November 14-16, 1994  
Evansville, Indiana

### SPONSOR

The workshop is co-sponsored by the U.S. Department of Agriculture Soil Conservation Service, the Indiana Department of Environmental Management (IDEM) Nonpoint Source Program, and the Indiana Department of Natural Resources-Division of Soil Conservation. The workshop is funded by a grant through the IDEM Section 319 Program from the U.S. Environmental Protection Agency.

### PURPOSE

A three day workshop is being conducted on a process to achieve coordinated resource plans. The workshop will focus on educating local land users, managers, and other concerned parties on how to use Coordinated Resource Management for cooperative development of management plans that reflect the best use of the many resources within a watershed.

### WHAT IS Coordinated Resource Management (CRM)?

CRM is a collaborative planning process. The CRM process began developing in 1948 and has evolved continuously since that time. CRM has been used predominately in the Western United States by the Society for Range Management as a method of conflict resolution for controversies that arose over the use of public lands and resources. The Society for Range Management has been involved in various aspects of CRM since its inception. The process provides a proven approach to development of resource management plans that will enhance the capabilities of the soil, water, plant, animal, and air resources within a geographic area or watershed.

### OBJECTIVES

- \* Provide local resource managers and citizen leaders with direct knowledge of Coordinated Resource Management.
- \* Provide participants with information on how to make Coordinated Resource Management work on the total spectrum of natural resource management issues.
- \* Provide practical, hands-on experiences in the effective use of Coordinated Resource Management through an on-site field exercise.

### WHO SHOULD ATTEND?

Local citizen group leaders and resource managers who deal with various natural resource issues involving economics, water quality, flooding, erosion control endangered species, wetlands and related issues within the watershed or community.

COORDINATED RESOURCE MANAGEMENT  
WORKSHOP

November 14-16, 1994

Ramada Inn  
4101 Highway 41 North  
Evansville, Indiana

AGENDA

Monday, November 14, 1994

11:00 AM	Registration	
12:00 PM	Welcome/Opening Remarks	Gail Rieken Bob Eddleman
12:15 PM	Participant Introductions	Chris Tippie
12:45 PM	Expectations	Dennis Phillippi
1:15 PM	CRM Background/History	Dennis Phillippi
1:45 PM	Break	
2:00 PM	Coordinated Resource Management Why, Where, When	Dennis Phillippi Chris Tippie
3:00 PM	Organization and Structure	Dennis Phillippi
3:30 PM	Break	
3:45 PM	Organization and Structure Continued	Bruce Milligan
5:00 PM	Adjourn	

**\*\*Central Standard Time\*\***

Tuesday, November 15, 1994

8:00 AM	Team Building	Small Teams
9:45 AM	Break	
10:00 AM	Field Exercise Orientation and Assignments	Darrell Rice
11:00 AM	Lunch	
12:00 PM	Depart for Field* Gather Information for Team	Dress accordingly
5:00 PM	Return to Ramada Inn.	

\*The afternoon is dedicated to a tour of the watershed so that workshop participants have a common understanding of the physical/social characteristics of the watershed. Three to four resource presentations will be made to the participants at various locations in the watershed. Bus transportation will be provided.

Wednesday, November 16, 1994

8:00 AM	How to Use Coordinated Resource Management process - Working with groups	Dennis Phillippi
9:15 AM	Break	
9:30 AM	Teams Formulate Proposals based on process and field information	Small Teams
11:30 AM	Lunch	
12:30 PM	Questions/Discussion Team reports	All
2:30 PM	Break	
2:45 PM	Team report analysis/observations	Phillippi/Milligan/Tippie
3:00 PM	Dispute Resolution/Facilitation Working with groups	Phillippi
4:30 PM	Review workshop expectations	All
5:00 PM	Adjourn	

**TRANSCRIPT  
COUNTY COMMISSIONERS MEETING  
NOVEMBER 14, 1994**

**I N D E X**

<u>Subject</u>	<u>Page No.</u>
Meeting Opened @ 5:30 p.m. ....	1
Introductions & Pledge of Allegiance .....	1
Approval of Minutes (November 7, 1994) .....	1
Surplus Properties/Request from Christ Missionary Baptist Church for properties located at 800 Lincoln Avenue and 773 Lincoln Avenue (A. Kissinger to prepare Quit Claim Deeds) and this matter to be brought back to the Commissioners .....	2
EUTS/Project Update - Pam Schaeffer .....	3
County Attorney/Alan Kissinger .....	9
Termination of Roger Hall/County Highway effective immediately; A. Kissinger to prepare letter to be given to Mr. Hall and a letter to the Union Rep.	
Superintendent of County Buildings/Mark Abell .....	10
Auction of Surplus Vehicles Acceptance of Check from Tele-Media (\$400.79)	
County Highway/Bill Morphew .....	10
Weekly Work Report Paving Program Travel Request Request for Information for State County Commission Mtg. (J. Stoll and B. Morphew to prepare for R. Borries)	
County Engineer/John Stoll .....	11
Windsor Place Sub/Approval of Road Plans Windsor Place Sub/Request for Sidewalk Waiver deferred until J. Stoll checks with School Corp. re bus route. J. Stoll to report back to the Commission on November 28th	
Consent Agenda (Approved) .....	11
Scheduled Meetings .....	11
Commission Meeting ..Meeting on 11/21/94 will be held at 6:30 p.m., as opposed to 5:30 p.m., to allow R. Borries to return from Indianapolis. D. Hunter to be in South Carolina on that date. Meeting Agenda to be held to a minimum. Rezoning scheduled at 7:00 p.m. Special Drainage Meeting on 11/21/94 to consider the Azteca Drainage Plan for approval .....	11
Old Business .....	12
Vanderburgh County Community Corrections (P. Tuley to draft letter to Judges and include opinion letter from A. Kissinger and explain that actual policies and procedures will be outlined by the Community Corrections Advisory Board at a later date.)	
Election Night Equipment Problems	
Meeting Adjourned @ 6:58 p.m. ....	16

**TRANSCRIPT  
COUNTY COMMISSIONERS MEETING  
NOVEMBER 14, 1994**

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, November 24, 1994 in the Commissioners Hearing Room with President Pat Tuley presiding.

**RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE**

President Tuley called the meeting to order, welcomed the attendees, introduced members of the County Staff (Mark Abell, Supt./County Bldgs., County Attorney Alan Kissinger, Commissioner Rick Borries, himself, Commissioner Don Hunter, Chief Deputy Auditor Cindy Mayo and Joanne Matthews, the Official Recording Secretary for the Board). Mr. Tuley then asked the group to stand for the Pledge of Allegiance.

**RE: APPROVAL OF MINUTES**

Turning to the printed agenda, President Tuley noted the first item on the list is approval of the minutes. He believes the Commissioners have all received an advance copy of the minutes for their review and he has the original minutes for signatures.

Commissioner Hunter asked, "For October 31st?"

Commissioner Tuley responded affirmatively. He continued by saying the Commissioners have had time to review the minutes and if there are no changes or corrections, he would entertain a motion for approval.

Motion to approve the minutes of October 31, 1994 was made by Commissioner Hunter and seconded by Commissioner Borries.

Commissioner Borries noted there are also minutes from November 7, 1994.

Commissioner Hunter apologized, saying he overlooked those. He then moved the minutes of November 7, 1994 be approved, as engrossed by the County Auditor, and reading of same be waived. Seconded by Commissioner Borries. So ordered.

President Tuley subsequently asked Secretary Matthews if the Commissioners haven't already approved the minutes of October 31st and Ms. Matthews confirmed those minutes were approved by the Board on November 7th.

**RE: SURPLUS PROPERTIES**

Commissioner Tuley then asked if there are those in the audience who did not get on the agenda. If so, now is the time to come forward and address the Commission -- please come to the microphone and state name and address, since the proceedings are being recorded.

The Reverend Joseph Trask, Pastor of the Christ Missionary Baptist Church approached the podium and stated his group would like to address the Commissioners about the acquisition of a couple parcels of property on Lincoln Avenue.

Mr. Tuley asked if these are properties that the County has already taken title to and have made offerings of to not-for-profit corporations.

Mr. Trask confirmed this is correct.

Mr. Mark Abell interrupted, saying he has spoken to the Reverend Trask concerning 800

Lincoln Avenue, which is surplus property, and it is a commercial building that sits from what we can tell on multiple lots actually.

The Reverend Trask continued, "And we also wanted to address them about 773 Lincoln Avenue. That is a single property."

Mr. Abell interjected, "That is also a surplus property that has been advertised for not-for-profit."

Commissioner Tuley said, "And in the past we have on the last couple of requests just...."

Mr. Abell interrupted, "If they have come forth with the proper paperwork and they are duly qualified as a not-for-profit agency, I think we've pretty much let the Attorney look at the paperwork and then gone with the recommendation."

Mr. Tuley asked "You have been advised of that Reverend Trask?"

The Reverend Trask responded, "Yes. I've spoken with Mr. Abell and showed him some documents that substantiated our not-for-profit status as a Church and we also have with us some additional paperwork at this time, which is the paper we were advised to have -- a Quit Claim Deed? We have that."

President Tuley asked Attorney Kissinger if he has had a chance to review this?

Attorney Kissinger said he telephoned Reverend Trask.

Mr. Abell asked the Reverend Trask to explain the properties and what all he has done to this point.

The Reverend Trask continued, "What we would like to do, at 800 Lincoln and the property across the street at 773 Lincoln, we would like to put a Church at that location. And for a number of reasons we feel that a Church would be beneficial in that location, because it would be a continuing effort in cleaning up the things in that particular corridor; it would be very accessible to residents who are already been with our Church and some others who would probably become members of the Church -- and remove that eyesore, so to speak, and make it into a meaningful property. The reason we ask for the one across the street where the liquor store used to be would be that eventually there is a possibility that we haven't been - but once we get in there we might be able to begin using that property in the very near future, because we are sharing someone else's facilities at this time. And at a later date that could be used for additional parking."

President Tuley asked if there is ample parking between the two lots, or do they have to park on the street?

The Reverend Trask responded, "Once it is cleared -- the multiple lots, etc. -- and that across the street, we should have ample parking. "

Attorney Kissinger said, "Reverend Trask, basically I think that as far as your certification of your not-for-profit status -- I think that is in order. I would like to review these Quit Claim Deeds. I see some potential problems in these deeds as they are. Perhaps I might want to take them and refine them a bit and make sure that these Quit Claim Deeds do, in fact, accomplish what we hope they will accomplish. And then as far as the other matters are concerned, I think everything else is taken care of. So I think that basically it is a Commission decision. But I would like to have the opportunity to advise the Commissioners that we do have good deeds and that they will convey the real estate -- before the Commissioners vote to make a decision as to whether or not the surplus property will, in fact, be deeded over to your organization."

The Reverend Trask stated, "Okay. The information we have on there came off the documents that were in the Township office."

Attorney Kissinger said, "I understand. And without going into detail, I do see one problem here that I know has to be corrected and, not only that, these deeds are supposed to be prepared by an Attorney. So we can get that handled for you, too. We're going to have a situation next week wherein some of the Commissioners will not be available and I may not be available for next week's meeting. So if it is not going to completely blow your schedule, if we can take this up two weeks from tonight, then we'll know that everything is in order."

The Reverend Trask stated, "Actually, it will not blow up our schedule. The only thing we're interested in is getting the property so we can begin to establish a Church home for our new congregation."

Attorney Kissinger said, "Understood. And that will give me the opportunity to fully advise the Commissioners so they can make an advised decision."

President Tuley asked if there is any other group or organization that would like to come forward at this time. There were none.

Commissioner Borries advised that the Commission Meeting Attorney Kissinger is referring to will be held on Monday, November 28th -- two weeks from tonight.

RE: EUTS - PROJECT UPDATE

President Tuley said that Rose Zigenfs, Director of EUTS, was to have been here this evening. However, she had a death in the family and will be returning to Evansville later this evening. In her absence, Pam Schaeffer will be making the presentation on behalf of EUTS.

Ms. Schaeffer stated, "I would like to begin by stating that the Evansville Urban Transportation Study, which is the metropolitan planning organization for the urbanized area, has completed the draft of the proposed 1995 to 2015 Transportation Plan required by the Intermodal Surface Transportation Efficiency Act of 1991 or the IST of 1991. The plan includes future transportation plans for the City of Evansville, Vanderburgh County, Town of Newburgh and Warrick County. The Transportation Plan will be presented at the following public meetings: Later this evening at 7:30 at the City Council Meeting in Room 301 in the Civic Center Complex; November 23rd at 7:00 p.m. at the Newburgh Town Board Meeting, 200 state Street in Newburgh, IN; November 28th at 3:30 p.m. at the Warrick County Commissioners Meeting and oral comments can be registered upon the completion of any of these presentations and written comments will be accepted at the EUTS office. There is a thirty (30) day public comment period in effect until December 4, 1994.

The year 1995 to 2015 recommendation transportation plan provides the framework for the organized development of transportation system that allows for the efficient movement of people and goods. Without such a plan, development of the system would occur in a haphazard and potentially counterproductive manner thereby inhibiting economic and residential development. The EUTS year 2015 transportation plan presents a strategy for local action to meet the identified future transportation plans of the EUTS study area. The plan is developed as a tool for elected officials in making local transportation decisions. Endorsement and adoption of the transportation plan by the general public, civic, community and neighborhood groups, local public agencies, the MPO, the Indiana Department of Transportation and the Federal Highway Administration enhance the acceptability and viability of the transportation plan and establishes a program for implementation. The Intermodal Surface Transportation Efficiency Act or IST signed into law December 18, 1991 provides \$155 billion for fiscal years 1992 thru 1997 and represents major changes in the surface transportation industry. The United States Environmental Protection Agency has established national ambient air quality standards for five criteria pollutants. Vanderburgh County was designated as non-attainment for ozone pollution in 1990 after ambient monitoring data failed to meet the national standards for ozone. The transportation projects presented in the plan include design concept and scope descriptions for all transportation facilities in sufficient detail to permit the conformity determinations for the national ambient air quality standards. The transportation planning must have a regional approach as travel demands or generated without regard to arbitrary boundaries or jurisdictional

limits. No longer can travel patterns be described as flowing from the suburbs to the downtown business district in the morning and back to the suburbs in the afternoon. To be truly comprehensive, transportation planning must have a multi-model approach. Planners should provide and accommodate for rail, highway, motor carrier, water borne freight, air travel, public transit, bicycles, pedestrian and the interfacing of these various modes. Environmental issues are also considered during the planning process, as well as land use planning must be integrated. One of the key elements in the transportation planning process is citizen participation. An effective plan must have the support of the citizens for which it was written. To insure that the transportation reflects the values and needs of the community, a collection of goals and objectives are required to direct the planning process. The transportation planning process involves a series of steps that help to guide and enable planners to apply available data and technical resources and to eventually identify the set of transportation improvements that will result in a future system that functions as efficiently as possible. Several social, economic variables influence the amount of travel within the EUTS study area. These variables include things such as population, number of households, number of vehicles, journey to work, travel time, the occupations of the people, the location of their employers and their income levels. This data is used as input into a computer model that projects what the travel demand will be on the street network in the year 2015. In order to use this process, the model had to first be calibrated to replicate the existing traffic volumes on the existing street network. This calibration was done by checking the volumes generated by the model for selected lengths against the actual traffic volume counts. After the calibration of the model was complete and the projections of the year 2015 social/economic data were finished, it was then possible to develop and test alternative year 2015 highway networks by assigning the 2015 traffic volumes to the do nothing network or alternative 0 which consists of all the existing roads plus all the road projects that are currently committed. Then the deficient corridors or areas can be identified by comparing the assigned traffic volumes to the road capacity.

Ms. Schaeffer continued by using overhead visuals, saying this information is also included in the packets. (Attachments are included as an addendum to the transcript.)

Ms. Schaeffer said the EUTS staff met with directors of several local government agencies, along with local consultants in order to develop alternative networks that could be tested by the model. This initially led to the development of three alternative networks. The first alternative consists of the projects that were recommended in the year 2000 plan that was adopted in 1979 and that are not committed presently. The Alternative 2 concept was to provide three major improvements to Lloyd Expressway and U. S. Highway 41, along with some other local projects. Alternative 3, like Alternative 2, proposes major projects on the Lloyd Expressway and U. S. Highway 41, as well as some other local projects. Developing a transportation plan involves developing a bi-level evaluation of the alternatives. The first level of the process compares the alternatives on the highway networks on a system level. The second evaluates the individual projects that comprise each of the alternatives. The system level evaluation uses vehicle miles of travel or VMT, vehicle hours of travel or VHT, benefit cost ratio and air quality analysis to evaluate the performance of those alternative networks.

Ms. Schaeffer said the year 2015 recommendations are designed to provide a highway network that would help to alleviate the existing and future capacity deficiencies.

These recommendations cover projects in addition to the existing and committed network that should be constructed during the next 20 years.

The next visual showed the listing of the year 2015 recommended projects.

It also shows an estimated cost for these projects. It is important for us to estimate the cost of the projects, because it is also a requirement of the long range plan that we fiscally constrained. Therefore, we can't just put in any project we'd like; we need to meet a certain budget as far as funding availability goes. Ms. Schaeffer then continued by going through a list of the projects (included in addendum information).

Ms. Schaeffer said they are recommending that U. S. Highway 41 be upgraded to six lanes for the segment between I-164 and Virginia Street and also the segment from Diamond Avenue to Mt. Pleasant Rd. They are also showing there will be a need for an additional bridge or an upgrading of the existing bridge over the Ohio River for U. S. Highway 41. The final project

would be for Weinbach Avenue, to upgrade it to four lanes from Covert Avenue to Diamond Avenue.

At the conclusion of Ms. Schaeffer's presentation, she entertained questions, noting they are also encouraging any comments or any recommended projects that are **not** on the list for EUTS to evaluate prior to their putting out a final draft document.

Commissioner Tuley said, "This same presentation was made last Thursday night before the EUTS Policy Board. There were people in the audience from the Indiana Department of Transportation, namely Greg Curtis, who was critical of some of the numbers and projections. I realize Rose had to leave town Friday -- but has there been an attempt made to confer with INDOT as to why there is such a discrepancy between the figures we are projecting and why they are saying they are so outdated? Since there has to be correlation and a working relationship between the local MPOs and the State and the local officials to get these projects moved up on the list of priority as far as State funding and what have you, I'm a little concerned that there was indication -- that she (being Rose Zigenfus, EUTS Director) didn't fully understand or something. I don't want to put words in her mouth -- but, at the same time, the article indicated that she disagreed with his disagreement that the figures are wrong. Is there some way -- why is there a discrepancy? Are we using different models or what? Why is there a discrepancy, do you know?"

Ms. Schaeffer responded, "To my knowledge, the State doesn't have a model -- or I don't know that they are using it and sending us any projections that are different from ours. I think part of the discrepancy was with the most recent INDOT traffic counts that were taken and Rose has been in contact with INDOT as far as those traffic counts. You know, we are constantly in contact with IDOT as far as existing projects and projects that they are currently working on for construction -- taking traffic counts for them and conferring with them, as well -- although our model is very conservative. When we plug in area to be developed for commercial development, our model can't distinguish between a mall and an office complex unless we specifically go in and say there is going to be a mall put in this area. We just have to say that it is going to be commercially developed. But I do know that Rose has been in contact with INDOT and will be and we will try to iron out these differences."

Mr. Tuley said, "Well, it concerns me, because I don't know how else to put this. It almost sounds like Greg Curtis' comments -- that the ink wouldn't even be dry on the program before those figures were outdated, at least with regard to the Expressway on the east side. I'm trying to para phrase his works and I may be overstating what he said. But that was the impression I was left with -- that these would be outdated within a matter of weeks. And I'm a little concerned because we need to figure out why or where they are coming from. If we have to go to them and ask for their help -- because I met with INDOT last week with regard to several things, including that Burkhardt and Lloyd Expressway intersection -- and somehow we've got to get both organizations (local and the State) on the same page, or we're not going to get anywhere too fast. There are too many projects and too many people across the State competing for the same funds. So after his comments I thought there might be a rush to get some kind of clarification as to why his comments were so critical. I realize that was just Thursday night and this is Monday night -- but I would strongly encourage EUTS to find out where he was coming from."

Commissioner Borries said, "I would agree with you. I would think and, Pam, this is no offense to you, because we really have not had the opportunity to talk. But it sees to me that the role of any planning agency has to be one of continuous communication. And, frankly, I'm a little amazed at some of the things that come up on this. How long have you all been working on this particular document?"

Ms. Schaeffer replied, "I'm sorry -- I can't really say."

Mr. Borries continued, "I mean, this is the first time I've ever heard about Darmstadt Road. And I remember real clearly a couple of years ago when these things come out and it's almost like it's a done deal that comes out of this agency and says 'This is what is going to happen' --

and then we catch the flack, as elected officials, from people on Boonville-New Harmony Road and others saying, 'We didn't know they were going to do all this kind of stuff'. Obviously, with \$132,416 775 -- some of this stuff ain't going to happen -- not in the near future. And it seems to me that, you know, when you start talking about some of these things, particularly as they affect our count, that we ought to have either some input or some advance knowledge before somebody walks in here and tells us that Burkhardt Road is going to be on some kind of list. Or, as Commissioner Tuley has just said, if these numbers don't add up to what the State wants on Burkhardt Road, that ain't going to happen out there and it has to happen. So whatever it takes for you guys to generate the numbers that they want, it's got to happen that way. So it's not only constant contact up there, it ought to be the same with us -- because we're the ones also who get the flack so to speak when they say there is a lack of planning; there's a lack of input on all of this. Again, I don't know whether it is even a certainty on Burkhardt Road, where it says the widening of Burkhardt Road will require locating a large ditch east of Burkhardt Road. We haven't decided that yet. There's some talk we could make the ditch a median. That hasn't been decided. And I think there are other areas here that it sure seems to me -- I don't know what this is. Do you have any idea what this thing is here at Green River Road that says a proposed project at this point?"

Ms. Schaeffer replied, "Yes. As I said, one of the projects that we feel is necessary would be another bridge over the Ohio River to Kentucky -- and that is an option that we put on there for people to review, as opposed to upgrading the existing bridges."

Commissioner Hunter said, "Yeah. But let me ask a question on that -- because if we're talking about spending \$38 million, has this been taken into consideration in coordinating I-69 with that bridge? Because it doesn't indicate that on here anywhere. Or, maybe it does and I missed it."

Ms. Schaeffer commented, "On that particular project it does talk about coordinating this bridge with the possibility of the I-69 project."

Mr. Hunter said, "Well, there's been a lot of discussion on that as to a new bridge somewhere west of Evansville, maybe even in Mt. Vernon or something. I just don't know -- but I've heard so many different stories that I would surely hope that would be a major consideration."

Commissioner Tuley said, "Pam, one other question. And I don't how you want to address this. But you read and I think it is part of the IST requirements -- I know I read it in a letter from the attorney on another project -- with regard to citizen participation. Is that what you are asking for now? Do we have input prior to this available to us in developing this and presenting this as a proposal?"

Ms. Schaeffer responded, "This is just the draft -- and this presentation is being provided so we can get the input back before we come up with the final. These projects are just a list of projects that from looking at our transportation model and the volume capacity and the projected volumes, that we feel are options. If there are other alternatives that you wish us to look into, if there are alternatives on this list which you would wish to have us delete, then that is what I am here to get now -- those recommendations."

Mr. Tuley said, "Okay. Part of my point was that there is nothing here set -- this is strictly a draft proposal. Now is the time for the citizens? So many times when the citizens hear or read of this, it is a done deal in their minds - it has already been established. But now is the time."

Commissioner Borries said, "I notice you don't have anything on here about any projections -- maybe you have it in another part of it -- but what your projects, or example, would be on Morgan Avenue -- S. R. 62 -- U. S. 41 to Green River Road, continuous turn lane. What are your projections for Morgan Avenue? Do you project they go up or if there is a Lynch Road that is completed and we're finally getting to a point where we're able to do something on Lynch Road, are you projecting a decrease in traffic on Morgan Avenue?"

Ms. Schaeffer replied, "From the handout for the handout on the year 2015 on existing and committed network alternative 0, it shows on Morgan Avenue that we are projecting in 2015 a

volume between 30,000 and 40,000 vehicles a day."

Mr. Borries asked, "What do you project on Lynch Road?"

Ms. Schaeffer replied, "On Lynch Road it is the same. It varies from between 30,000, 40,000 and 20,000 and 30,000, depending on the segment. So without the Lynch Road project the majority of that traffic would have been down on Morgan Avenue."

Mr. Borries said, "Oh, there's no question. But that's my point. I don't know what kind of assumptions they are making on several of these. Well, I guess my point is that I do want to review these. I think that Commissioner Tuley's comments here addressed a bunch of my concerns. You know, to put this in a rather succinct fashion, your group needs to stay in touch. You're going to have to generate some numbers here that are going to help us make a convincing argument -- particularly Burkhardt Road. I mean, I even have some [problems where you have on Burkhardt -- you have Burkhardt Road widened to two 12 ft. lanes from Morgan Avenue to Lynch Road. I mean, I would see that as extremely short sighted if we're going to try to get some kind of commitment to expend some kind of money to four lane Burkhardt Rd. north to Morgan Avenue and then suddenly put it two lanes right as it goes into an intersection no more than half a mile away from a major road. This thing is going to carry a major amount of traffic. That Lynch Road will far surpass, in my opinion, what Morgan Avenue is going to take. And to say that you are going to put two lanes here and literally clog up everything as we get to Morgan Avenue is extremely short sighted, in my opinion. If we're going to make the commitment to do four lanes all the way to Morgan Avenue, then we ought to do four lanes all the way to Lynch Road. And, I mean, that is short sighted -- because we get criticized when we do what we were able to do on Burkhardt Road before 1983, and then we have to come back and look at the growth again. So I think we truly have to be farsighted on some of these things. And, again, we need your help and continuous communication on this because, as Commissioner Tuley pointed out, this Burkhardt Rd. -- I think we have the State's ear on this wouldn't you say? But it isn't going to happen unless the numbers justify now a road there. Because they have 300 or more projects up there --

Commissioner Tuley interjected, "I don't want to put words in Commissioner P'Poole's conversation with me, but without proper planning there is no justification when you're competing against 300 other projects for the State to come down here and say, 'Okay, we're going to address your problem there at the intersection of Burkhardt Road and Lloyd Expressway -- when everything around it isn't going to work, isn't projected out far enough. Because if they're going to take 'X' amount of dollars from somebody else's project and give it to Vanderburgh County, they've got to be able to sit down and show them exactly what we've got planned out and that it is going to work and justify to the other people. And that is the concern he had. And that is a prime example of probably what he is talking about. That 4-lane across here that is going to carry a lot of traffic, four lanes north and south - but then there is a mile section there that is squeezed into two lanes. I mean, I'm not a traffic planner and I'm not an engineer; but that doesn't make sense to me."

Commissioner Borries continued, "And some would say that we're too conservative in this community. And, frankly, I don't think we're looking ahead if we already have two cars in the United States right now for every one person, which puts it somewhere over 500 million cars in this country right now. You better not be conservative with your figures. I think it is all well and good and I support other parts of IST; I think we do need more rail; I think we do need lots of other things. But the reality of it is, with 500 million cars in this country, we also can't be conservative with those figures. We have to make a compelling argument here that we get some needs. And those needs are not going to go away."

Commissioner Tuley said, "That's exactly right. So this is not directed at you, personally. Don't misunderstand the comments. I understand you are not the Director -- so this is not directed at you, personally. But these are some of the things that I, personally, and I'm sure Commissioners Borries and Hunter would surely like for you to deliver back to the Director when she comes back into town."

Commissioner Hunter said that in looking at the list again which she had on the overhead, he has about decided the projects are not prioritized. Is the top one part of where the State will participate and the bottom ones County only?

Ms. Schaeffer responded, "Correct. The top segment are State projects in which the State would have to participate. The bottom segment is in alphabetical order, and those are the local projects."

Mr. Tuley said, "But they are not in any priority; they are in straight alphabetical order, regardless of whether they are State or local -- is that correct?"

Ms. Schaeffer replied, "Right. It looks like the State ones are alphabetized in themselves and then the locals are alphabetized."

Commissioner Hunter asked, "Does EUTS have a prioritized list -- particularly for the County only projects?"

Ms. Schaeffer replied, "Not to my knowledge. Again, I believe that is another part of the presentation -- to get your help in making the priority list of these projects."

Commissioner Borries commended Ms. Schaeffer, saying she did a nice job and saying, "Again, we are not trying to kill the messenger here."

Mr. Tuley asked, "Would you welcome comments from the public by writing to your office? Visitation? Or any way they can get to the office?"

Ms. Schaeffer replied, "As far as to the office, we would prefer them to be in writing -- because we would have to way of tracking them. And now, if anybody would wish to make any comments, we would appreciate having their name, as well as their comments, so we can make it as part of the document itself."

President Tuley continued, "Before you leave then, is there anyone here in the audience who wants to talk about the proposed traffic plan that has been presented?"

Ms. Susan Wolf approached the podium, identified herself and stated, "I wanted to comment first that the EUTS Study makes reference to several committed projects -- and in light of that, I would have some questions for the Commissioners, which you don't have to answer -- but just think about -- about the Eickhoff-Koressel Road committed project.

- 1) First of all, who is committed to justifying the road? Since I, in my brief but year long research have not been able to find any statistical justification in either exit. There is a little paragraph in the 1979 Study about the former proposal of the road. And there is no statistical justification in this update for the road.
- 2) Who is committed to the astronomical cost of the road? This cost, which mostly will be borne as it appears now by the taxpayers of Vanderburgh County. One figure I might drop is the \$847,784 for the first design phase, which probably most taxpayers don't know comes out of the Local Road and Street account. My question about that is, where are these funds coming from when I know that you have not been able to re-pave some of the designated roads that you had named this last year?
- 3) Why are we committed to a flawed design that creates a dangerous road? Stop signs at all cross roads -- and this is the design as it stands -- for an interstate like highway -- and you just got rid of a dangerous situation at USI by building an overpass. Are you committed to creating a worse one by dead ending traffic into USI?

These are concerns of me, many people on the west side and around the County. Thank you."

The Commissioners thanked Ms. Wolf for her comments and entertained further questions. There being none, President Tuley again thanked Ms. Schaeffer for her presentation and again urged her not to think that of any of the comments as a personal attack on her. She did a fine job. Commissioner Borries echoed Mr. Tuley's comment, saying Ms. Schaeffer did a fine job.

RE: COUNTY ATTORNEY - ALAN KISSINGER

Termination of Roger Hall/County Highway: Attorney Kissinger said he sees that Lewis Smith (Teamsters Union) is here and he assumes he may want to address the Commissioners. Pursuant to the request of the Commissioners, a hearing was held today at the Vanderburgh County Garage in reference to the employment status of a County Garage employee by the name of Roger Hall. "After that hearing was conducted, I made the preliminary determination that the Superintendent of the County Highway Garage was totally justified Number One in giving the three day suspension for the first offense; and also that he was justified in bringing the second offense to the attention of the Commissioners and asking for the Commissioners to make final disposition on this case. I found that all of the allegations stated in the County Garage Superintendent's report appeared to be accurate. All parties -- Mr. Hall, Mr. Bill Morphew, and Union Representative Lewis Smith -- were allowed to ask questions and state their opinions. It is my position at this point that the Commissioners have the option in this case in:

- 1) Taking no further action
- 2) A suspension of up to five (5) days, or
- 3) Termination of the employee for the offenses as set out by the Superintendent of the County Garage

As I said, perhaps Lewis Smith will want to be heard on this."

Mr. Lewis Smith approached the podium, identified himself, and stated, "You gentlemen know the facts of the case pretty well. As Alan said, we did investigate today and he said that you've got three options and I would suggest there is a fourth option that I would like the Commissioners to consider. That would be, take no action as far as suspension or discharge, but to give him a final warning notice and that notice would be in effect for twelve months. This would be the final thing. If anything else happens, and he gets out of line or anything, he would be subject to immediate termination. And I just wanted to point out that I think that might be a way we can go. I've had a long talk with Roger today. The stewards had a long talk with him. And, as Alan and Bill brought up -- it was brought to Alan's and my attention -- Roger has improved. It doesn't seem like it sometimes -- but he is improving and he is a good worker. So I would like the Commissioners to consider that in making their determination. Thank you."

President Tuley said, "You've heard the County Attorney's position; you've heard Mr. Smith's position. We have several alternatives before us. Mr. Smith, I think in all due respect to Roger Hall (this is must my personal opinion) you have your job to do and you do it well and you've tried to in Roger's case. If this were the first or maybe even the second time we've had an incident involving Mr. Hall, I would be more inclined to be a little more lenient with regard to one more chance or what you. But my inclination is, this is a problem employee that probably will continue to be a problem employee for whatever time he is employed at the garage. But I'm just one opinion out of three."

Commissioner Borries said, "Well, I, too, would certainly commend Mr. Lewis Smith for his work in behalf of this gentleman. These are not easy decisions to make. There have been verbal warnings; there have been written warnings; there have been reinstatements; there have been suspensions; and I think that in terms of due process, this individual has had that and then some. At this time I will move that this individual be terminated from the Vanderburgh County Highway Garage."

Commissioner Hunter said, "I will second."

Mr. Tuley continued, "We have a motion and a second. So there is no misunderstanding, I will ask for a roll call vote. Commissioner Hunter, yes; Commissioner Borries, yes; and Commissioner Tuley, yes. Motion carried effective tonight?"

Attorney Kissinger replied, "Yes. If you wish, Mr. Morphey, I will prepare a letter from the County to be presented to Mr. Hall. I'll send a letter to the Union Representative, as well. And I think it would be appropriate to advise Mr. Hall not to report to work tomorrow."

President Tuley asked, "And there are provisions that Mr. Smith may take?"

Attorney Kissinger replied, "Of course."

In response to query from Commissioner Tuley, Attorney Kissinger said he thought he had another matter -- but he would be premature in discussing that matter at this time. Therefore, he will hold it until next week. He has nothing further to report.

RE: SUPERINTENDENT OF COUNTY BUILDINGS/MARK ABELL

Auction of Surplus Vehicles: Mr. Abell reported that Wolf's did conduct the auto auction. They auctioned off 18 of our County surplus vehicles and we garnered nearly \$5,000. He quietused that money and he will give the Secretary a copy of that quietus for the record.

Acceptance of Check: It was also noted by Mr. Abell that Tele-Media sent us a check in the amount of \$400.79 along with letter explaining that is the County's 3% of their gross revenues. He will pass the check down to be quietused in. That concludes his report.

Motion to accept and endorse the check was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: COUNTY HIGHWAY - BILL MORPHEW

Weekly Work Report: Mr. Morphey submitted the Weekly Work Report for period of November 4, 1994 thru November 10, 1994.....report received and filed. (Copy attached hereto).

Paving Program: Mr. Morphey said they are going to try to pave two more roads. He has \$34,000 unappropriated in Highway funds and he would like to go before Council and ask for \$24,000 out of that account for bituminous materials so he can complete these last two roads. Motion to approve was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Travel Request: Mr. Morphey said he would like to travel to Jasper, IN this coming Thursday. He has been invited up there by the Jasper Engine Transmission remanufacturer to look at their new facility. We do buy several of their engines. In fact, we bought three of them this year - two for dump trucks and one for a pick-up truck. He would like to take a look at the new facility and see more modern technology. He would be driving a County car.

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

Request for Information: Commissioner Borries said that as Bill Morphey and John Stoll put together their final report, he would appreciate information for the State County Commission Meeting to be held in December. One of the State requests of our Commission is to lobby the Legislature in this upcoming year for some relief -- call it a tax increase or whatever -- but there has not been any increase in the gasoline tax that local government has had for over eight years now. As everyone knows, gasoline consumption with better gas mileage has flattened out and we just saw some figures here of \$132 million they are talking about in terms of projected improvements - and that's probably just for starters. But, again there isn't any 'magic' out there; we get our money through gasoline taxes for our roads. This doesn't impact property taxes and the only way that something is going to happen is we have to have some kind of relief

through the Legislature to get some increased funding. Some have said that even if they don't want to increase that, simply take the State Police component out of it. The State Police are paid through motor vehicle distributions. That would be an alternative -- take them out. But somehow -- or put the pick-up trucks in the mix. Some counties have objected to that, because they are not put in the mix in terms of some vehicle taxes that are included for various purposes. But we're going to need some relief here. He'd like to have some consideration or a report showing, again, what we've been able to do this year. And it hasn't been much in relation to what the needs out there are. So if Bill and John will provide this information, he'd appreciate it.

Mr. Morphew said they will provide the information.

RE: COUNTY ENGINEER - JOHN STOLL

Windsor Place Subdivision/Road Plans & Request for Waiver of Sidewalks: Mr. Stoll said they've also made a sidewalk waiver request in the letter. What is proposed is asphalt streets with curb and gutter and it will be phased. But they are looking for approval of all the roads right now, rather than coming back to get approval for later sections at a later time. This is up off Boonville-New Harmony Road.

Commissioner Hunter said he has a real problem with the sidewalk waiver. He thinks there ought to be sidewalks on at least one side of the street, because they'll be running school buses back in there.

Mr. Stoll asked if the Commissioners would want to hold off a week and have him contact the School Corporation to see where they would route buses through that subdivision?

Commissioners Hunter and Borries said that would be a good idea -- see what the bus route looks like. The Commissioners instructed Mr. Stoll to contact the School Corporation and report back in two weeks (November 28th).

In response to query from Commissioner Tuley, Mr. Stoll said it is his recommendation that the road plans be approved.

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

RE: CONSENT AGENDA

President Tuley entertained comments or questions concerning the Consent Agenda. There being none, he entertained a motion.

Motion to approve the Consent Agenda, as printed, was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: SCHEDULED MEETINGS

President Tuley noted a calendar of Scheduled Meetings is attached to the agenda. There is an Insurance Committee Meeting tomorrow and the Steering Committee will meet on November 17th. The Pigeon Creek Technical Committee will also meet.

Commission Meeting: Mr. Tuley said that the Executive Session scheduled for next week has been canceled and the Commission Meeting will not begin until 6:30 p.m. next week, as opposed to 5:30 p.m. Rezoning will begin at 7:00 p.m. Immediately following the Commissioners Meeting will be a Special Drainage Meeting. Thursday and Friday of next week are holidays.

RE: OLD BUSINESS

President Tuley entertained matters of Old Business to come before the Board.

Vanderburgh County Community Corrections: Commissioner Borries said, "Mr. President, a couple of weeks ago this Board had asked our County Attorney, Mr. Kissinger, to prepare a memorandum regarding the Vanderburgh County Community Corrections Facility and Mr. Kissinger has given us a report that if I might do so, I would read into the record at this time.

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TO: Board of Commissioners of Vanderburgh County

FROM: Alan M. Kissinger, Vanderburgh County Attorney

DATE: November 14, 1994

SUBJECT: Vanderburgh County Community Corrections

A question has arisen regarding the authority of a county receiving financial aid for the purpose of operating a community corrections program to approve or disapprove the placement of a criminal offender in the program. As you will recall, in a memorandum dated February 22, 1994, the Board of Commissioners was provided an overview of the relevant statutes authorizing Vanderburgh County to establish and operate a community corrections program (copy attached for reference). That memorandum stated the opinion that the Board of Commissioners of Vanderburgh County, through its control of the Vanderburgh County Community Corrections Advisory Board, has final authority over all programs administered by the Advisory Board.

I.C. 11-12-2-9 provides that the Indiana Department of Correction may charge a county which has a community corrections program which is partially funded by the State a percentage of the daily cost of confining a prisoner who has been sentenced to the Department of Correction, instead of community corrections, except for the following crimes:

1. Murder or a Class A or B felony;
2. Involuntary manslaughter, reckless homicide, battery, criminal confinement, child molesting, robbery, burglary, or escape, if those charges are Class C felonies;
3. Any other felony resulting in bodily injury to another person;
4. Any other felony committed with a deadly weapon;
5. Any felony for which an habitual offender penalty is imposed;
6. Any offense for which the sentence is non-suspendible;  
or
7. Dealing in marijuana as a Class C or D felony.

This statute anticipates that there are certain offenders who are not appropriate candidates for community corrections placement. This statute also anticipates that an offender may not be sentenced to community corrections, if one or more of the above-listed offenses have been dismissed pursuant to a plea recommendation filed by the prosecuting attorney.

I.C. 35-38-2.6-1, which deals with direct placement in the community corrections program, sets out specific sex crimes, specific drug related crimes and other Class A & B felony offenders

who cannot be sentenced directly to community corrections.

In summary, the two statutes cited above anticipate that some offenders may not be suitable for community corrections placement, and others may not be placed in community corrections. There are no statutes which require a county operating a community corrections program to accept certain offenders. It is my opinion, therefore, that Vanderburgh County may, through the Community Corrections Advisory Board, establish requirements, including the nature of the offense, that may be considered prior to an individual being accepted into the Community Corrections Program.

If you wish to discuss these matters in further detail, I will make myself available at your convenience.

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Commissioner Borries continued, "I think that is very clear and I think that in view, again, some of the questions we've had and the concerns and also in an effort, in my opinion, to empower the administration out there to be able to make these kinds of decisions, that we would forward this memorandum and opinion to the Advisory Board and ask them -- or tell them -- to develop what that profile ought to be for certain offenders and who should be placed in there and who should not be, in certain cases."

Commissioner Tuley said, "Let me clarify something. You are saying then, the Advisory Board then should act through their sub-committee (residents, non-residents and what have you) would be the one that would give us a 'No, this person doesn't meet the criteria and, therefore, we are not taking them'."

Attorney Kissinger interjected, "Yes. And I believe, you know, it is very clear. Obviously, we are referring to a recent incident to a degree on this. But especially when we have those situations in which there is an accommodation; a particular offense has been dismissed so that this person will be eligible under State statute for the program, I think these statutes definitely anticipate that the Advisory Board or resident screening can look at this situation and say, 'Wait a minute, we had this situation. If this was dismissed merely as an accommodation so they can get into community corrections, I think they could still say 'We choose not to accept this person'. They are already required -- it is already required -- that community corrections receive a copy of the pre-sentence report. Now, if it is absolutely a situation where they have charged the wrong person, they discover that and then dismiss the case, that is an altogether different situation. But dismissing these charges to make an individual available or eligible for community corrections treatment does not solve community corrections' problem in that they admit candidly that they are not equipped and they do not have the programs to deal with some of these offenders. And I think most of those State statutes cited indicate that the Indiana Department of Correction understands that, as well. And, yes, we certainly -- and other community corrections programs within the state do have -- you know, these cases would take on an advisory status after the defense attorney, the defendant, the prosecutor and the judge have all agreed that it take on an advisory status until they are approved for acceptance by community corrections and we can certainly establish that practice here if the Commissioners choose to direct the Advisory board to adopt such rules."

President Tuley asked, "Would it be appropriate at this time then to, by cover letter, forward this to each of the judges, with the explanation that the actual policies and procedures will be outlined by the Advisory Board at a later date?"

Attorney Kissinger responded, "Right. And I think it might also be appropriate to ask for any input the judges might have, because you may be surprised -- some of these judges may very well feel that we should be more strict than we anticipate being."

Commissioner Borries stated, "I certainly endorse his opinion."

Commissioner Hunter said, "I do, too."

Commissioner Borries continued, "There has to be some empowerment there; somebody that can say 'no'; a body to recommend. That apparently doesn't seem to be the way that the situation has worked in the past and there have to be some changes there."

Commissioner Tuley said, "I will draft a letter, for review by both of you when it is done -- which I, hopefully, will have that done by Wednesday of this week. I will get it to you. Once you've had a chance to review it and make comments, we will forward a corrected copy, along with this opinion, to the judges and the Community Corrections Advisory Board."

President Tuley then entertained further matters of Old Business to come before the Board. There were none.

RE: NEW BUSINESS

Equipment Problems on Election Night: Commissioner Borries said the second item had to do with the saga on election night. He noted that, of course, it depended on what party you were in whether or not you were excited about those returns. "I am getting my bumper stickers ready now. I don't know, somebody suggested maybe, you know, 'Don't blame me, I voted Democrat'. Maybe you'll see those come out next. But anyway, I did observe the election apparatus and functioning. I was not a candidate on the evening of November 7th, so I did go up and observe what was going on and I asked Miss Alberta Matlock to prepare a report, which she did today. And I'd like to read this into the record here, of her observations at this point, as Election Deputy, as to what went on. Now, as you know, we had agreed that this Business Records group was to do essentially a turnkey operation. That meant that they (meaning Business Records) would come in and do what they do in fifty (50) counties in this state -- run the election in terms of providing support, providing the technical back-up to make sure that this election functioned efficiently. This is what Miss Matlock says at this time."

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November 14, 1994

TO: VANDERBURGH COUNTY COMMISSIONERS

FROM: ALBERTA MATLOCK, ELECTION DEPUTY

On October 24, 1994, at 2:00, p.m., the public test for the 1994 General Election was held. Rob McGuinness was the representative from Business Records Corporation.

The test went smoothly with no problems. From beginning to end the test took 20 minutes. An Election Board Meeting was held immediately, to certify the results. Chairman Wayne Trockman, member Thomas Massey, and Secretary Betty Knight Smith were present.

On November 8, 1994 at 4:00 p.m., Chairman Trockman, John Jones, Elmer Tornatta and myself, Alberta Matlock, took the tabulating equipment and the printers to the Council Chambers to wait for the B.R.C. representatives.

Rance Higgins and his wife Eva arrived at the Election Office at 4:40 p.m. I took them to the Council Chambers and gave them the public test that was run on October 24, 1994. I did not hook up any of the equipment, and I told them so. I also informed them that the public test had to be run again before the tabulating could begin.

I left the Chambers to go back to the Election Office to help with last minute emergency problems. Betty Knight Smith and I went back to the Council Chambers at 6:10 p.m. When we arrived Mr. Higgins was on the telephone and Ms. Higgins was working on the printer. I asked if they had run the public test and they replied that they (sic) had not. Mr. Higgins then told me that one of the printers was not operating. I asked him why, and he said he didn't know, but that he was in contact with Chicago. He stayed on the phone for another 30 minutes. At that time I told him we had to go ahead and run the test, because it was 7:00 p.m. and ballots

were waiting to be tabulated.

I first tried one tabulator, and it didn't want to work right, so I switched to the other tabulator. It took the ballot cards from the first precinct, but wouldn't take any others until the printer printed the results from the first precinct. I knew that wasn't correct. The card reader should accept the ballot cards one precinct after another without having to wait for the printer

I asked him why it was not doing what it was supposed to. He said he didn't know why, but he was checking it. It took over an hour to run the test, which has been run before in only 20 minutes.

At this point, I asked Betty Knight Smith if it wasn't their job to run the tabulators, and she replied that it was. That is when I stopped running the cards through the reader. It was my job to assist them, not to do the actual running of the machines. I assisted them from that point on, by doing as I had done in the Primary Election. I handed them the ballots, and they ran them through.

The printer jammed several times and the printing was barely legible. Mr. Higgins changed the ribbon twice before he could get a good reading. The actual ballot counting did not start until around 9:00 p.m.

Thomas Massey, member of the Election Board, called the Evansville Courier and Press to borrow one of their printers. They brought it to us, but we were unable to use it. A back-up printer was then sent to us by Gibson County, and that printer would not work.

Twice during the counting we tried to use both of the tabulators, but were (sic) unable to, for fear of not getting both machines to merge. Rob McGuinness called from Warrick County and asked me what the problem was and I told him what I have just stated above. He said he was on his way here. He got here around 12:00 a.m. He checked the hook-up and could not find out what was wrong. At one point during the evening the printer would not print at all. Susie Kirk checked the printer and found that the lever was not set right.

To lump all of the above into one sentence, it would be as follows:

One tabulator and one printer were (sic) used. The other printer did not function at all. And the other tabulator would not function correctly.

The Election Office has not heard from B.R.C. at all since Election night. I am sure that they are aware of what has happened.

Alberta Matlock  
Election Deputy

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In continuing, Commissioner Borries said, "Mr. President, I would at this point consider that they don't hear from us either. We still have the money and they may have done this one for gratis, because I am not pleased. If that was supposed to be their back-up and their election to run, frankly they let us down. They didn't get the job done. And I would want maybe, you know, Mr. Trockman and Mr. Massey to give additional information to this. And, again, money solves a lot of problems. If the Vanderburgh County Council wants to spend a million dollars on this then, certainly, I am sure we can begin to examine other systems again and I am sure you would be happy to authorize that group to come back in and do that. So, you know, there are several options here. But it seems very obvious from Miss Matlock's letter that the instructional people or the support people here that this group promised that they said they would do did not know what to do and really let us down."

Commissioner Tuley said, "The committee that came up with the recommendation are still

available, so I believe we can do this. I don't know that they are going to have a million dollars extra this year, but I am willing to go through it again and sit down and evaluate the situation."

Commissioner Hunter stated, "Well, I am certainly disappointed in Business Records. They indicated that they would solve all of our problems and they haven't. If we haven't paid the bill then..."

Mr. Borries interrupted, "We haven't paid the bill and, frankly, they're going to have to come up with a pretty doggoned good explanation as to why we should."

Mr. Hunter said, "I agree -- like the next two or three elections free of charge."

Mr. Borries continued, "And it is an embarrassment -- and I know the media (they are the ones who have a lot of deadlines) and the candidates go berserk with all their worries -- but the bottom line is, you know, a million dollars is a lot of money for something you use twice a year. But if that's the way we need to go, let's look at it and let's go forward. But until then, I'll tell you this, there has been a misnomer. There was one editorial or something that started talking about what they are doing in Kentucky. It doesn't matter what they do in Kentucky. They have to be certified by the Indiana State Election Board. Those are the only systems we can consider in Indiana -- the ones certified by Indiana. I don't know what Kentucky does -- but it doesn't matter if the Indiana State Election Board hasn't certified. And a lot of those are expensive alternatives, one of which Business Records has - and I would be very reluctant on anything that is more high tech than what we are already doing, which is pretty low tech. If they can't get this to work I surely would have to think twice about having a high tech system that these people would be responsible for."

Commissioner Tuley said, "Comments are duly noted. Anyway, I really don't know that we should not put that committee back together again if they are willing to serve and re-visit this - - and, as soon as possible -- because we have another election coming right around the corner. If the Council has more money than what I believe they have at this time, or what they have told us that they have -- the election is over and now is the time to go forward and correct the problem."

President Tuley then entertained further matters of New Business to come before the Board. There being none, he entertained a motion for adjournment.

Motion to adjourn was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered. Meeting adjourned at 6:58 p.m., with President Tuley stating the Commissioners still need to finish up quite a bit of paperwork from the meeting.

PRESENT:

Patrick Tuley  
 Richard J. Borries  
 Don L. Hunter  
 Cindy Mayo/Chief Deputy Auditor  
 Alan M. Kissinger/County Attorney  
 Mark Abell, Supt./County Buildings  
 John Stoll/County Engineer  
 The Rev. Joseph Trask/Christ Missionary Baptist Church  
 Patricia Nolman/Christ Missionary Baptist Church  
 Claudia E. Dallas/hrist Missionary Baptist Church  
 Barbara Washington/Christ Missionary Baptist Church  
 Jim Herron/J. H Rudolph & Co.  
 Pam Martin/Chamber of Commerce  
 Jack Waldroup/United Consulting Engineers  
 Bill Morphew/County Highway Superintendent  
 Valerie Moore/Christ Missionary Baptist Church

Frederick Moore III/Christ Missionary Baptist Church  
Susan J. Wolf/Taxpayer  
Michael Wolf/Taxpayer  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews



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Patrick Tuley, President



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Richard J. Borries, Vice President

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Don L. Hunter, Member



BOARD of  
COMMISSIONERS  
of the County of Vanderburgh

RICHARD J. BORRIES

DON L. HUNTER

PATRICK TULEY

AGENDA

VANDERBURGH COUNTY COMMISSIONERS  
NOVEMBER 14, 1994

5:30 P.M.

*Amended*  
**FINAL**

1. CALL TO ORDER *5:30 P.M.*
2. INTRODUCTIONS ✓
3. PLEDGE OF ALLEGIANCE
4. ACTION ITEMS
  - A. Approval of minutes *11/7/94* ✓
  - B. Any group-individual wishing to address the commission ✓
  - C. Rose Zigenfus/EUTS Director ✓ *Supervisor - date in family.*  
re: monthly report/update
5. DEPARTMENT HEADS
 

Alan Kissinger -----	County Attorney ✓
Mark Abell -----	Superintendent of County Buildings ✓
Bill Morpew -----	County Garage ✓
John Stoll -----	County Engineer
6. CONSENT ITEMS
  - A. Travel/Education  
Health (4)      EMA (1)  
(both of these are paid from their accounts)
  - B. Employment Changes  
\*see attached
  - C. Acceptance of Quietus for TCI.....40,192.47  
and Quietus telephone reimbursement....180.00
7. SCHEDULED MEETINGS - LIST ATTACHED
8. OLD BUSINESS
9. NEW BUSINESS
10. MEETING ADJOURNED

## COUNTY ENGINEERING DEPARTMENT

## CONSENT AGENDA

NOVEMBER 14, 1994

## CLAIMS:

ENGINEERING EQUIPMENT 203-4429	
Valerie R. Harry/Reimbursement/Seminar	\$ 115.60
Purdue University/Seminar	\$ 125.00
LYNCH ROAD BRIDGES 203-4395	
Bernardin Lochmueller (92-032-2(14))	\$17,574.30
LYNCH ROAD ROAD GRADING 216-4827	
Bernardin Lochmueller (92-032-2(14))	\$22,844.97
CONTRACTUAL SERVICES 216-3930	
JH Rudolph (VC-94-06-01) Est. #2	\$29,767.58
USI & SR 62 430 BOND	
Bernardin Lochmueller (93-003-2(7))	\$32,240.05

# November 1994

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1 2:30pm County Council 305/60	2 306/59	3 307/58	4 Pay Day 308/57	5 309/56
6 310/55	7 311/54 3:30pm Dept. Head 4:00pm Exec. Session 5:30pm Commissioners 6:30pm Sp. Drainage Bld.	8 312/53 General Election	9 313/52	10 314/51	11 315/50 Veteran's Day	12 316/49
13 317/48	14 318/47 4:30pm Solid Waste 5:30pm Commissioners	15 319/46 9:00am Insurance Comm.	16 320/45	17 321/44 9:00am Steering Comm. 12:00pm P.C. - Technical 5:00pm Pigeon Creek	18 322/43 Pay Day	19 323/42
20 324/41	21 325/40 6:30pm Commissioners 7:00pm Rezoning	22 326/39	23 327/38	24 328/37	25 329/36	26 330/35
27 331/34	28 332/33 4:00pm Exec. Session 5:30pm Commissioners 6:30pm Drainage Bld.	29 333/32	30 334/31 3:30pm Personnel & Finance	Thanksgiving		

October

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					

December

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

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department VANDEBURGH COUNTY HWY. DEPT. 2010 02010

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
20101038	JAMES D. SMITH	1520 S. ST. JAMES BLVD.	EQ. OPERATOR	11	8923	11-9-94
	RETURN FROM LOA, MEDICAL LEAVE, ON 11-9-94					

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY William F. Murphy DATE 11-11-94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department CIRCUIT COURT

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
505.01362-1990	JOHN BAUMEYER	EMP# 04970	PART-TIME CORRECTION OFFICER	7.00	HR	10-23-94
505.01362-1990	HUGH MACKEY	EMP# 05700	PART-TIME CORRECTION OFFICER	7.00	HR	10-23-94
505.01362-1990	CLAY ANGEL	EMP#	PART-TIME CORRECTION OFFICER	5.00	HR	10-31-94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
276-1990	JOHN BAUMEYER	EMP# 04970	PART-TIME CORRECTION OFFICER	7.00	HR	10-22-94
276-1990	JASON CANNON	EMP# 05251	PART-TIME CORRECTION OFFICER	5.00	HR	10-22-94
276-1990	HUGH MACKEY	EMP# 05700	PART-TIME CORRECTION OFFICER	7.00	HR	10-22-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY [Signature] DATE NOV 9, 1994

JUDGE, CIRCUIT COURT

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department

BURDETTE PARK

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
118	JANET OWENS		CONCESSION	4 40	11-11-94 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
118	DANIEL KOLB		GUARD	4 50	11-11-94 ✓
118	TRACY BAGBY		GUARD	4 85	11-11-94 ✓

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*Mark Tuley* DATE 11/11/94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department

KNIGHT TOWNSHIP TRUSTEE

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
	BOERNER, DONALD R.	3507 POLLOCK AVENUE	Junior Investigator	2.5615 5952 00	11-11-94 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*Donald R. Boerner* DATE 11/11/94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department VANDERBURGH SUPERIOR COURT *sh*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
13701290	Sharon J. Hester		Court Reporter	33,618.00	11/7/94 ✓
			(Released from Workmen's Compensation) (and returned to work on the above date)		

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
137013110	John W. Schwentker, Jr.		Bailiff/Trans/ Officer	5,200.00	9/13/94
	(PAID \$100.00 on 11/18/94 P.R.)				

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY *L. My. D. Dittich* DATE 11-11-94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department CENTER ASSESSOR *sh*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
11101990	ROBERT S. FOERSTER	8503 N GREENRIVER RD	PART TIME FIELD DEPUTY	HOUR 5 00	10/28/94 ✓

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY *Robert S. Foerster* DATE 11-10-94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department Sheriff *pl*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
105011300209	Lori Dillback		Off Medical Leave	7 7283 16075 00	Nov. 7, 1994

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY *Ray Hansen* DATE Nov. 10, 1994

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department Election office *pl*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
121-121	Elmer Tornatta	5046 N Great LAKES DR	Ballot Aid	10.00	11-5-94
121-121	John Jones	820 S. Governor	Ballot Aid	10.00	11-5-94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY *Alvita Malloch* DATE 11-7-94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department TREASURER *sh*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
103-112	ZELMA L TULEY	1813 E VIRGINIA ST	CHIEF DEPUTY	27,799.00	11-7-94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
103-112	ZELMA L TULEY	1813 E VIRGINIA ST	CHIEF DEPUTY	26,799.00	11-7-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY Jayne Berry-Blond DATE 11-7-94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Recorders Office *sl*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1040-1990	Rachelle Becker	4709 Ivy Lane	Pt. Time	\$5.00 Per Hr	11/4/94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY Betty J. Hermans DATE 11-4-94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department VANDERBURGH SUPERIOR COURT *sh*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
13701590	Georgiann Ludwig		Riding Bailiff	19,295 00	11/14/94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY *Larry D. DeTsch* DATE *11/10/94*

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department TREASURER *sh*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
103-199	PATRICIA TUTT	209 E MICHIGAN	PART TIME	5 00/hr	11-7-94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY *Jayne Suey-Blond* DATE *11-7-94*

**VI. DEVELOPMENT OF ALTERNATIVE NETWORKS**

After the calibration of the model was complete and the projections of the year 2015 socio-economic data were finished, it was then possible to develop and test alternative year 2015 highway networks. This process begins by assigning the year 2015 traffic volumes to the "do nothing" network. This network, Alternative 0 (zero), consists of all existing roads, plus all road projects that are currently committed to being constructed. For the purpose of this report, committed projects are those projects that have progressed to at least the environmental assessment or preliminary engineering phase.

Once the 2015 traffic was assigned by the model to the Alternative 0 network, deficient corridors or areas could be identified by comparing the assigned traffic volume to the road capacity. This process gives an indication of what areas may need road improvements in order to accommodate the year 2015 traffic volume. With this information, alternative networks could be designed that would more adequately handle the future traffic volumes.

The capacity of a facility is the maximum hourly rate at which vehicles can reasonably be expected to traverse a section of a lane or roadway during a given time period, under prevailing roadway, traffic, and control conditions. In order to establish the capacity of a roadway, an analysis must be done for that facility. This capacity analysis consists of a set of procedures used to estimate the traffic-carrying ability of facilities over a range of defined operational conditions. These operational conditions become the ranges of criteria by which levels of service (LOS) are established. The levels of service range from Level A to Level F as indicated in Table 3 below.

**TABLE 3 - LEVEL OF SERVICE**

LEVEL OF SERVICE	OPERATING CONDITIONS
A	Free flow, low volume, high-operating speed, high maneuverability.
B	Stable flow, moderate volume, speed somewhat restricted by traffic conditions, high maneuverability.
C	Stable flow, high volume, speed and maneuverability determined by traffic conditions.
D	Unstable flow, high volume, tolerable but fluctuating operation-speed and maneuverability.
E	Unstable flow, high volume approaching roadway capacity, limited speed (≈30 mph), intermittent vehicle queuing.
F	Forced flow, volumes lower than capacity due to very low speeds, heavy queuing of vehicles, frequent stops.

the lowest amount of VMT at LOS C. Since the existing and committed network has the fewest efficient vehicle miles of travel and the most total vehicle miles of travel, this indicates that this network will not effectively accommodate the future traffic volumes without improvements. These improvements proposed in Alternatives 1 through 3 show a decrease in the total VMT with an increase in VMT at LOS C or better.

**TABLE 4 - COMPARISONS OF ALTERNATIVES - VMT**

ALTERNATIVE	TOTAL VMT	VMT W/V/C<0.77
Alternative 0	5,041,305	2,699,619
Alternative 1	5,035,684	2,887,692
Alternative 2	5,012,575	2,860,471
Alternative 3	4,963,489	2,842,111

2. VHT Comparison

The second parameter used in evaluating the network is vehicle hours of travel (VHT). In MINUTP the VHT is summarized by free-flow and congested-hours-of-travel. By subtracting free-flow VHT from congested VHT, the delay on the highway network can be determined.

Table 5 summarizes the delay time for each alternative. As can be seen, Alternative 0 has the most delay-hours of travel with 17,832 hours per day. This is further evidence of the inefficient operation of the existing and committed network, since it was previously identified as the alternative with the fewest vehicle miles of travel at LOS C or better.

**TABLE 5 - DELAY TIME**

ALTERNATIVE	DELAY TIME (HOURS)
Alternative 0	17,832
Alternative 1	16,204
Alternative 2	15,742
Alternative 3	15,985

3. Benefit/Cost Ratio Comparison

A benefit-to-cost (B/C) ratio analysis was performed for each Alternative based on the procedure outlined in the Manual on User Benefit Analysis of Highway and Bus

Transit Improvements. A B/C ratio compares the benefits of a highway network in terms of travel time, accident reduction and fuel consumption to the construction costs and maintenance costs over the twenty-five year life of the proposed projects. The benefits of a specific alternative network are calculated by comparing the alternative network to the existing-plus-committed network.

The B/C ratios for each of the alternatives are shown in Table 6. As can be seen in this table, Alternative 3 has the highest B/C ratio. The main reason for this high ratio is that this alternative provides the lowest total vehicle miles of travel and the second lowest total of vehicle miles of travel at LOS C or better. Therefore, it provides substantial user benefits in spite of the fact that it has the highest cost of the three alternatives.

**TABLE 6 - B/C RATIOS OF THE ALTERNATIVES**

ALTERNATIVE	B/C RATIO
Alternative 1	2.15
Alternative 2	2.85
Alternative 3	3.02

4. Air Quality Comparison

It is important to consider air quality impact when evaluating alternative networks since motorized vehicles are major contributors to air pollution. Utilizing the emission factors determined by the MOBILE5A computer program from the Environmental Protection Agency, the vehicle emissions in tons per day can be calculated. These emissions are calculated by utilizing such parameters as VMT, vehicle mix, and average speed. The results of these calculations for the year 2015 are shown in Table 7.

**TABLE 7 - YEAR 2015 EMISSIONS**

ALTERNATIVE	EMISSION (tons/day)		
	HC	CO	NOx
Alternative 0	10.81	75.14	10.85
Alternative 1	10.74	73.98	10.93
Alternative 2	10.70	74.01	10.82
Alternative 3	10.59	73.29	10.72

The second project with significant impact is the widening of US Highway 41. This project, as discussed in the previous Alternative, will impact both businesses and residential areas, because it will eliminate through-traffic and left turns at several intersections on US Highway 41. However, it is not expected that residents or businesses will be relocated.

The final project in this Alternative that has significant qualitative impact on businesses or neighborhoods is the Weinbach Avenue project. This improvement would likely result in the elimination of parking at the Lincoln Avenue-Weinbach Avenue intersection and at the Morgan Avenue-Weinbach Avenue intersection due to the additional right-of-way required at each intersection. In addition, three businesses will be displaced as a result of this project.

#### VIII. YEAR 2015 RECOMMENDED TRANSPORTATION PLAN

Year 2015 recommendations are designed to provide a highway network that would help to alleviate existing and future capacity deficiencies. These recommendations cover twenty projects, in addition to the existing and committed network, that should be constructed during the next twenty years.

As previously discussed, these recommendations are partially based on the socio-economic data projections for the Study Area. When these data are converted into vehicle trips, it provides a measure of future travel demand on the street network. However, it must be noted that a plan designed for a projected set of socio-economic data is subject to change if the projections are shown to be inaccurate. Therefore, monitoring the socio-economic data must be done on a regular basis to confirm their validity, which in turn reaffirms the need for the road projects included in the recommended Transportation Plan.

The socio-economic data projections are not the only determinants of the reliability of this recommended Transportation Plan. Other factors, such as funding, energy and environmental questions, and governmental policies play an important role in implementing the Plan. Funding is always a critical issue since inflation, appropriation changes, legislative changes, and local policy changes can all affect the funds available. When the existing highway bill (ISTEA) that provides federal funds for these projects expires in 1997, the new highway legislation may differ significantly in the level of funding. This could increase the amount of local match money that will have to be used in constructing these projects. Therefore, funding these projects will remain one of the most constant issues in implementing the Year 2015 Recommendations.

In addition, to the funding questions, there are other factors affecting the Plan. The energy and environmental issues raise questions about future automobile usage and future transportation services. The governmental policies include the Federal government's commitment to highways and transit, as well as the commitment of the locally elected officials to this Transportation Plan. All of these factors indicate that the recommended Transportation Plan is a program of highway improvements that can be altered.

The Year 2015 consists of the projects listed below. The total cost of these projects are estimated to be \$132,416,775. These projects include major capital improvements such as Lloyd Expressway and US Highway 41, as well as major arterial widening projects such as Burkhardt Road and Oak Hill Road.

The social, economic, environmental and transportation related evaluation of these projects was completed as part of the Alternative Section of this report. This evaluation of alternatives was important in identifying potential problems that would result in delays in the implementation of these projects. These social, economic, environmental and transportation-related impacts are treated only in summary form here.

#### A. Highway Recommendations

##### Facility

##### Improvement/Location

1. Bell Road

SR 66 to Telephone Road

This project will provide better access to SR 66 from the north. It is similar to the Bell Road project on the southside of SR 66 in that it also will provide a four-lane section of Bell Road and an improved two-lane section. The year 2015 maximum, projected traffic volume on Bell Road north of SR 66 is 7,557 vehicles per day. This project will not require any relocations of businesses or houses, nor will it affect any buildings of historical significance.

2. Burkhardt Road

Newburgh Road to Lynch Road

This project will upgrade Burkhardt Road so that it will adequately accommodate the large amount of commercial and residential growth that has occurred and will continue to occur near this corridor. This widening of Burkhardt Road will require relocating the large ditch on the east side of the Burkhardt Road corridor. The maximum traffic volume that this facility is projected to carry in the year 2015 is 17,260 vehicles per day.

3. Darmstadt Road

Kratzville Road to Boonville-New Harmony Road

The upgrading of Darmstadt Road will provide a standard two lane facility with shoulders from Kratzville Road to Boonville-New Harmony Road. This project will also increase the safety of this corridor by improving some of the sharp curves on this facility. Although this project is adjacent to two cemeteries, no adverse impact is expected. In addition, no significant social or environmental impact is expected due to this improvement. The maximum traffic volume projected to use the facility in 2015 is 8,557 vehicles per day.

4. Epworth Road SR 662 to Oak Grove Road

The upgrading of Epworth Road to a two-lane facility with shoulders will provide for safer and more efficient travel for the residential and commercial traffic that is projected to use this facility. There is no significant social or environmental impact from this project.

5. First Avenue Meyer Avenue to Buena Vista Road

This project will result in safer and more efficient travel by providing a continuous two-way left turn lane between Meyer Avenue and Buena Vista Road. This improvement would result in fewer accidents for vehicles using the numerous commercial curb cuts along this facility and it would allow for better traffic lane movement. Approximately one additional acre of right-of-way will be required for this project, but no adverse impact is expected due to this acquisition.

6. Hogue Road Eickhoff-Koressel to Tekoppel Avenue

The improvement of Hogue Road will provide a standard two-lane facility with shoulders from Eickhoff-Koressel to Tekoppel Avenue. There is no significant social or environmental impact from this project.

7. Lloyd Expressway/SR 62 Eickhoff-Koressel Rd. to Barker Avenue

This major project will significantly reduce traffic congestion in the western part of the Study Area. By widening SR 62 to a six lane expressway from Eickhoff-Koressel Road to Barker Avenue, substantial improvements in air quality and savings in fuel consumption will be realized. This project will require an additional 5 acres of right-of-way. Overall, this project will benefit both commercial and residential areas with the increased accessibility and reduction in travel time.

8. Lloyd/Burkhardt Interchange Intersection of Lloyd Expressway and Burkhardt Road

The construction of an interchange at the intersection of Lloyd Expressway and Burkhardt Road will reduce traffic congestion, delay time and emission significantly. This project will provide better accessibility to the commercial areas along Lloyd and Burkhardt corridors.

9. Morgan Avenue US Highway 41 to Green River Road

This improvement to Morgan Avenue will result in safer and more efficient traffic movement along this corridor. By providing a continuous two-way left turn lane, vehicles making turns into the numerous driveways along this corridor will not be in a through traffic lane. This will allow for safer turns and increased capacity on

the roadway. Approximately 2.5 acres of additional right-of-way will be required for this project. There is no significant adverse environmental impact anticipated as a result of this project.

10. Mt. Pleasant Road Darmstadt Road to US Highway 41

The upgrading of Mt. Pleasant Road will provide a two-lane road with shoulders to serve the residential growth that has been occurring in the vicinity of this road. This project will require the acquisition of only about 1.6 acres of additional right-of-way.

11. Oak Grove Road Burkhardt Rd. to SR 261

The upgrading of Oak Grove Road will provide a two-lane road with shoulders to serve the residential growth that will occur in the vicinity of the road. This project will require the acquisition of about 6 acres of additional right-of-way.

12. Oak Hill Road Pigeon Creek to St. George Road

Oak Hill Road is currently a congested two-lane facility due to the traffic from the large amount of residential growth that has occurred along this corridor. In addition, there is poor sight-distance at many of the intersections of the subdivision streets and Oak Hill Road. By upgrading Oak Hill Road to a four-lane facility, the capacity deficiencies can be alleviated, and the sight distance problems can be corrected. This project will require an additional 5.8 acres of right-of-way, but no homes will be displaced.

13. Old State Road Campground Road to US Highway 41

This project will provide a standard two-lane facility with shoulders from US Highway 41 to Campground Road. There is no significant social or environmental impact from this project.

14. Red Bank Road Claremont Ave. to Upper Mt. Vernon Road

This facility is located in one of the fastest developing commercial areas within the EUTS Study Area. This rapid growth warrants upgrading this road to a two-lane road with shoulders (or possibly two lanes with a continuous left turn lane). This improvement will require approximately one acre of additional right-of-way, but no relocation of homes or businesses will result.

15. SR 261 SR 66 to Oak Grove Road

Due to the commercial and residential growth that has occurred in the Newburgh area, this two-lane facility is over capacity. The widening of this corridor to four



be needed farther south on US Highway 41. This would be necessary, since the bridges would then adequately handle the traffic, but the remainder of US Highway 41 through Henderson would not have the capacity to accommodate the increased traffic volume. Without additional improvements, this would result in congestion along this commercialized area.

Another alternative would be to construct a new bridge across the river. For this alternative to be effective in diverting traffic away from the existing bridge, the new bridge would likely have to be part of a by-pass around Henderson. This by-pass could be a portion of the proposed interstate between Indianapolis and points south. It would be an attractive route, diverting through-traffic away from the existing US Highway 41 corridor through Evansville and Henderson. It would most likely connect with I-164 somewhere between the Covert/SR 662 exit and the Weinbach Avenue over pass. EUTS recommends that a comprehensive study be conducted to determine the best long term solution, considering the options available.

20. Weinbach Avenue

Covert Avenue to Diamond Avenue

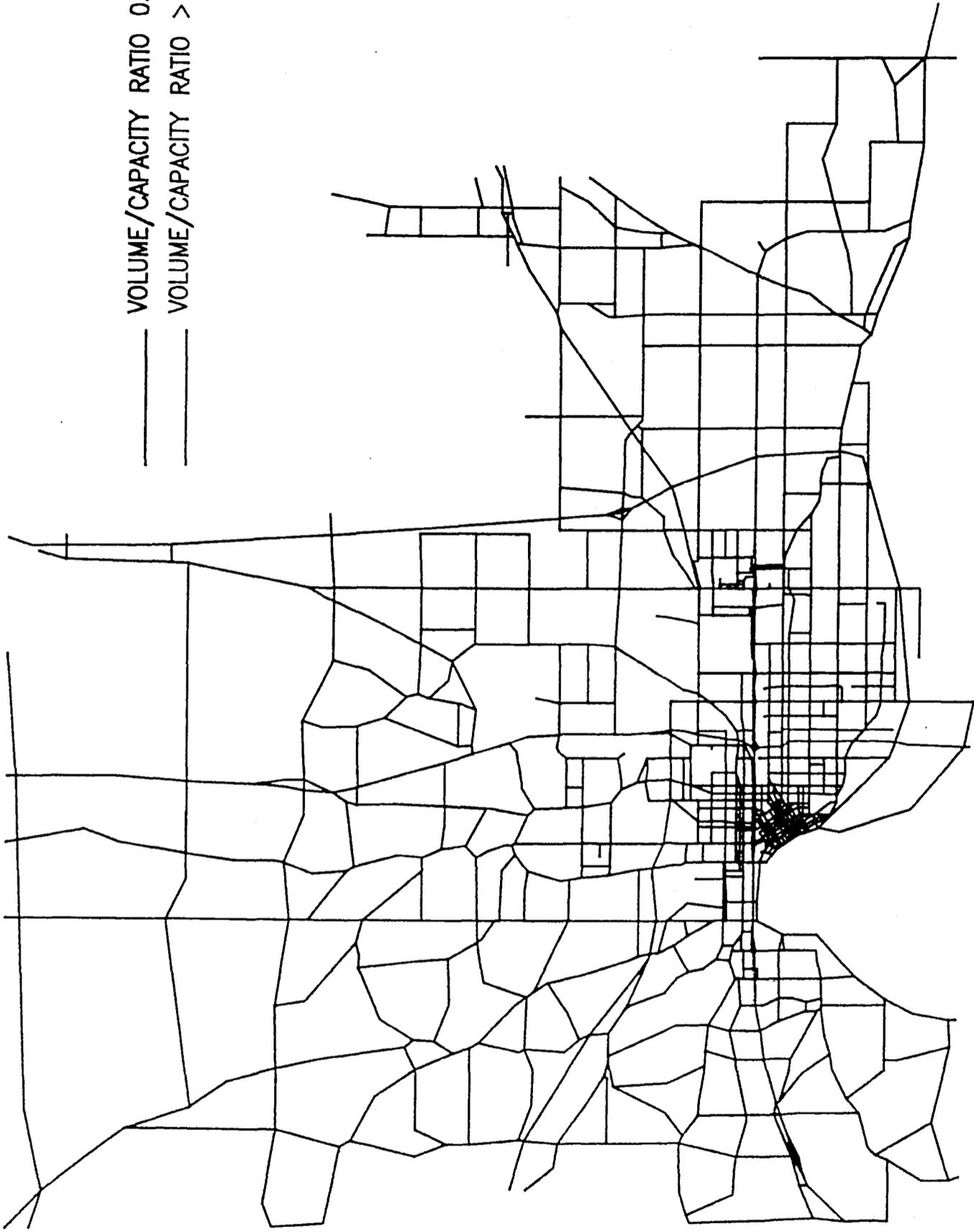
This project will increase the safety and efficiency of this corridor by providing wider traffic lanes and left turn lanes at signalized intersections. This project may have an adverse impact on businesses located at several of the signalized intersections along the corridor. The acquisition of additional right-of-way may reduce or eliminate the parking areas at these businesses. The intersections with Lincoln Avenue and Morgan Avenue are likely to have the most parking areas eliminated. This project will require approximately 7.3 acres of additional right-of-way.

The information presented in these project descriptions is based on the best information available when this report was prepared. This information consisted of right-of-way and pavement-width information from sources such as the Area Plan Commission, City Engineer, Vanderburgh County Engineer, the Warrick County Surveyors, the Warrick County Engineer, etc. This information was used in determining how much additional right-of-way will be required and whether relocations will be necessary. These determinations were made based upon the width of the right-of-way of the proposed standard roadway cross-section. Therefore, additional relocations or right-of-way acquisition may be necessary when these projects proceed to the design stage, since unforeseen conditions may require modifications to the standard roadway cross-section.

**B. Public Transportation Recommendations**

The Metropolitan Evansville Transit System (METS) is acknowledged to be one of the best transit systems in the State. To enhance its effectiveness it must continue attract riders while continuing to meet the needs of its present ridership.

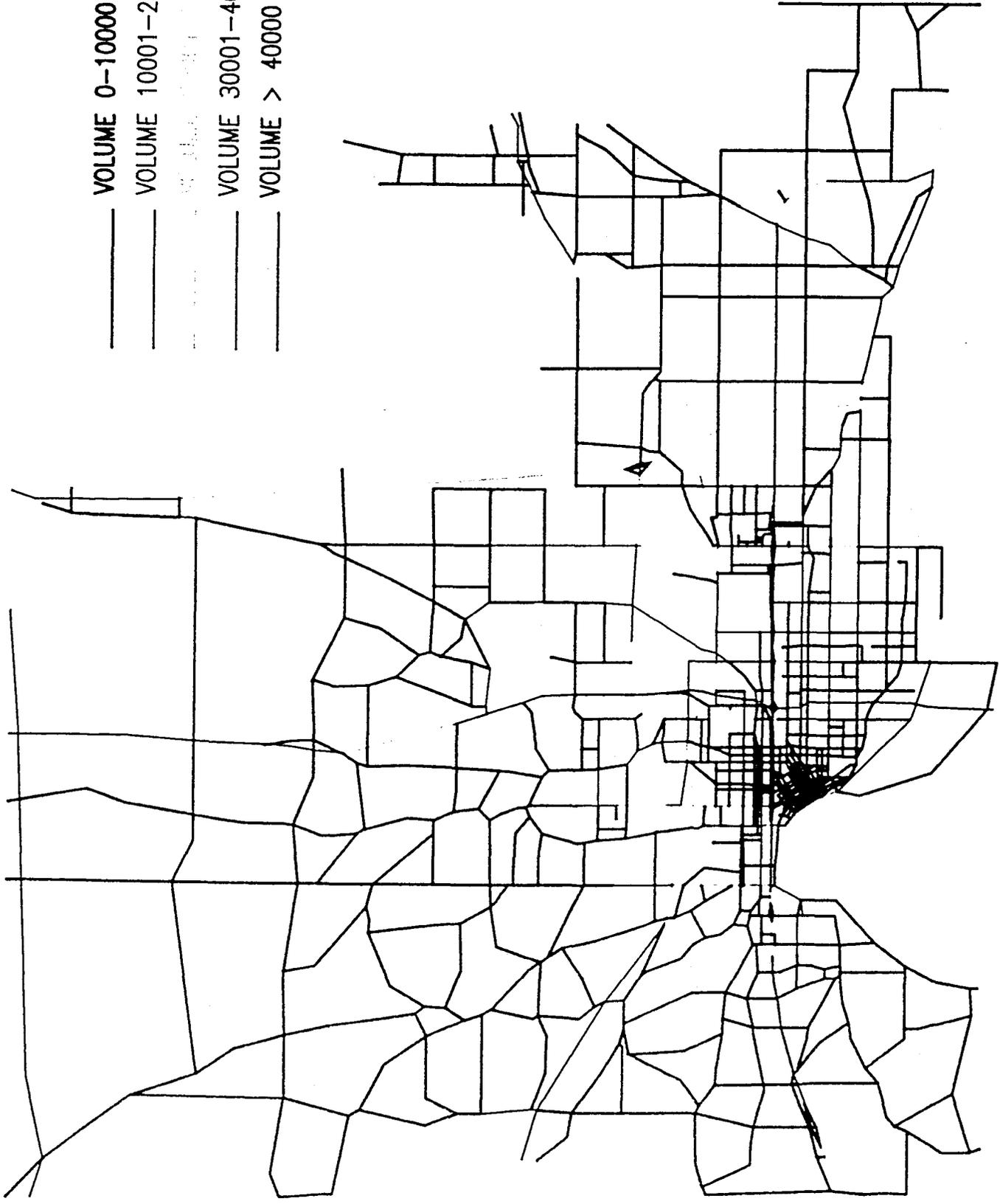
Facility	Improvement and Location	Total Cost	Cumulative Cost
Bridge over Ohio River	Construct a new bridge over Ohio River	\$38,400,000	\$38,400,000
Lloyd (SR 62)	Widen to 6 lanes (Eickhoff-Koressel Rd. - Barker Ave.)	\$9,923,691	\$48,323,691
Lloyd/Burkhardt I/C	Construct an interchange at I/S of Lloyd/Burkhardt	\$10,720,000	\$59,043,691
Morgan Ave. (SR 62)	Construct a continuous 2-way LT lane (US 41 - Green River Rd.)	\$3,757,091	\$62,800,782
SR 261	Widen to 4 lanes (SR 66 - Oak Grove Rd.)	\$2,358,041	\$65,158,823
US Hwy. 41	Widen to 6 lanes (I-164 - Virginia St.)	\$6,685,032	\$71,843,855
US Hwy. 41	Widen to 6 lanes (Diamond Ave. - Mt. Pleasant Rd.)	\$11,010,101	\$82,853,956
Bell Rd.	Upgrade 2 lane road (Vann Rd. - Telephone Rd.)	\$1,688,453	\$84,542,409
Bell Rd.	Widen to 4 lanes (SR 66 - Vann Rd.)	\$952,078	\$85,494,487
Burkhardt Rd.	Widen to 4 12' lanes (Outer Lincoln Ave. - Lloyd)	\$900,000	\$86,394,487
Burkhardt Rd.	Widen to 4 12' lanes (Lloyd Expwy. - Morgan Ave.)	\$2,268,000	\$88,662,487
Burkhardt Rd.	Widen to 2 12' lanes (Morgan Ave. - Lynch Rd.)	\$1,329,545	\$89,992,032
Burkhardt Rd.	Widen to 2 12' lanes (Newburgh Rd. - Outer Lincoln Ave.)	\$271,023	\$90,263,055
Darmstadt Rd.	Upgrade 2-lane road w/shoulders (Kratzville - Boonv. New Harmony)	\$5,283,747	\$95,546,802
Epworth Rd.	Upgrade 2-lane road w/shoulders (SR 662 - Oak Grove Rd.)	\$2,916,322	\$98,463,124
First Ave.	Construct a continuous 2-way LT lane (Meyer Ave. - Buena Vista)	\$540,000	\$99,003,124
Hogue Rd.	Upgrade 2 lanes w/shoulders (Eickhoff Rd. - Tekoppel Ave.)	\$3,693,382	\$102,696,506
Mt. Pleasant Rd.	Upgrade 2-lane road w/shoulders (Darmstadt Rd. - US Hwy. 41)	\$2,034,242	\$104,730,748
Oak Grove Rd.	Upgrade 2-lane road w/shoulders (Burkhardt Rd. - SR 261)	\$5,663,797	\$110,394,545
Oak Hill Rd.	Widen to 4 lanes (Pigeon Creek - St. George Rd.)	\$4,363,636	\$114,758,181
Old State Rd.	Upgrade 2-lane road w/shoulders (Campground Rd. - US Hwy. 41)	\$4,513,939	\$119,272,120
Red Bank Rd.	Upgrade 2-lane road w/shoulders (Claremont - Upper Mt. Vernon)	\$1,704,012	\$120,976,132
SR 66 by-pass	Construct a 2-lane road (I/S of Lincoln/SR 66-I/S of SR 66/SR 61)	\$8,200,643	\$129,176,775
Weinbach Ave.	Upgrade 4-lane road (Diamond Ave. - Covert Ave.)	\$3,240,000	\$132,416,775
	Total	\$132,416,775	\$49,562,819
	Total	\$132,416,775	

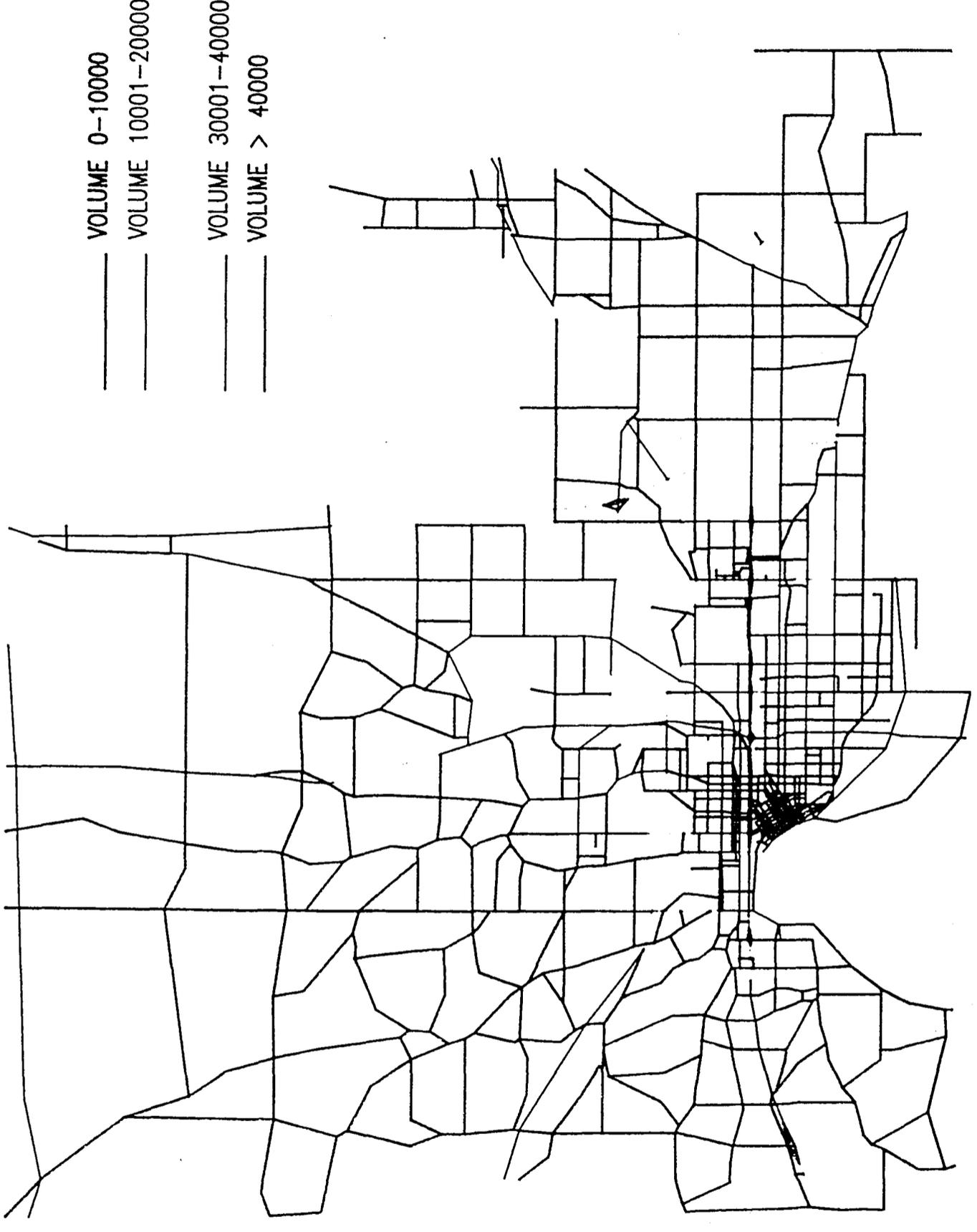


—— VOLUME/CAPACITY RATIO 0.00-1.00  
- - - VOLUME/CAPACITY RATIO > 1.5

MINUTP: EVANSVILLE, IN - 2015 TRAFFIC ON EXISTING & COMMITTED NETWORK

- \_\_\_\_\_ VOLUME 0-10000
- \_\_\_\_\_ VOLUME 10001-20000
- \_\_\_\_\_ VOLUME 20001-30000
- \_\_\_\_\_ VOLUME 30001-40000
- \_\_\_\_\_ VOLUME > 40000





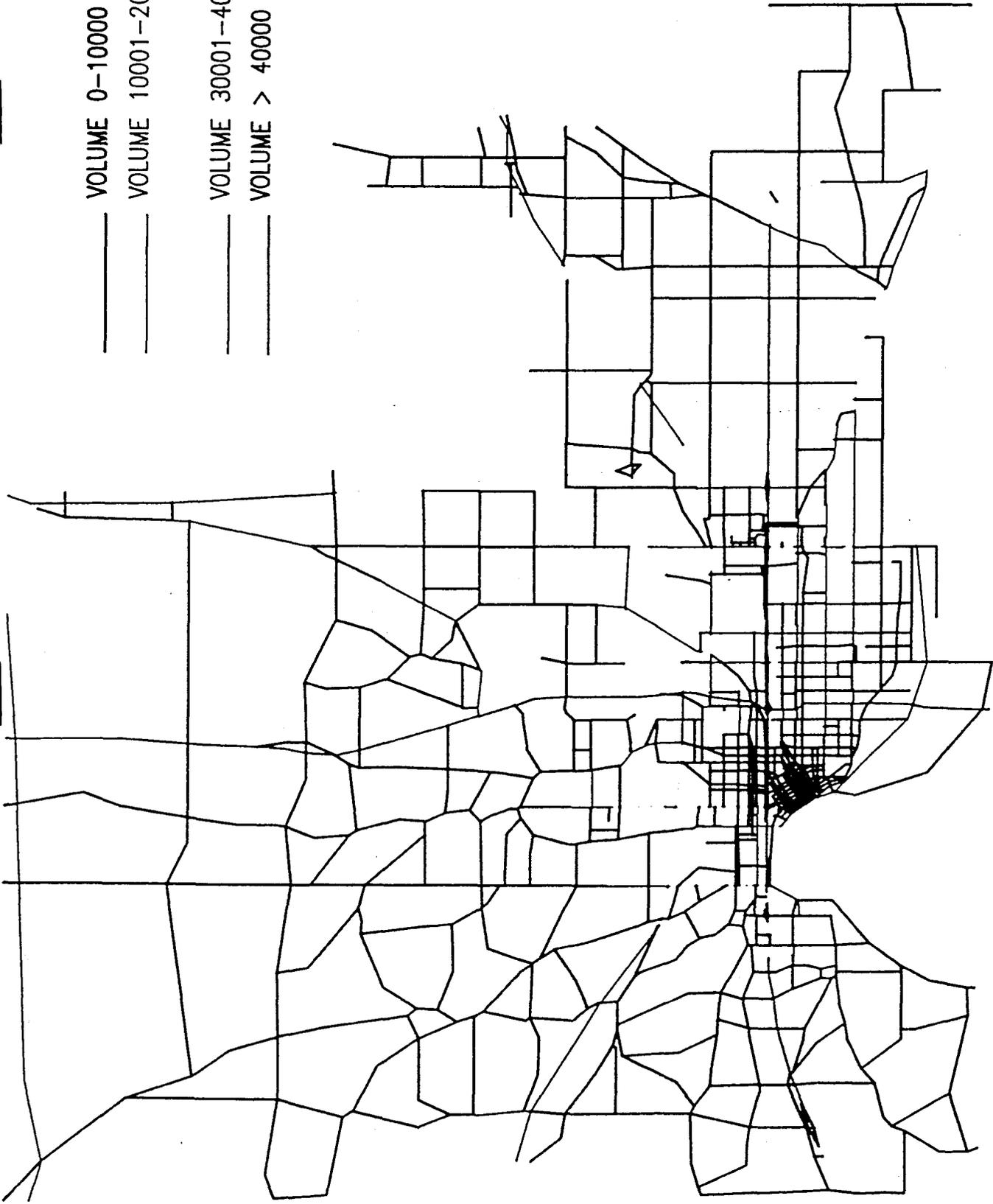
MINUTP: EVANSVILLE, IN - 2015 TRAFFIC ON ALTERNATIVE 1 NETWORK

VOLUME 0-10000

VOLUME 10001-20000

VOLUME 30001-40000

VOLUME > 40000



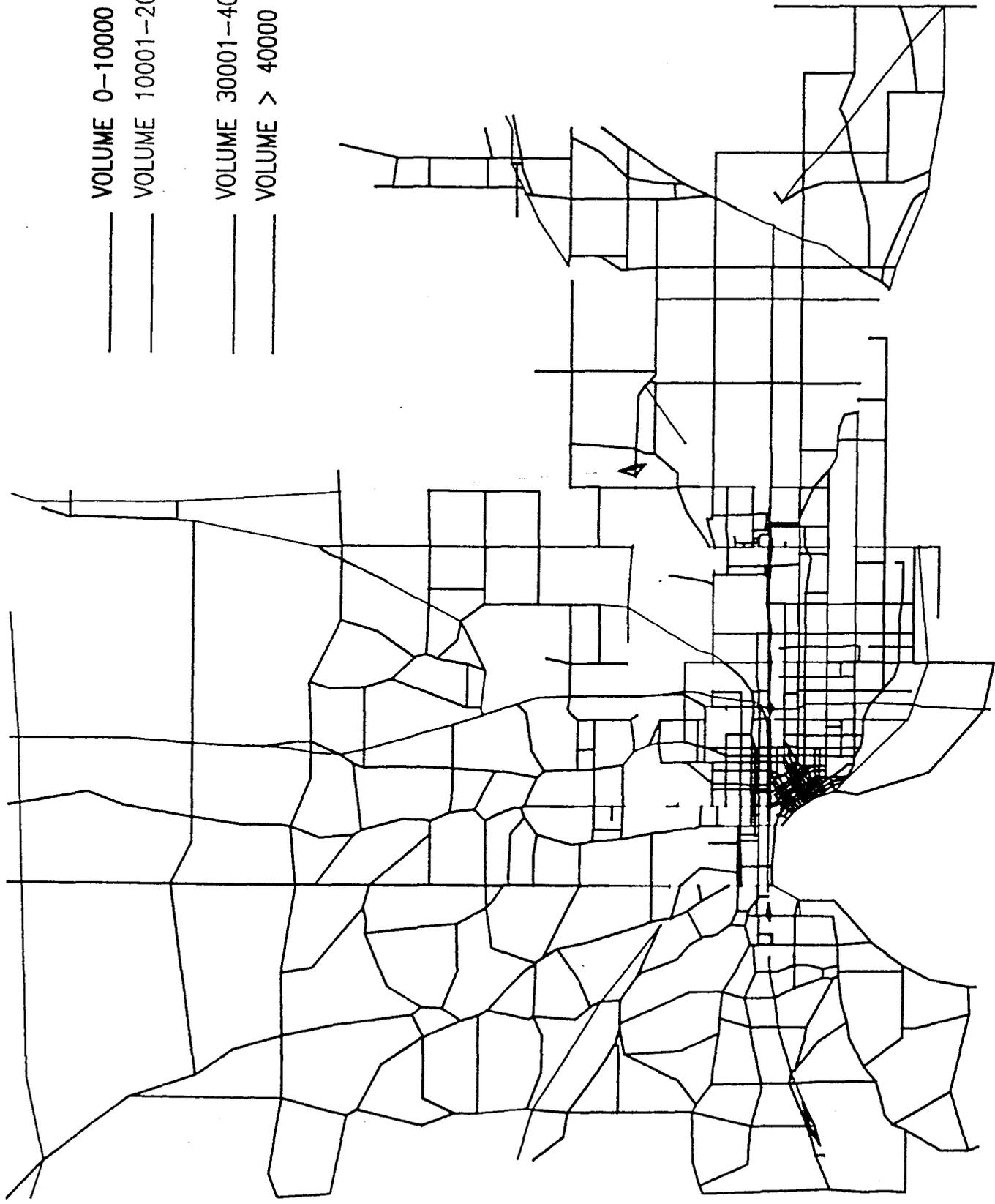
MINUTP: EVANSVILLE, IN - 2015 TRAFFIC ON ALTERNATIVE 2 NETWORK

VOLUME 0-10000

VOLUME 10001-20000

VOLUME 30001-40000

VOLUME > 40000



MINUTP: EVANSVILLE, IN - 2015 TRAFFIC ON ALTERNATIVE 3 NETWORK

MEMORANDUM

TO: Board of Commissioners of Vanderburgh County  
FROM: Alan M. Kissinger, Vanderburgh County Attorney  
DATE: November 14, 1994  
SUBJECT: Vanderburgh County Community Corrections

A question has arisen regarding the authority of a county receiving financial aid for the purpose of operating a community corrections program to approve or disapprove the placement of a criminal offender in the program. As you will recall, in a memorandum dated February 22, 1994, the Board of Commissioners was provided an overview of the relevant statutes authorizing Vanderburgh County to establish and operate a community corrections program (copy attached for reference). That memorandum stated the opinion that the Board of Commissioners of Vanderburgh County, through its control of the Vanderburgh County Community Corrections Advisory Board, has final authority over all programs administered by the Advisory Board.

I.C. 11-12-2-9 provides that the Indiana Department of Correction may charge a county which has a community corrections program which is partially funded by the State a percentage of the daily cost of confining a prisoner who has been sentenced to the Department of Correction, instead of community corrections, except for the following crimes:

1. Murder or a Class A or B felony;
2. Involuntary manslaughter, reckless homicide, battery, criminal confinement, child molesting, robbery, burglary, or escape, if those charges are Class C felonies;
3. Any other felony resulting in bodily injury to another person;
4. Any other felony committed with a deadly weapon;
5. Any felony for which an habitual offender penalty is imposed;
6. Any offense for which the sentence is non-suspendible; or
7. Dealing in marijuana as a Class C or D felony.

This statute anticipates that there are certain offenders who are not appropriate candidates for community corrections placement. This statute also anticipates that an offender may not be sentenced to community corrections, if one or more of the above-listed offenses have been dismissed pursuant to a plea recommendation filed by the prosecuting attorney.

I.C. 35-38-2.6-1, which deals with direct placement in the community corrections program, sets out specific sex crimes, specific drug related crimes and other Class A & B felony offenders who cannot be sentenced directly to community corrections.

In summary, the two statutes cited above anticipate that some offenders may not be suitable for community corrections placement, and others may not be placed in community corrections. There are no statutes which require a county operating a community corrections program to accept certain offenders. It is my opinion, therefore, that Vanderburgh County may, through the Community Corrections Advisory Board, establish requirements, including the nature of the offense, that may be considered prior to an individual being accepted into the Community Corrections Program.

If you wish to discuss these matters in further detail, I will make myself available at your convenience.

VANDEBURGH COUNTY HIGHWAY DEPARTMENT  
PROGRESS REPORT

FRIDAY, NOVEMBER 4, 1994 THRU THURSDAY, NOVEMBER 10, 1994

FRIDAY, NOVEMBER 4, 1994

Paver, roller, distributor, broom, and seven trucks paved Barberry Lane.  
Gradall and one crew removed and installed concrete pipe at 4207 Burkhardt.  
Pothole patcher and one crew worked on Hogue Road.

MONDAY, NOVEMBER 7, 1994

Paver, roller, distributor and eight trucks paved Barberry.  
Pothole patcher and two crews worked on work orders.  
Gradall and one crew worked on Campbell Road.  
Mower worked on Green River Road.

TUESDAY, NOVEMBER 8, 1994

HOLIDAY

WEDNESDAY, NOVEMBER 9, 1994

Grader and two trucks rocked and graded Hornby, Outer Darmstadt, and Maasberg.  
Trash crew ran regular routes.  
Gradall and one crew worked on Campbell Road.  
Two crews cut bleeders.  
One crew cleaned trucks in garage.

THURSDAY, NOVEMBER 10, 1994

Grader, broom and six trucks rocked shoulders on Oakhill and Millersberg.  
Pothole patcher and one crew worked on 10101 Hogue Road.  
Mower worked on Millersburg and Green River.  
One crew hauled paver to garage.  
Two tree crews worked on Old State and Sunrise, and Old Henderson.

VANDEBURGH COUNTY BRIDGE CREW  
PROGRESS REPORT  
FRIDAY, NOVEMBER 4, 1994 THRU THURSDAY, NOVEMBER 10, 1994

FRIDAY, NOVEMBER 4, 1994

Crew #1 - connect guardrail on bridge on Green River North on Heckel.  
Crew #2 - finish dropbox on Campbell Road.

MONDAY, NOVEMBER 7, 1994

Crew #1 & Backhoe - remove and replace pipe on Campbell Road.  
Crew #2 - install drop box and rip rap on Campbell Road.

TUESDAY, NOVEMBER 8, 1994

HOLIDAY

WEDNESDAY, NOVEMBER 9, 1994

Crew #1 & Backhoe - open road and cut bleeder on Campbell Rd.  
Crew #2 - rock end of pipe and cut bleeders on Campbell Road.

THURSDAY, NOVEMBER 10, 1994

Crew #1 - install pipe on Campbell.  
Crew #2 - finish drop box and clean bridges.

NOVEMBER 14, 1994

TO: VANDERBURGH COUNTY COMMISSIONERS

FROM: ALBERTA MATLOCK, ELECTION DEPUTY

[REDACTED] OCTOBER 24, 1994, AT 2:00 P.M., THE PUBLIC TEST FOR THE 1994, GENERAL ELECTION WAS HELD. ROB MCGUINESS, WAS THE REPRESENTATIVE FROM BUSINESS RECORDS CORPORATION.

THE TEST WENT SMOOTHLY WITH NO PROBLEMS. FROM BEGINNING TO END THE TEST TOOK 20 MINUTES. AN ELECTION BOARD MEETING WAS HELD IMMEDIATELY, TO CERTIFY THE RESULTS. CHAIRMAN, WAYNE TROCKMAN, MEMBER, THOMAS MASSEY, AND SECRETARY BETTY KNIGHT SMITH, WAS PRESENT.

ON NOVEMBER 8, 1994, AT 4:00 P.M., CHAIRMAN TROCKMAN, JOHN JONES, ELMER TORNATTA AND MYSELF, ALBERTA MATLOCK, TOOK THE TABULATING EQUIPMENT AND THE PRINTERS TO THE COUNCIL CHAMBERS TO WAIT FOR THE B.R.C. REPRESENTATIVES.

RANCE HIGGINS AND HIS WIFE EVA ARRIVED AT THE ELECTION OFFICE AT 4:40 P.M. I TOOK THEM TO THE COUNCIL CHAMBERS AND GAVE THEM THE PUBLIC TEST THAT WAS RUN ON OCTOBER 24, 1994. I DID NOT HOOK UP ANY OF THE EQUIPMENT, AND I TOLD THEM SO. I ALSO INFORMED THEM THAT THE PUBLIC TEST HAD TO BE RUN AGAIN BEFORE THE TABULATING COULD BEGIN.

I LEFT THE CHAMBERS TO GO BACK TO THE ELECTION OFFICE TO HELP WITH LAST MINUTE EMERGENCY PROBLEMS. BETTY KNIGHT SMITH AND I WENT BACK TO THE COUNCIL CHAMBERS AT 6:10 P.M. WHEN WE ARRIVED MR HIGGINS WAS ON THE TELEPHONE AND MRS HIGGINS WAS WORKING ON THE PRINTER. I ASKED IF THEY HAD RUN THE PUBLIC TEST AND THEY REPLIED THAT IT HAD NOT. MR HIGGINS THEN TOLD ME THAT ONE OF THE PRINTERS WAS NOT OPERATING. I ASKED HIM WHY, AND HE SAID HE DIDN'T KNOW, BUT THAT HE WAS IN CONTACT WITH CHICAGO. HE STAYED ON THE PHONE FOR ANOTHER 30 MINUTES, AT THAT TIME I TOLD HIM WE HAD TO GO AHEAD AND RUN THE TEST, BECAUSE IT WAS 7:00 P.M. AND BALLOTS WERE WAITING TO BE TABULATED.

I FIRST TRIED ONE TABULATOR, AND IT DIDN'T WANT TO WORK RIGHT, SO I SWITCHED TO THE OTHER TABULATOR. IT TOOK THE BALLOT CARDS FROM THE FIRST PRECINCT, BUT WOULDN'T TAKE ANY OTHERS UNTIL THE PRINTER PRINTED THE RESULTS FROM THE FIRST PRECINCT. I KNEW THAT THIS WASN'T CORRECT. THE CARD READER SHOULD ACCEPT THE BALLOT CARDS ONE PRECINCT AFTER ANOTHER WITHOUT HAVING TO WAIT FOR THE PRINTER.

I ASKED HIM WHY IT WAS NOT DOING WHAT IT WAS SUPPOSED TO. HE SAID HE DIDN'T KNOW WHY, BUT HE WAS CHECKING IT. IT TOOK OVER AN HOUR TO RUN THE TEST, WHICH HAD BEEN RUN BEFORE IN ONLY 20 MINUTES.

AT THIS POINT, I ASKED BETTY KNIGHT SMITH IF IT WASN'T THEIR JOB TO RUN THE TABULATORS, AND SHE REPLIED THAT IT WAS. THAT IS WHEN I STOPPED RUNNING THE CARDS THROUGH THE READER. IT WAS MY JOB TO ASSIST THEM. NOT TO DO THE ACTUAL RUNNING OF THE MACHINES.

[REDACTED]

I ASSISTED THEM FROM THAT POINT ON, BY DOING AS I HAD DONE IN THE PRIMARY ELECTION, I HANDED THEM THE BALLOTS, AND THEY RAN THEM THROUGH.

THE PRINTER JAMMED SEVERAL TIMES AND THE PRINTING WAS BARELY LEGIBLE. MR HIGGI CHANGED THE RIBBON TWICE BEFORE HE COULD GET A GOOD READING. THE ACTUAL BALLOT COUNTING DID NOT START UNTIL AROUND 9:00 P.M.

THOMAS MASSEY MEMBER OF THE ELECTION BOARD CALLED THE EVANSVILLE COURIER AND PRESS TO BORROW ONE OF THEIR PRINTERS. THEY BROUGHT IT TO US, BUT, WE WERE UNABLE TO USE IT. A BACK-UP PRINTER WAS THEN SENT TO US BY GIBSON COUNTY, AND THAT PRINTER WOULD NOT WORK.

TWICE DURING THE COUNTING WE TRIED TO USE BOTH OF THE TABULATORS, BUT WAS UNABLE TO, FOR FEAR OF NOT GETTING BOTH MACHINES TO MERGE. ROB MCGUINESS CALLED FROM WARRICK COUNTY AND ASKED ME WHAT THE PROBLEM WAS, AND I TOLD HIM WHAT I HAVE JUST STATED ABOVE. HE SAID HE WAS ON HIS WAY HERE. HE GOT HERE AROUND 12:00 A.M. HE CHECKED THE HOOK-UP, AND COULD NOT FIND OUT WHAT WAS WRONG. AT ONE POINT DURING THE EVENING THE PRINTER WOULD NOT PRINT AT ALL, SUSIE KIRK CHECKED THE PRINTER AND FOUND THAT THE LEVER WAS NOT SET RIGHT.

TO LUMP ALL OF THE ABOVE INTO ONE SENTENCE, IT WOULD BE AS FOLLOWS:

ONE TABULATOR AND ONE PRINTER WAS USED. THE OTHER PRINTER DID NOT FUNCTION AT ALL, AND THE THE OTHER TABULATOR WOULD NOT FUNCTION CORRECTLY.

THE ELECTION OFFICE HAS NOT HEARD FROM B. R. C. AT ALL SINCE ELECTION NIGHT. I AM SURE THAT THEY ARE AWARE OF WHAT HAS HAPPENED.

*Alberta Matlock*

ALBERTA MATLOCK, ELECTION DEPUTY



TELE-MEDIA CORPORATION

P.O. BOX 39, BELLEFONTE, PENNSYLVANIA 16823

PHONE 814-355-4729

October 27, 1994

Vanderburgh County  
1 N.W. 7th Street  
Evansville, IN 47701

To Whom It May Concern:

This is to certify that the gross revenue for cable services from the residents of the County of Vanderburgh for the period July 1, 1994 through September 30, 1994 amounted to \$13,363.44. A check for the franchise fee of 3% in the amount of \$400.79 is enclosed.

Sincerely,

A handwritten signature in cursive script, appearing to read 'SEK'.

Steven E. Koval  
Vice President of Accounting/MIS

SEK/tmb

Enclosure

cc: GPC

-----  
PRESCRIBED BY STATE BOARD OF ACCOUNTS

REVISED COUNTY FORMS NO. 20 - 1947

NO. 21 - 1947

November 15, 1994

QUIETUS

OFFICE OF COUNTY AUDITOR  
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

NO. 17545

FUND CD REV

\$400.75

I HEREBY CERTIFY THAT: TELLS-MEDIA CORP.

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, IN,  
IN THE SUM OF \$400.75 DOLLARS

ON ACCOUNT OF 3RD QUARTER FRANCHISE FEE

SAN HUMPHREY

AUDITOR VANDERBURGH COUNTY, INDIANA

BY: JDE  
-----



TELE-MEDIA CORPORATION  
 P.O. BOX 39  
 BELLEFONTE, PA. 16823

152930 <sup>60-5596</sup><sub>313</sub>

MELLON BANK (CENTRAL) N.A.  
 STATE COLLEGE, PA. 16804

FOUR HUNDRED DOLLARS AND 79 CENTS

PAY TO THE ORDER OF

VANDERBURGH COUNTY  
 1 N.W. 7TH ST.  
 EVANSVILLE, IN 47701

DATE: 10/22/24  
 CHECK NO: 152930

AMOUNT: \$400.79  
 VOID AFTER 120 DAYS

*Robert D. Stead*  
*Atty. E. Koval*

⑆152930⑆ ⑆031305596⑆ 64⑈31795⑈

-----  
PRESCRIBED BY STATE BOARD OF ACCOUNTS

REVISED COUNTY FORMS NO. 20 - 1947

NO. 21 - 1947

November 11, 1994

QUIETUS

OFFICE OF COUNTY AUDITOR  
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

NO. 17443

FUND 130-3140

\$180.00

I HEREBY CERTIFY THAT: DA-MAC INC.

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, IN.  
IN THE SUM OF \$180.00 DOLLARS

ON ACCOUNT OF BATTERS BOX PHONE

SAM HUMPHREY

AUDITOR VANDERBURGH COUNTY, INDIANA

BY: DDG

-----  
PRESCRIBED BY STATE BOARD OF ACCOUNTS

REVISED COUNTY FORMS NO. 20 - 1947

NO. 21 - 1947

November 11, 1994

QUIETUS

OFFICE OF COUNTY AUDITOR  
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

NO. 17444

FUND CU REV

\$40,152.47

I HEREBY CERTIFY THAT: TCI GREAT LAKES INC.

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, IN.  
IN THE SUM OF \$40,152.47 DOLLARS

ON ACCOUNT OF FRANCHISE FEE

SAM HUMPHREY

AUDITOR VANDERBURGH COUNTY, INDIANA

BY: DDG

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 11.7.94 DEPARTMENT: Environment/Vecto.

EMPLOYEE(S): George Thompson

DATE(S) OF TRAVEL: 11.10.94

DESTINATION: Indianapolis

PURPOSE: Indiana Vector Control Association

Board Meeting 12<sup>00</sup> noon to 3<sup>00</sup> p  
Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: No

MEANS  
OF  
TRAVEL

COUNTY VEHICLE NUMBER: 488

OTHER: \_\_\_\_\_

REIMBURSEMENT CLAIMED

No Mileage

No Parking

No Per diem

No Registration

No Air fare

No Other

APPROVED: \_\_\_\_\_

Department Head

APPROVED: \_\_\_\_\_

Office Holder

APPROVED BY:  
VANDERBURGH COUNTY COMMISSIONERS this 14<sup>th</sup> day of November, 1994

Patrick Tuley  
PATRICK TULEY, PRESIDENT

Richard J. Borries  
RICHARD J. BORRIES, VICE PRESIDENT

Don L. Hunter  
DON L. HUNTER, MEMBER

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 11-7-94 DEPARTMENT: Env. Health

EMPLOYEE(S): Bret Swanson  
Dwayne Caldwell  
George Thompson

DATE(S) OF TRAVEL: Nov. 13-18, 1994

DESTINATION: Cincinnati

PURPOSE: EPA/AHERA- APPROVED ASBESTOS ABATEMENT TRAINING

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

LODGING REQUIRED: Yes

MEANS OF TRAVEL: COUNTY VEHICLE NUMBER: 87#3  
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 14<sup>th</sup> day of November, 1994

Patrick Tuley  
PATRICK TULEY, PRESIDENT  
Richard J. Borries  
RICHARD J. BORRIES, VICE PRESIDENT  
Don L. Hunter  
DON L. HUNTER, MEMBER



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

November 14, 1994

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

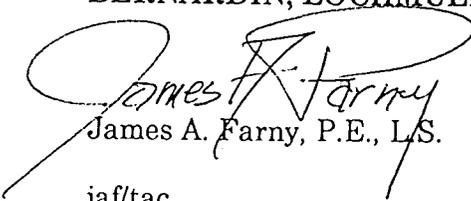
RE: AZTECA MILLING COMPANY  
BLA NO. 194-0149-OPD

Dear Commission Members:

We respectfully request that you hold a Special Drainage Board meeting on November 21, 1994 for the above referenced project. Our client is very anxious to get this project moving.

Sincerely,

BERNARDIN, LOCHMUELLER & ASSOCIATES, INC.



James A. Farny, P.E., L.S.

jal/tac

Enclosure

cc: File

at the option of the executive. Appointees under subdivision (2) must be resident freeholders of the county who are knowledgeable in drainage matters. Freeholders appointed to the board serve for terms of three (3) years, with their initial appointments made so as to provide for staggering of terms on an annual basis. In addition, the county surveyor serves on the board as an ex officio, nonvoting member.

(b) In a county having a consolidated city, the board of public works of the consolidated city comprises the drainage board, subject to IC 36-3-4-23.

(c) In a county having a consolidated city, the department of public works of the consolidated city has all the powers, duties, and responsibilities of the county surveyor under this chapter, subject to IC 36-3-4-23. [IC 36-9-27-5, as added by Acts 1981, P.L. 309, § 101.]

**36-9-27-6. Appointment of special members — Powers and duties — Compensation.** — (a) When the membership of the board is reduced to less than three (3) because of disqualifications, the board shall immediately certify that fact to the circuit court of the county. The court shall then restore the membership of the board to three (3) by appointing the appropriate number of resident freeholders of the county to serve as special members for the particular drainage proceedings.

(b) A special member of the board has the same duties and powers as a regular member of the board, and is entitled to a per diem, to be paid as an expense of the board, in an amount fixed by the county fiscal body for each day or major part of a day spent in actual attendance at any meeting of the board or in the performance of official business of the board. [IC 36-9-27-6, as added by Acts 1981, P.L. 309, § 101; P.L.45-1990, § 9.]

**36-9-27-7. Organization of board — Regular and special meetings — Quorum.** — (a) The board shall organize at a meeting each January, by electing one (1) of its members as chairman and one (1) of its members as vice chairman. At the same time, the board shall elect a secretary, who need not be a member of the board.

(b) The county surveyor may not hold an office on the board.

(c) The board shall fix the time and dates for regular meetings, which shall be held in the office of the county surveyor. However, if the surveyor's office is not adequate, the county executive shall provide an adequate meeting place.

(d) Special meetings of the board may be called by the chairman, any two (2) members, or the county surveyor, by mailing a written notice setting forth the time, date, and place of the meeting to each member not less than five (5) days before the date of the meeting. A member may waive the mailing of notice of a special meeting by filing a written waiver with the secretary or by his presence at the meeting.

(e) Meetings of the board may be adjourned from day to day or to a day certain without written notice being given.

(f) All meetings of the board must be open to the public, and the minutes of the meetings are open to public inspection.

SPECIAL  
DRAINAGE BOARD MEETING  
NOVEMBER 21, 1994

AGENDA

1. Meeting Opened
2. New Business
  - A. Azteca
3. Meeting Adjourned



**EMERGENCY MANAGEMENT AGENCY  
EVANSVILLE, VANDERBURGH COUNTY**

Sherman G. Greer, Director  
Room 18, Civic Center Complex  
1 NW Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708  
(812) 426-5602



Jane Snelling, Assistant Director  
Administrative Assistant, Lisa Patterson

MEMORANDUM

TO: MAYOR FRANK F. McDONALD II  
FROM: SHERMAN G. GREER, DIRECTOR *SGG*  
DATE: NOVEMBER 4, 1994  
RE: OUT OF TOWN TRAVEL, NOVEMBER 22, 1994

I request your approval for out of town travel to Hopkinsville, Kentucky to attend the Tennessee, Illinois, Kentucky, Indiana Military Assistance to Safety and Traffic meeting. One of the topics of discussion will be determining if the organization should continue its service. The meeting begins at 9:00 A.M. and usually ends at 12 noon.

Transportation will be the only expense incurred and that will be by the EMA vehicle.

With your approval I will be leaving at 7:00 A.M. on November 22 and return approximately 2:00 P.M..

Thank You.

SGG/lp

cc: Roger L. Lehman, EMA Advisory Council Chairman  
Pat Tuley, President County Commissioners  
file

TRANSCRIPT  
COUNTY COMMISSIONERS MEETING  
NOVEMBER 21, 1994

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened @ 5:40 p.m. ....	1
Introductions & Pledge of Allegiance .....	1
Board of Finance .....	1
Approval of Minutes (November 14, 1994) .....	1
Authorization to Open Bids .....	2
VC9417 Full Size Four-Wheel Drive Vehicle	
VC9418 Single Axle Truck with Dump Body	
APA00595 Resurfacing Materials	
Petition to Vacate an Easement in Autumn Hills	
Subdivision - Jack Schroeder, Attorney .....	2
(Deferred; D. Burdon to notify Attorney Schroeder when plat has been recorded and Attorney Schroeder, in turn, to notify Commission Office so this item can be placed on the agenda for action.)	
County Engineer - John Stoll .....	3
Change Order/Concrete Repair Contract/Melody Hills (\$18,286.00 increase)	
Heckel Road/Hiring of Bernardin-Lochmueller to perform Survey re bridge, itself	
Consent Agenda .....	4
Old Business .. (none).....	4
New Business .....	4
Assignment of Option/Purchase of Azteca Property	
Notice of Exercise of Option	
Memorandum of Understanding	
Recognition of Richard Mourdock/Commissioner-Elect .....	5
Meeting Recessed @ 6:56 p.m. ....	5
Meeting Reconvened @ 7:00 p.m. ....	5

\* \* \* \*

R E Z O N I N G P E T I T I O N S  
FIRST READINGS\*

- VC-15-94 Petitioner, Gary L. Burden
- VC-16-94 Petitioner, Chris Combs
- VC-17-94 Petitioner, Chris Combs  
(Note to APC to consider environmental  
problems)
- VC-18-94 Petitioner, Evlle.-Vanderburgh School Corp.
- VC-19-94 Petitioner, CHAL Corporation
- VC-20-94 Petitioner, Evlle.-Vanderburgh School Corp.

\*All Petitions were approved on First Reading for forwarding to the Area Plan Commission for consideration; Commissioners request APC consider environmental problems when reviewing VC-17-94. These rezonings will come back to the Commissioners for Third and Final Reading on December 19, 1994.

\* \* \* \*

Bid Recap/Alan Kissinger ..... 6  
Surfacing Materials  
Single Axle Truck with Dump Body for County Hwy.  
One Full Size Four-Wheel Drive Vehicle for County Hwy.  
(Bids to be taken under advisement for one week)

Meeting Adjourned @ 7:15 p.m. .... 7

\* \* \* \*

Special Drainage Board Meeting re Azteca

**TRANSCRIPT  
COUNTY COMMISSIONERS MEETING  
NOVEMBER 21, 1994**

The Vanderburgh County Board of Commissioners met in session at 5:40 p.m. on Monday, November 21, 1994 in the Commissioners Hearing Room with President Pat Tuley Presiding.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley called the meeting to order, welcomed the attendees, introduced members of the County Staff (County Attorney Alan Kissinger, Commissioner Rick Borries, himself, Chief Deputy Auditor Cindy Mayo and Joanne Matthews, the Official Recording Secretary for the Board). He noted that Commissioner Hunter is out of town tonight and will not be present. Mr. Tuley subsequently asked the group to stand for the Pledge of Allegiance.

RE: BOARD OF FINANCE

President Tuley said the first item on the agenda is the Board of Finance and Ms. Jayne Berry-Bland, County Treasurer, is present.

Ms. Bland said we submitted bids for the local banks and savings and loans to be a designated depository and she would like to say we had a one hundred percent participation. The following institutions shall be eligible to receive funds from the County:

Old National Bank  
Citizens Bank  
National City Bank  
Union Federal  
NBD  
Evansville Federal  
Permanent Federal  
Midwest Federal  
First Federal

Ms. Bland said she has taken their assets and figured out what their percentages would be on investments she so chooses to invest with them and would like for this to be accepted. (Copy attached hereto.)

Motion was made by Commissioner Borries that the Treasurer's Report to the Board of Finance be accepted. Seconded by Commissioner Tuley. Commissioner Tuley then asked if there is any discussion. There being none, he so ordered.

RE: APPROVAL OF MINUTES (NOVEMBER 14, 1994)

The meeting continued with President Tuley saying the next order of business is the approval of the minutes of last week (November 14, 1994). In response to query from Commissioner Borries, President Tuley said the Board approved the minutes of November 7, 1994 last week (November 14th).

Motion was made by Commissioner Borries to approve the minutes of November 14, 1994 as engrossed by the County Auditor and waive reading of same. Seconded by Commissioner Tuley. So ordered.

President Tuley then said any individual or group who wishes to address the Commission and does not find their name or item of interest on the agenda tonight, now is the time to come forward.

There was no response from the audience.

RE: AUTHORIZATION TO OPEN BIDS

President Tuley said there are three (3) bid openings tonight, but he does not see Ms. Lynn Ellis from Purchasing.

Attorney Kissinger said that Ms. Ellis is not here tonight, but she has left instructions with regard to the bids. Bids have been received for two vehicles for the County Highway Garage and surfacing materials -- and the surfacing materials bid is merely a pricing bid. Ms. Ellis has asked that we open these tonight, make our record in reference to the opening and take the bids under advisement until next week's meeting.

Motion was made by Commissioner Borries that the bids be opened at this time for the following items:

- 1) VC9417                      Full Size Four Wheel Drive Vehicle
- 2) VC9418                      Single Axle Truck with Dump Body
- 3) APA00595                      Resurfacing Materials

Seconded by Commissioner Tuley and so ordered. Mr. Tuley said the Attorney will read the bid recap into the record later in the meeting, after he has had time to review the bids.

RE: PETITION TO VACATE AN EASEMENT IN AUTUMN HILLS  
SUBDIVISION - JACK SCHROEDER, ATTORNEY

Attorney Jack Schroeder was recognized.

Attorney Schroeder said the Petitioners, Mr. and Mrs. Birks, are present tonight, as is Mr. Dewey Burdon, as a remonstrator. However, he would explain -- and Mr. Burdon can confirm -- what Mr. Burdon told him. "They own Lot #8 in Autumn Hills and in the plat there is a strip of land that appears to be 60 ft. in width and it runs in a diagonal direction along the southern part of this property. Now, it has never been used for anything -- there are trees growing on it. And on the plat it really doesn't say what the purpose, if any, of that easement is. In my mind, it may be questionable as to whether it is an easement anyway. And the problem is not knowing what the purpose was -- although we speculated --- and Mr. Burdon has confirmed that his intention was that he wanted access to some land he owns which is immediately east of this parcel. Now, in the meantime, he has developed the land that he owns immediately east of this parcel and had a plat approved and he does have access by other means to the land he owns east of this parcel. It is my understanding the plat has not yet been recorded and there is always the possibility, I guess, of something going wrong in the meantime and the plat doesn't get recorded and then he is interested in preserving what he maintains to be an access easement. I am not satisfied that there is an access easement there. But that is allegedly the purpose of that drawing. Now, along the eastern edge of this property there are two easements. One is for utilities and one is for drainage -- and we're not vacating that. It is my understanding we're vacating this yellow strip on the eastern edge of the lot. We're not asking that any change be made in the easements that are dedicated -- the public utility easement and the drainage easement. So I am merely suggesting this -- if that is the only objection (I'm sure nobody else has objected to it) that Mr. Burton may have, that possibly we could take this under advisement to confirm the plat is recorded to his satisfaction (which I assume would be done within two or three weeks) and, if so, assuming you are satisfied with the exception of the question he has raised over access, that you would adopt the resolution at another meeting. I would merely come back and confirm with a letter or proof that this plat has been recorded -- and not have Mr. and Mrs. Birks come back. They are here to answer any questions, but we have no objections from any of the utilities or any of the owners in the area that we were

required to give notice to. I merely think that it may be unnecessary to get into the details or the complications of whether we should or whether we shouldn't, if there is an obvious possibility that he will not object within another two weeks or so."

President Tuley then recognized Mr. Dewey Burdon.

Mr. Burdon introduced himself and stated, "I am the developer of this area. This easement was set aside with the thought that we might need it for access to this property that he mentioned. Since that time another road has been built that gives me access to this property. The only objection I have at this time is, as he said, the fact that Autumn Hills IV has not been recorded and once it is recorded, then I have access off Secretariat Drive and I have no problem with the easement at that point. I just would like to reserve that until that is done so I will be positive I have access to my land."

Commissioner Borries asked, "Did you originally develop Autumn Hills?"

Mr. Burdon replied, "Yes, I developed Autumn Hills I, II, III and IV."

Mr. Borries said, "So when Mr. Schroeder talked about he wasn't sure if there was an easement there, to the best of your knowledge there is -- as you have recorded it. Is that correct?"

Mr. Burdon replied, "Yes, that is correct."

President Tuley asked if there is anyone else wishes to speak -- remonstrators for or against the issue? There was no response from the audience.

Commissioner Borries said he has no problem taking this under advisement.

Mr. Tuley addressed Mr. Burdon and asked, "I guess the best thing at this point in time is that once you get it recorded, then we can bring it back up the following Monday?"

Mr. Burdon replied, "Sure."

Commissioner Tuley asked, "Do you want to notify Mr. Schroeder the moment you have it done? And, Mr. Schroeder, you contact our office so we can get it on the agenda the following Monday?"

Attorney Schroeder said he will do that.

The meeting continued with Commissioner Tuley saying that because of Mr. Hunter's absence and Mr. Borries coming in from Indianapolis, the Board tried to restrict the Commissioners' meeting tonight to a limited amount of information or items to deal with because of the Rezoning Petitions scheduled for 7:00 p.m. Although John Stoll is not listed on the agenda, John has indicated to him that he does have a couple of things that need to be addressed tonight. He asked that Mr. Stoll come forward at this time.

RE: COUNTY ENGINEER - JOHN STOLL

Change Order/Concrete Repair Contract/Melody Hills: Mr. Stoll said he needs the Commissioners' signatures on this change order. It results in an increase of \$18,286.00 for the ongoing work out there. He would recommend approval.

Motion to approve the change order was made by Commissioner Borries, with a second from Commissioner Tuley. Mr. Tuley entertained discussion.

Commissioner Borries asked how far along we are on that project and Mr. Stoll said we're about finished. He thinks we should probably have one more change order and it will be finalized. Mr. Borries asked if Mr. Stoll anticipates if we'll have sufficient funds insofar as the budget is

concerned. Mr. Stoll said that with what Bill Morphew has transferred into his contractual accounts plus the money we already have, we'll have enough to take care of everything. So ordered.

Heckel Road/Hiring of Bernardin-Lochmueller to Perform Survey: Mr. Stoll said he would like to recommend that we hire Bernardin-Lochmueller to specifically perform a survey on Heckel Road for the bridge itself.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Tuley. Commissioner Tuley then entertained discussion. There being none, he so ordered.

RE: CONSENT AGENDA

President Tuley said there appears to be nothing out of the ordinary on the Consent agenda and he entertained a motion.

Motion to approve the Consent Agenda, as printed, was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

RE: OLD BUSINESS

President Tuley entertained matters of Old Business to come before the Board. There were none.

RE: NEW BUSINESS

Assignment of Option/Purchase of Azteca Property: Attorney Kissinger said he has a couple of items of new business. One of them is the Assignment of the option which was originally given to Vision 2000 for the purchase of the Azteca property with Ralph and Eugene Rexing, the owners of that property. There is an assignment of that option to Vanderburgh County and in order to accept that assignment it needs to be signed by President Tuley.

Notice of Exercise of the Option: Attorney Kissinger said now that Vanderburgh County has the option, this notice merely indicates we're exercising the option that we have succeeded from Vision 2000. These are all matters that are attendant to, once again, the purchase of the 160 acres of the Azteca real estate. He recommends the Commissioners approve the Assignment and the Notice of Exercise and that President Tuley sign both documents.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Tuley. Mr. Tuley then entertained discussion. There was one. So ordered.

Memorandum of Understanding: In reference to the 160 acres of Azteca real estate, Attorney Kissinger said that basically this is a Memorandum of Understanding and he thinks this is for the Rexing's benefit so they can report to the ASCS people (they are land people) as to what this agricultural real estate will be used for and this merely indicates that the 160 acres will not be used for agricultural crops, etc. There will be no crop acreage basis or allotment on this property. He thinks this is a matter of reporting by the Rexings to ASCS and, once again, he recommends the Commissioners approve the Memorandum of Understanding and that it be signed by all of the Commissioners. He guesses we will have to get Commissioner Hunter's signature later in the week.

Motion to approve and sign the Memorandum of Understanding was made by Commissioner Borries, with a second from Commissioner Tuley. Mr. Tuley then entertained any discussion. There being none, he so ordered.

President Tuley said Attorney Kissinger is not yet finished with the bid recap -- and the Rezoning Petitions are to be heard at 7:00 p.m., all of which are First Readings.

RE: RECOGNITION OF RICHARD MOURDOCK, COMMISSIONER-ELECT

President Tuley continued by recognizing Commissioner-Elect Richard Mourdock, seated in the back row of the audience. He apologized and said he guesses he should have done this in the beginning -- but Richard was kind of hiding behind some other people for a while. Now that they are gone, he can see him. It is nice to see him.

At 6:56 p.m., motion was made by Commissioner Borries to recess the meeting and reconvene for rezoning hearings. Seconded by Commissioner Tuley. So ordered.

### REZONINGS

At 7:00 p.m., President Tuley reconvened the meeting for purposes of hearing rezoning petitions. He said the Board has six (6) First Readings this evening. Since these are all **First Readings**, he asked Commissioner Borries if whether he would prefer that he read all the Petitions and vote on all of them at the same time, or vote on them individually. Commissioner Borries said he preferred to take them individually.

VC-15-94      Petitioner, Gary L. Burden      AG to C-2  
                  2905 N. St. Joseph Avenue

Motion was made by Commissioner Borries to approve the petition on First Reading and forward to Area Plan. Seconded by Commissioner Tuley. So ordered.

VC-16-94      Petitioner, Chris Combs      AG to C-4  
                  2515 Calf Lane

Motion was made by Commissioner Borries to approve the petition on First Reading and forward to Area Plan. Seconded by Commissioner Tuley. So ordered.

VC-17-94      Petitioner, Chris Combs      R-1 to C-4  
                  2010 Fuquay Road

Commissioner Borries stated there are some serious environmental concerns about this property and it has been involved in controversy because of the borrow pits, etc. Have those borrow pits now been filled in? The proposed land use indicated on the petition is for storage of petitioner's business equipment and green houses and nursery. In order to move the petition forward, he said he would move that the petition be approved on First Reading and forwarded to Area Plan -- but with the request that the Area Plan Commission consider that there are environmental problems concerning this property. Seconded by Commissioner Tuley. So ordered.

VC-18-94      Petitioner, Evansville-Vanderburgh PUD to R-1  
                  School Corporation:  
                  5501 Covert Avenue

Commissioner Borries moved that VC-18-94 be approved on First Reading and forwarded to the APC. Seconded by Commissioner Tuley. So ordered.

VC-19-94      Petitioner, CHAL Corporation      R-1 to C-2  
6001 Covert Avenue

Commissioner Borries said he thinks this basically is that same rezoning and involves a land trade of some existing land. He moved that the Petition be approved on First Reading and forwarded to the Area Plan Commission for review.      Seconded by Commissioner Tuley. So ordered.

VC-10-94      Petitioner, Evansville-Vanderburgh PUD To R-1  
School Corporatin:  
5747 Covert Avenue

Commissioner Borries said this is really a down zone to R-1, which would be the lowest part of residential. He moved that the Petition be approved on First Reading and forwarded to the APC for review. Seconded by Commissioner Tuley. So ordered.

Commissioner Tuley said this concludes the rezonings scheduled for tonight. The foregoing rezonings will come back to the Commissioners for Third and Final Reading on the third Monday in December (December 19th).

Commissioner Borries said it looks like the Board is going to have a bunch of petitions on Third Reading at that meeting and Commissioner Tuley said it looks like it will be a long December night.

Commissioner Borries moved to reconvene the regular Commission Meeting to conclude unfinished business. Seconded by Commissioner Tuley. So ordered.

RE: BID RECAP - ALAN KISSINGER

The meeting continued with Attorney Kissinger reading the following bids into the record:

Surfacing Materials (APA00595):

Crafco, Inc.	No Bid
Schmidt Engineering & Equipment Co.	No Bid
M-B Companies, Inc. of Wisconsin	No Bid
Koester Contracting Corp.	\$447,683.60
Jerry David Enterprises, Inc.	\$541,584.30
J. H. Rudolph & Co., Inc.	\$585,350.00

Single Axle Truck with Dump Body for County Highway Garage:

Expressway Dodge, Inc.	No Bid
T. A. Brouillette & Son, Inc.	\$24,536.00
Carson Ford	\$25,998.00
Evansville Truck Center	\$24,705.00
D-Patrick, Inc.	\$27,975.00

One Full Size Four Wheel Drive Truck for County Highway Garage:

Carson Ford	\$23,167.00
D-Patrick, Inc.	\$23,975.00
Rudd Equipment Company	No Bid
Kenny Kent Chevrolet	\$24,318.84

Cooke Chevrolet GEO	#1	\$24,621.26
	#2	\$23,842.86

Motion to take all of the foregoing bids under advisement for a period of one (1) week was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

President Tuley entertained further matters of business to come before the Board. There being none, he entertained a motion for adjournment.

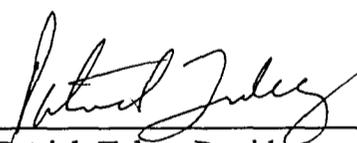
Motion to this effect was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered. Meeting was adjourned at 7:15 p.m.

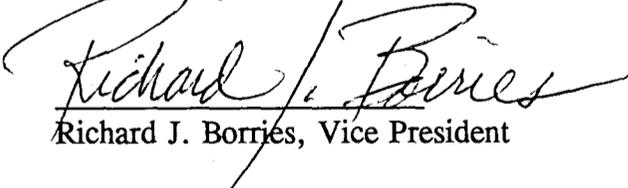
PRESENT:

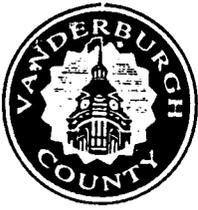
Patrick Tuley, President  
Richard J. Borries, Vice President  
Cindy Mayo, Chief Deputy Auditor  
Alan M. Kissinger, County Attorney  
John Stoll/County Engineer  
Richard Mourdock/Commissioner-Elect  
Bob Hornbrook/Boy Scouts  
Al and Jan Birks/Petitioners/Autumn Hills  
Dewey Burdon/Autumn Hills  
Jayne Berry-Bland/County Treasurer  
Janice W. Hansen  
Ed Hafer/Vision 2000  
Others (Unidentified)  
News Media

ABSENT: Don L. Hunter, Member

SECRETARY: Joanne A. Matthews

  
Patrick Tuley, President

  
Richard J. Borries, Vice President



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

RICHARD J. BORRIES

DON L. HUNTER

PATRICK TULEY

**AGENDA**

**VANDERBURGH COUNTY COMMISSIONERS  
NOVEMBER 21, 1993**

**6:30 P.M.**

*D. Hunter/Absent*

**FINAL**

1. CALL TO ORDER — 6:30<sup>pm</sup>
2. INTRODUCTIONS ✓
3. PLEDGE OF ALLEGIANCE

**BOARD OF FINANCE MEETING ✓**

4. ACTION ITEMS
  - A. Approval of minutes — 11/14/93 — RB/PT
  - B. Any group-individual wishing to address the commission
  - C. Lynn Ellis: Bid openings — RB/PT
    - VC9417 Full Size 4-wheel drive blazer
    - VC9418 Single Axle Truck with Dump Body
    - APA005-95 Surfacing Materials
    - (All bids will be taken under advisement).
  - D. Petition to Vacate/Easement in Autumn Hills Subdivision ✓

*J. St. H.*  
5. **CONSENT ITEMS ✓**

6. OLD BUSINESS — None
7. NEW BUSINESS — adv (Ag. Sec.)
8. MEETING ADJOURNED —

**REZONINGS 7:00**

**SPECIAL DRAINAGE BOARD (IMMEDIATELY AFTER)**

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Pigeon Township Assessor (REASSESSMENT) *sd*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
2490- 1150-1990	Michael K. Moore	8354-D Lincoln Ave	Data Entry	Hourly 7	00	11/28/94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY *David G. Fox*

DATE 11/16/94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Legal Aid Society of Evansville, Inc. 4290 *sd*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
4290	Rita Patterson	2509 Sweetser Ave. Evansville, IN	part time	5	00	11-14-94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY *SA Hartig*

DATE 11-14-94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department PIGEON TOWNSHIP ASSESSOR

### APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1000-1150-1130	Stephen S. Mohler	2202 W. Illinois	Real Estate Deputy	<i>9.7269/hr</i> Yearly 20,232 00 Hourly 9.7269	11/23/94
6 Month Anniversary pay increase. Sufficient funds in Line Account.					

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

### RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1000-1150-1130	Stephen S. Mohler	2202 W. Illinois	Real Estate Deputy	<i>9.2764/hr</i> Yearly 19,295 00 Hourly 9.2764	11/22/94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*Diana A. Fox* DATE 11-16-94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department VANDERBURGH COUNTY HWY. DEPT. 2010 02010 *sd*

### APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

### RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
20101045	ROGER K. HALL	1520 S. FAIRLAWN AVE.	LABORER	11 3562	11-15-94
EMPLOYMENT TERMINATION PER COUNTY COMMISSIONERS AT 11-14-94 MEETING.					

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*William J. [Signature]* DATE 11-15-94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department TREASURER

*sd*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1030-199	JULIE ANN BETHEL	2059 E FLORIDA ST	PART-TIME	5/ HR	11-21-94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1030-199	PATRICIA TUTT	2009 E MICHIGAN ST	PART TIME	5/ HR	11-21-94

RECORDER  
COMMISSIONER'S RECORD

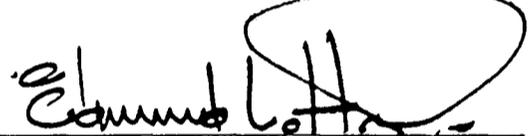
SIGNED BY Jayne Lury-Blank DATE 11-21-94

ASSIGNMENT

The undersigned, on behalf of VISION 2000 EVANSVILLE REGIONAL ECONOMIC DEVELOPMENT CORPORATION (herein the "Assignor"), hereby assigns, conveys, transfers and sets over unto the BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA (herein the "Assignee"), all right, title and interest of Assignor arising under and pursuant to that certain Real Estate Option Agreement executed by Ralph R. Rexing and Imogene P. Rexing, in favor of Assignor on the 16<sup>th</sup> day of November, 1994 (herein the "Option"). The assignment made hereby includes all right, title and interest of the Assignor in and to the real estate forming the subject matter of the Option. Assignee, by the execution hereof, assumes and agrees to pay and perform all obligations and undertakings of the Assignor arising under and pursuant to the Option.

Dated: November 21, 1994.

VISION 2000 EVANSVILLE REGIONAL  
ECONOMIC DEVELOPMENT CORPORATION

By 

Its EDMUND L. HARSE, JR. CHAIRMAN  
(Printed Name and Title)

"Assignee"

BOARD OF COMMISSIONERS,  
VANDERBURGH COUNTY, INDIANA

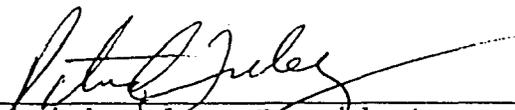
By 

Its PRESIDENT  
(Printed Name and Title)

NOTICE OF EXERCISE OF OPTION

The undersigned, Board of Commissioners of Vanderburgh County, Indiana, acting pursuant to that certain resolution duly adopted on the 28th day of July, 1994, hereby provides to Ralph R. Rexing and Imogene P. Rexing (herein collectively "Owner"), notice of exercise of the option to acquire the real estate forming the subject matter of that certain Real Estate Option Agreement dated November 16, 1994 (the "Agreement"), between Owner and Vision 2000 Evansville Regional Economic Development Corporation (the "Optionee"). The Board of Commissioners of Vanderburgh County has succeeded to all rights of the Optionee under the Agreement. This written notice is being provided to the Owner pursuant to the provisions of Section 2 of the Agreement.

Dated: November 21, 1994.

  
\_\_\_\_\_  
Patrick Tuley, President  
Board of Commissioners  
of Vanderburgh County, Indiana

re\Exchange.ExD

TREASURER  
VANDERBURGH COUNTY

ADMINISTRATION BLDG., ROOM 210  
CIVIC CENTER COMPLEX  
EVANSVILLE, INDIANA 47708



TO: COUNTY COMMISSIONERS  
BOARD OF FINANCE  
FROM: JAYNE BERRY-BLAND  
RE: BOARD OF FINANCE

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The following percentages have been calculated regarding the form SBD-2 that has been furnished by all local banks and savings and loans. These 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.	54%
Citizens Bank	<u>\$638,548,000.</u>	<u>46%</u>
	\$1,390,260,000.	100%

CERTIFICATE OF DEPOSITS:

Bank Name	Total Assets	Percentage
Old National Bank	\$751,712,000.	37%
Citizens Bank	\$638,548,000.	31%
National City Bank	\$253,539,000.	12%
Union Federal S & L	\$140,830,000.	7%
NBD Bank	\$ 92,383,000.	4%
Evansville Federal S & L	\$ 77,248,000.	4%
Permanent Federal S & L	\$ 42,361,000.	2%
Midwest Federal S & L	\$ 46,067,000.	2%
First Federal S & L	<u>\$ 30,352,000.</u>	<u>1%</u>
	\$2,030,679,000.	100%

SIGN-IN SHEET

COUNTY COMMISSIONERS MEETING

DATE: November 21, 1994

Name

Affiliation

R. Moundock

Bob Hornbrook

Tim Hansen

Judy Plowden

Al & Joan Buler

Darvey Burdon

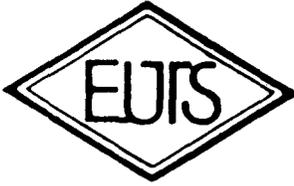
Jay & Betty Bland

James W. Hansen

E.T.E.

Boy Scouts

I Co.  
Treasurer



## EVANSVILLE URBAN TRANSPORTATION STUDY

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Civic Center Complex, Room 316, 1 N.W. Martin Luther King, Jr. Blvd. Evansville, IN 47708-1833 (812) 426-5230  
FAX-(812) 426-5399 Hearing Impaired/TDD (812) 426-5483

ROSE M. ZIGENFUS, M.P.A.  
EXECUTIVE DIRECTOR

November 21, 1994

Mr. Greg Curtis  
Indiana Department of Transportation  
Vincennes District  
2526 N. 6th Street  
Vincennes, IN 47591

Dear Mr. Curtis:

As we discussed in our recent meeting of November 15, 1994, you stated that you would be willing to clarify the erroneous comments reported in the newspaper since you felt responsible for the controversy. You stated that your comments were taken out of context. As I told you then, I didn't know what would correct the situation and that I would discuss it with the Policy Committee.

During the last few days, I discussed the matter with several of the EUTS Policy Committee members and they have requested that you provide them with a letter explaining INDOT's perspective of the EUTS agency. Specifically, please focus on the issues in the paper and include the following topics; that EUTS traffic projections are reasonable and acceptable as the best data available, that INDOT depends on the MPO for traffic data since INDOT does not have a statewide plan or model, that EUTS performs the planning functions as required by the ISTEA and CAAA, and that EUTS planning process has been certified by FHWA annually, since its inception.

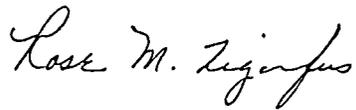
Please address your letter to the following:

Mr. Jack Corn, Jr., Chairman  
EUTS Policy Committee  
1 NW M L King Blvd  
Room 316  
Evansville, IN 47708

Mr. Greg Curtis  
Page 2  
November 21, 1994

It is unfortunate that INDOT and EUTS could garner such coverage over nothing, when the real coverage should have been the planning effort for the next twenty years. I appreciate your assistance and look forward to working with you and your staff to implement future transportation projects.

Sincerely,



Rose M. Zigenfus  
Executive Director

RMZ/jw

cc: Mayor Frank F. McDonald  
Jack Corn, Jr.  
Patrick Tuley

Mae Mason  
Phil Hoy  
Steve Sherwood

Steve Melcher  
David Mosby  
Charles Lynn

RE Z O N I N G P E T I T I O N S  
F I R S T R E A D I N G S  
M O N D A Y - N O V E M B E R 2 1 , 1 9 9 4  
7 : 0 0 P . M .

<u>VC-15-94</u>	PETITIONER, GARY L. BURDEN 2905 N. St. Joseph Avenue	AG to C-2 — RB/PT
<u>VC-16-94</u>	PETITIONER, CHRIS COMBS 2515 Calf Lane	AG to C-4 — RB/PT
<u>VC-17-94</u>	PETITIONER, CHRIS COMBS 2010 Fuquay Road	* R-1 to C-4 — RB/PT
<u>VC-18-94</u>	PETITIONER, EVLLE.-VANDERBURGH SCHOOL CORPORATION 5501 Covert Avenue	PUD to R-1 — RB/PT
<u>VC-19-94</u>	PETITIONER, CHAL Corporation 6001 Covert Avenue	R-1 TO C-2 — RB/PT
<u>VC-20-94</u>	PETITIONER, EVLLE.-VANDERBURGH SCHOOL CORPORATION 5747 Covert Avenue	PUD to R-1 — RB/PT

\* R. Barnes; Some serious Env. Concern about this property.  
Has been involved in controversy. Borrow pits filled in?  
APC ✓ Consider flows and env. problems.







TRANSCRIPT  
COUNTY COMMISSIONERS MEETING  
NOVEMBER 28, 1994

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TRANSCRIPT  
COUNTY COMMISSIONERS MEETING  
NOVEMBER 28, 1994

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, November 28, 1994 in the Commissioners Hearing Room with President Pat Tuley presiding.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley called the meeting to order, welcomed the attendees, introduced members of the County Staff (Mark Abell, Supt./County Buildings, Attorney Alan Kissinger, Commissioner Rick Borries, himself, Commissioner Don Hunter, Chief Deputy Auditor Cindy Mayo, and Sunny Titzer, Acting Recording Secretary for the Auditor's Office). Joanne Matthews, the Official Recording Secretary for the Board, is on vacation. President Tuley subsequently asked the group to stand for the Pledge of Allegiance.

RE: APPROVAL OF MINUTES - NOVEMBER 21, 1994

President Tuley said he has two sets of Transcripts for approval and signatures. The Transcript for the Commission Meeting of November 21, 1994 and a Special Meeting re Azteca held on July 28, 1994.

Motion to approve the transcript of the November 21, 1994 meeting as engrossed by the County Auditor and waive reading of same was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

President Tuley said they will come back to the transcript of the meeting re Azteca later.

RE: COMPUTER SERVICES/AGREEMENT WITH VECTOR NETWORKS LIMITED

It was noted by Commissioner Tuley that Mr. Cappelletti has to leave right away for another meeting in Mt. Vernon. Therefore, Item 4-E will be addressed at this time.

Mr. Cappelletti said he has a request to sign a Software License Agreement for the LAN software product that enables us to back up certain critical P.C.'s over the network with our central VAX system. This was approved by Data Board at their September 27, 1994 meeting and has been purchased through the Purchase Order process. He just received these contracts for signatures. He needs to take these to the Board of Public Works on Wednesday.

Motion to approve and sign the agreement was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

President Tuley then asked if there are any individuals/groups who wish to address the Commission but do not find their particular item of interest on tonight's agenda. If so, now is the time to come forward.

RE: REQUEST FOR SURPLUS PROPERTIES

The Reverend Adrian Brooks, Pastor of Memorial Baptist Church, was recognized. He stated, "My reason for coming is to ask the members of the Vanderburgh County Commission to allow us to acquire property at the cost of \$1.00. I had originally come for two (2) parcels. I understand that one parcel has already been approached and brought before you and that is the 800 Lincoln Avenue property, so we're just here with regard to the parcel at 773 Lincoln Avenue. We come asking -- we are the Memorial Baptist Church, a not for profit entity. We

are attempting to facilitate community and economic development in the area and we willingly accept the liability of any violations of code and I have a Quit Claim Deed here to present to your legal counsel."

Mr. Abell said, "For the record, that is a property that we had advertised. I don't see any problems with it -- if Alan will look at it."

Attorney Kissinger said, "I would like to look at the deed. Am I correct in that this is not a parcel that the Reverend Trask and his organization had requested?"

Mr. Abell said, "It is."

The Reverend Brooks stated, "Across the street at 800 Lincoln. See, that is what happens when you do these prepared speeches -- and then come in and find out that the game has changed. So it is the 773 Lincoln Avenue, which was formerly owned by the Shell Company some time ago."

Attorney Kissinger asked, "Reverend Trask, for purposes of clarification, could you come forward please and identify yourself and let's make sure that we're doing this correctly."

The Reverend Trask approached the podium and stated, "Good evening. I'm Joseph Trask, Pastor of Christ Missionary Baptist Church and I was in and submitted the Quit Claim Deeds for both of the pieces of property there -- 800 Lincoln and 773 Lincoln and we were talking about additional parking, etc. We had not communicated about this until tonight. He was not aware I was interested in it and I was not aware that he was interested in it. But we wanted to acquire that property for the church building, itself, at 800 Lincoln and for parking expansion across the street at 773 Lincoln -- and which we said there was a possibility of that happening. I have looked at it and there is a possibility we may be able to use the property at 773 Lincoln if permitted to do so. If we're able to acquire that property, we would use that property temporarily for some of our congregational meetings while we're working on the property across the street. So both of those properties are what we had talked about the last time we were here."

Attorney Kissinger said, "So I am assuming the two of you have not reached an accommodation."

The Reverend Brooks said, "Well, I thought we had -- because I thought he was only interested in the property that was formerly the Turning Point and I had compromised that one."

Attorney Kissinger said, "For the Commissioners' benefit -- I'm not trying to take over the meeting -- but for the Commissioners' benefit, Reverend Trask and his organization had provided us with deeds for my approval, which I have not yet approved because there are some changes that need to be made. So I think that but for the fact that those deeds haven't been approved, that transaction would already have been completed. Where you gentlemen wish to go from there and how you wish to address the Commissioners further on the issue, this is your choice."

Pastor Brooks said, "Well, if what he's got takes precedence over anything I've done tonight, then I guess I'd have to deal with The Reverend, who is my friend."

Attorney Kissinger said "That is what I was suggesting."

Pastor Brooks said, "Then I don't even need to present these Quit Claim Deeds to you. I was under the impression there was only one parcel and now I am informed they are both being spoken for."

Attorney Kissinger, "As far as the record is concerned, I do recall that the Reverend Trask requested both parcels and provided Quit Claim Deeds for approval as to both parcels."

Commissioner Borries noted that Councilman Landers is present and asked whether he has any thoughts on this. He then continued by saying, "Well, I think as religious people and certainly as leaders in this community, whatever you all want to work out is fine. We certainly couldn't have anymore deserving use of the property than what you proposed. But I don't think this Board would want to get into any kind of a battle among the folks who certainly are interested and would put the property to good use. I mean we don't want to -- I guess we want to be fair."

Commissioner Tuley interjected, "I think Alan's point was valid in the fact that had he not wanted to review the deeds, there wouldn't be any property left for the offering -- and I think the two Reverends will work together to see if there is some way for you two guys to mutually work this out between the two of you. That is probably the best way to do that."

Pastor Brooks said, "Right. I think our motives are the same -- and that is to enhance that portion of the community and not to squabble over parcels of land -- because there are plenty of parcels that are available. If you happen to know any venture capitalists, we'd be happy to talk with them. Thank you."

Commissioner Tuley thanked both Pastor Brooks and Pastor Trask.

Attorney Kissinger said, "Reverend Trask, I will have some word hopefully for you this week."

RE: AUTHORIZATION TO OPEN BID/LIQUID ASPHALT

Ms. Lynn Ellis said she would request that Attorney Kissinger be allowed to open the single bid received for Liquid Asphalt.

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

RE: AWARDING OF BIDS (FOUR WHEEL VEHICLE, SINGLE AXLE TRUCK AND SURFACING MATERIALS

Ms. Ellis said the second item is to award three (3) different bids.

Four Wheel Drive Blazer: Ms. Ellis said the lowest responsive and responsible bidder is Cooke Chevrolet in the amount of \$23,842.86.

Commissioner Borries asked, "Maybe I am nitpicking on this, I don't know -- but these vehicles, the trade name for some products is known as a 'Blazer'. That, in any way, was not used in this bidding process, was it? Do you understand what I mean?"

Commissioner Tuley replied, "Yes. I think you mean did we specify too close and make it look like the only thing would be a Blazer."

Mr. Borries said, "Yes. I think I talked about this last week, but I'm just not sure."

Commissioner Tuley said we also received a bid on a Bronco, which is the Ford version of the Blazer and a CK and a Tahoe.

Commissioner Borries said, "Just for the record, what I am trying to correct here -- there was no brand name used that would lead us to our issuing this to a General Motors product at this time other than the low price for a vehicle that is known as a 'Blazer' or 'Bronco' or whatever. But that is a trade name and you tend to get into some problems with that. So I don't know how that all came about, but it is a 4-wheel drive service vehicle."

Ms. Ellis said, "Exactly. The description that was used in the title of the bid was a full size 4-wheel drive truck. So 'Blazer' was not identified. Cooke Chevrolet did a different model of

the Tahoe, which would save some money -- but it does not meet the specifications and I have been in contact with Bill Morphey and he feels that the exceptions were not worth the savings. So he preferred not to go with that vehicle. And the issue with the Ford is that they failed to offer the extended warranty which was required with the bid. And if that had been included with their bid, then their bid most likely would exceed that of Chevrolet's bid. I can't determine that at this point -- but they failed to comply with the specifications."

Mr. Borries asked, "Cooke bid two bids then?"

Ms. Ellis replied, "Yes. They bid an Alternate as a source for comparisons."

Mr. Borries asked, "And that is the one we're rejecting? But they're still the low bidder on the other then?"

Ms. Ellis replied, "Exactly."

Mr. Borries asked, "So your recommendation -- just give me the price then at this point."

Ms. Ellis stated, "For Cooke Chevrolet, it is \$23,842.86."

Mr. Morphey said, "Just for clarification, I suppose, the Blazer is not a full-size vehicle anymore. That is now a Tahoe."

Mr. Borries asked, "What did we bid?"

Mr. Morphey replied, "We bid the full size. The Blazer is now the S-1050. The full size Blazer is now a Tahoe. As a matter of fact, both of Cooke's bids were for an actual Tahoe -- JK-1500. The Blazer is the small vehicle."

Commissioner Hunter asked, "What is the difference between the two bids? Somehow you lost me."

Mr. Morphey replied, "The packages -- as far as what comes with the vehicles. I really wasn't aware of these changes until last week. Bill Samuels of Cooke Chevrolet called me to ask about the paint on the single axle dump truck that we had specified and he told me at that time that the Blazer is now the small S-10 vehicle -- that the full size is now a Tahoe."

Motion was made by Commissioner Borries that the bid for the full size four-wheel drive vehicle be awarded to Cooke Chevrolet in the amount of \$23,842.86. Seconded by Commissioner Hunter. So ordered.

Single Axle Truck with Dump Body: Ms. Ellis said this is even more confusing. Both she and Bill spent a lot of time going through these bids. The engine that was specified is a minimum and in order to meet the load requirements and the towing capabilities that will be required with this vehicle. As a result of that, some of the bidders do not meet the specifications. Their engine is too small and the fuel capacity is too small -- so it doesn't meet the specs. That's the first four bidders. We are then left with two bids that we can compare and that is Carson Ford and D-Patrick. There is approximately a \$2,000 difference between the bids. The exceptions that these two bidders took were deemed to not be something that we couldn't live with. The warranty issue is standard. It is the standard warranty provided by the manufacturer and basically -- I probably didn't indicate that accurately -- but all the bidders failed to comply with that warranty provision. The bidders didn't make us aware that the body wouldn't be covered as we required -- so none of them met that requirement. They do offer a 100,000 mi. warranty on the engine, so that exception to the specs is deemed to be acceptable. The recommendation is to award to Carson Ford at a cost of \$25,998.00. Carson Ford and D-Patrick bid exactly the same unit. In response to query from Commissioner Borries, it was noted Carson Ford is in Brownsburg, Indiana -- near Indianapolis. The warranty would be covered by Carson Ford under local dealers, because Ford will maintain that warranty and honor it regardless of the

location. So the local Ford dealer will be responsible for honoring the warranty provided with the vehicle and Carson Ford used Miller for the dump body -- so he will be responsible for maintenance and warranty issues on the dump body and he is installing that.

Mr. Morphew noted that this truck was specked out to pull the pothole patching machine, which is the reason why we requested the truck and specked it the way we did with 15,000 GVWR, the 2-horse diesel engine, automatic transmission as far as ease for towing. This machine has already proven to save us quite a bit of money. So we don't have to run back and forth from a job site in any part of the county to a patch plant to pick up a ton of mix. And when you get into colder weather like this, cold mix isn't going to go very far. With this pothole patcher we can run all day long and never have to make another trip back to the batch plant.

Also, with Miller Truck putting the touch command electronics on it and the dup body, that would be right here local where if there were any problems with it whatsoever it would go right back to them for any kind of warranty work. As far as the truck goes, being it's a Ford, it would go to a Ford dealer for warranty work.

Attorney Kissinger said, "Bill, the extra work that Miller Truck is going to do -- so we don't have the confusion we had a year or two ago -- that is a part of the bid price, is that correct?"

Mr. Morphew replied, "Yes, Sir."

Motion to award the bid to Carson Ford was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Surfacing Materials: Ms. Ellis said that, as in the past, the recommendation would be to award the bid at the unit cost to all three bidders and the usage will be dictated by the location and the unit cost of those bids and availability. On the attached sheet provided, she highlighted the low bid on each of the categories and we will attempt to utilize those bidders offering the lowest cost. The statute allows for us to award to more than one bidder, because this is an asphalt based material.

Commissioner Borries asked how long these will be in effect.

Ms. Ellis said this is an annual price agreement, so it will be in effect from January 1, 1995 thru December 31, 1995. It will be in accordance with our fiscal year. There is an extension clause in there provided that the unit costs do not change, then we could opt to renew that at the end of that year.

Motion to award the bid in accordance with the recommendation was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

RE: ORDINANCE ESTABLISHING COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE

President Tuley said this is the Final Reading for this Ordinance.

Motion to approve the Ordinance was made by Commissioner Borries, with a second from Commissioner Hunter.

President Tuley asked for a roll call vote: Commissioner Hunter, yes; Commissioner Borries, yes; and Commissioner Tuley, yes. Ordinance approved by unanimous affirmative vote. So ordered.

RE: APPOINTMENT TO DOMESTIC VIOLENCE COMMISSION

Commissioner Borries said he had contacted Mrs. Joanne Reid, the Director of New Directions, a portion of the Vanderburgh School Corporation. She deals in a wide variety of vocational education for the Evansville-Vanderburgh Schools and has indicated a willingness to serve on

this committee. Mrs. Reid is a resident of Vanderburgh County.

Commissioner Tuley said he anticipates he will have two names. Both are checking time constraints, etc. But both have indicated interest and he will probably be ready to go public with their names next week.

Mr. Borries said he will provide an address for Mrs. Reid.

RE: ORDINANCE FOR HEALTH CARE CO-PAYMENTS

President Tuley said this Ordinance is also scheduled for Final Reading tonight.

Motion to approve this Ordinance on Final Reading was made by Commissioner Borries, with a second from Commissioner Hunter.

President Tuley asked for a roll call vote: Commissioner Hunter, yes; Commissioner Borries, yes; and Commissioner Tuley, yes. Ordinance was approved by unanimous affirmative vote.

RE: PURCHASE OF SURPLUS PROPERTIES - EVANSVILLE HOUSING AUTHORITY - KEN COLBERT

The meeting continued with President Tuley recognizing Mr. Ken Colbert of the Evansville Housing Authority.

Mr. Colbert said, "Approximately a few months ago we had six properties that were reserved in our name for the surplus and we have done our title work on these six properties and would like to request that five of those be transferred into our name. We have had our legal counsel, George Barnett, do the title work for us and there is one property that we're still interested in, but we may have to go through what they call a Quiet Quit Claim -- so we are interested in the six properties."

In response to query from Commissioner Tuley concerning the Quit Claim Deeds, Attorney Kissinger said he hasn't communicated with Attorney Barnett.

Mr. Colbert said he has the Quit Claim Deeds with him today.

Attorney Kissinger said if he will leave the deeds, he will review them and talk with George Barnett sometime this week and, presumably, have them approved at next week's meeting. It wouldn't be necessary for Mr. Colbert to come back unless he just wanted to.

RE: COUNTY ATTORNEY - ALAN KISSINGER

Liquid Asphalt Bid: Attorney Kissinger stated there was only one bid and that was from J. H. Rudolph & Company, Inc. and they bid \$43,950.00. The bid appears to be in proper form.

Mr. Morphew said that for the past several years, J. H. Rudolph & Company, Inc. has been the sole bidder. He expects that Koester Contracting will eventually bid at some point in time.

Motion was made by Commissioner Borries to award the bid to J. H. Rudolph & Company in the amount of \$43,950.00. Seconded by Commissioner Hunter. So ordered.

Request for Authority to Enter Into Negotiated Settlement in the Case of Crutchfield vs. Vanderburgh County: Attorney Kissinger said the Commissioners may recall that there was an automobile collision near the County Highway Garage and a passenger in one of the vehicles went into the ditch and permanently lost an eye -- a young girl. The original demand for settlement was almost \$100,000. We have negotiated down to a figure of \$30,000. Our adjustment company, Willis Corroon, has recommended this settlement figure. Attorney Kissinger said he would wish to make it a part of the record that this is a case that is being

handled for the Plaintiff by Robert John & Associates and Mr. Dan Tuley, Commissioner Pat Tuley's brother is actually handling this case. Mr. Kissinger said he has not conferred with nor communicated with in any way Commissioner Tuley in reference to this case. He thinks it would be appropriate for Commissioner Tuley to abstain from this vote and request that only Commissioners Hunter and Borries vote on this settlement.

Commissioner Tuley stated, "Just for the record, too, my brother has not talked to me about this at all either."

Motion was made by Commissioner Hunter that we accept the Crutchfield settlement figure of \$30,000. Seconded by Commissioner Borries.

Commissioner Hunter moved for a roll call vote. Seconded by Commissioner Borries. Commissioner Hunter, yes; and Commissioner Borries, yes. Commissioner Tuley abstained. So ordered.

County Personnel Policies: Attorney Kissinger said he has communicated with the firm that has been handling our new Personnel Policies. Waggoner, Irwin & Scheele have been in the process for several months of preparing a Personnel Policy Handbook. He has already received in the mail a proposed Final Draft of the Personnel Policy. It is at the point now that he thinks obviously the Commissioners could just vote on it and we could advertise it as an Ordinance. Or, if the Commissioners wish, copies can be made available to the Personnel Steering Committee for input from them. He thinks it might also be appropriate for our insurance agent to review the various matters in reference to the insurance benefits, as well. But if the Commissioners will recall, we had kind of set a target date to have this adopted hopefully by the end of this year. If we're going to do so, it would probably be appropriate to advertise it for our last meeting of this year. And if we're to consider modifications that may be made in the future, then we can vote on it at the last meeting.

Commissioner Hunter said, "I would suggest -- and I haven't seen this yet and I don't think the other two Commissioners have either. I'd like to sit down and peruse it and see if I have anything and then I believe the Steering Committee normally meets about the third Thursday of every month and I would feel a lot more comfortable if they had a chance to take a look at it. With their input and our input, we could still vote on it at the last meeting in December."

Attorney Kissinger stated, "Yes, if we do go ahead and advertise it. And then if it's necessary afterwards to make amendments, we can certainly do so."

Commissioner Hunter asked if either of the Commissioners have a problem with the Steering Committee perusing the policy.

Commissioner Tuley said, "No, I think that is the appropriate thing to do. I mean, that's why we have them and it makes it a little easier for the employees to accept it if they had a part in it. I don't have any problem with that at all."

Commissioner Borries said, "That's fine."

Attorney Kissinger said that is all he has to report.

Commissioner Tuley asked that when Attorney Kissinger receives it that he make sure the Commissioners get a copy.

RE: SUPERINTENDENT OF COUNTY BUILDINGS - MARK ABELL

Bills for Boiler at County Highway Garage: Mr. Abell said he has recently been receiving some unexpected bills from the County Highway Garage regarding their boiler -- which is an aging boiler. Mr. Morphew is here tonight to address that if the Commissioners have questions. He has some remaining money in the CCD Funds in an account called Other Capital Outlays that

would cover these unexpected bills which total approximately \$1,500. He needs permission to use that account to pay these bills.

Commissioner Tuley addressed Mr. Morphew and said it seems that back a few months ago we had a presentation -- did we ever do anything with that?

Mr. Abell said, "He got sick. He called me back about three weeks ago."

Mr. Morphew said that was a gentleman by the name of Bud Davis with River Bend Mechanical. He was going to install a magnet to realign the water, etc.

Mr. Abell interjected, "He got sick though. He called me and apologized and said he had not touched base with Mr. Morphew. I think our plan back then was that we were going to try one out and it required that someone at the County Highway would blow down the boiler once a day."

Mr. Morphew said that is correct. Mr. Davis was going to show one of the maintenance persons at the garage how to do that. But he has not contacted him as of yet.

Mr. Abell said he is supposed to. Now that Bill brings that up, that may be an alternative. The people we have used in the past (Wet Heat of Evansville) are obviously very familiar with the boiler, but they've done some work and then they have to come back and re-do it and they're getting quite expensive in his estimation.

Mr. Morphew stated, "It is an old building and has an old boiler in it that is in need of repair and maintenance. We actually do not have the personnel there that do this. I have gone to the boiler room in the last couple of months and determined we need to do some work to it -- just as far as ourselves. We need to clean the room, paint it, replace some lines and things like that that we can do without the need to get with Wet of Evansville, Riverbend Mechanical or whoever."

Mr. Borries asked if it would be more cost effective to get a new boiler.

Mr. Morphew said that is a hard question to answer. We'd probably be looking at \$60,000 or better to replace the boiler. The building was built in 1948.

Mr. Abell said that he has spent at least \$6,000 on the boiler in the last two years.

Commissioner Borries said we're going to have the availability of some Cumulative Capital Funds....

Commissioner Tuley interrupted, "Let me remind you guys that there's not a whole lot left already -- and we haven't even gotten to 1995 yet."

Commissioner Borries said, "I know. I know."

Mr. Morphew continued, "I do have an alternative. Early this year -- or was it last year that we did the central air -- we had a used central air and furnace from Burdette Park where they'd rebuilt one of the chalets out there. We installed that at the County Highway. In order to do that, I had to run a two inch black iron gas line up from the gas main in the boiler room up to the front of the building, reduce it to 1-1/2 inch and then to 1 inch when we got to the furnace. Everywhere we have an offset heater now -- a steam heater -- I put a "T" in with the line and a plug right there. We can put in individual space heaters throughout that building -- and would already have a gas supply going to them."

Mr. Abell said, "The boiler that is out there now in existence is basically in the far corner of the building. This boiler heats water and then it sends water off to these remote locations. In these remote locations it is run through more or less a radiator piece of piping and then a fan

behind that just blows air over those hot coils. So basically we have a setup of space heaters using hot water right now."

Mr. Morphew said, "Yes -- but they are steam heat. They are radiators."

Commissioner Tuley asked, "What would it cost to do what you are suggesting?"

Mr. Morphew replied, "Now, I didn't delve into it that far. I just wanted to be able to put a space heater in if our boiler did fail and in the event of an emergency we had to have the heat -- so I could have a space heater and have heat in the building -- or several space heaters. That was the thought behind putting that in -- for emergency purposes of even future necessity."

Following brief discussion, it was noted that we probably have \$35,000 remaining.

Mr. Morphew noted the offices have the central heat they got from Burdette.

It was the consensus of the Commissioners that Mr. Morphew should explore the possibility of using space heaters.

With regard to the current bills for boiler repairs, President Tuley said Mr. Abell should go ahead and pay these out of the CCD Funds he mentioned earlier. Mr. Abell said he will take care of that.

Duplicate Payment to Davenport & Pickett Auto Service: Mr. Abell said that back on July 10, 1994 we paid a bill to the Davenport & Pickett Auto paid in the amount of \$3,451.90. Apparently we paid them twice out of the Vanderburgh County Insurance Account. They were kind enough to send the second check back to us with a note saying this was a duplicate payment. What does he do with the check they sent back?

Commissioner Borries replied, "Put it right back where it started -- in the same account."

Mr. Abell said he will pass the check for signatures and then we'll quietus it back into the insurance account.

Commissioner Borries said he would like to send a short thank-you note to Davenport & Pickett thanking them for their honesty, integrity or whatever. It's very nice of them to come forward and do that.

Mr. Abell asked, "Did you want me to draft that?"

Mr. Borries responded affirmatively.

Mr. Abell stated, "That was for my car, by the way -- when I got hit a year ago."

RE: COUNTY HIGHWAY - BILL MORPHEW

Weekly Work Report: Mr. Morphew submitted the Weekly Work Report for period of November 11, 1994 thru November 17, 1994 .....report received and filed.

Paving Program: In response to query from Commissioner Borries as to whether they are still doing any paving, Mr. Morphew said, "Not yet. I was hoping to finish up a couple of little projects to dead end lanes that we're going to do and two box culverts that the engineer has asked us to go over -- that they had replaced this year. I am on Council call December 7th to appropriate the money to do those and if the weather will straighten up, we'll get those done."

Mr. Borries asked if we had any flood or wind damage as a result of the weather.

Mr. Morphew said they've had several call-ins the last few nights. There was a truck engine

came off the back of a flatbed truck which dumped out in the middle of New Harmony Road last Wednesday night and they had a crew out there around 9:00 p.m. picking that engine up. He found out who the engine belonged to and he is currently in the process of billing them for the manhours. We had to have a Gradall out there and it was a truck engine mounted on a frame. And this was a brand new motor.

Mr. Borries asked, "And they didn't come back and get it?"

Mr. Morpew replied, "No, sir. It is probably a \$1,500 motor. No, they didn't pick it up. We had to send a truck and Gradall out to get it out of the middle of the road. And we've had several trees down at different locations throughout the county. So far, we've got them all."

RE: COUNTY ENGINEER - JOHN STOLL

Windsor Subdivision/Request for Sidewalk Waiver: Mr. Stoll said this was first discussed two weeks ago. He spoke to the developer, Bill Schenks, and he'd like to withdraw that request until he gets a chance to look over his street grades and his grading plans as to basically how he could fit sidewalks in there, if at all.

Commissioner Hunter said, "Mr. President, while we are on this, I received today in the school mail from People Transportation (they had a copy of it) and they have put down where red will indicate the need for sidewalks and they have been out and looked at where the bus will go when that is completed -- and we have their recommendations. So I would like to enter this for the record and when this issue comes back up, we already have this information. Who should keep it, or what?"

Mr. Stoll said, "You can keep it with the minutes, but I'd like to get a copy before the meeting is over."

Travel Request/Tom Goodman & Tim Spurling: Mr. Stoll said he has a travel request for these two individuals to go to St. Louis for a Troxler Nuclear Gauge Operator Course. It's the nuclear density gauge that we use to test sub-grade rock, dirt, etc., and it's on December 7th and 8th and will require an overnight stay. They will be taking the County car. He would recommend the travel request be approved.

Mr. Tuley asked, "John, is that out of our funds?"

Mr. Stoll responded, "No."

Motion to approve the request was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Agreement with United Consulting for Inspection of Two Additional Bridges: Mr. Stoll said these currently aren't designated bridges. One is on Waterworks Road and the other is on First Avenue. They will do the inspections for \$450.00 per bridge and that will get them into the bridge inspection program where they will be inspected from here on out. He would recommend the agreement be approved and signed.

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

Plaque for Volkman Rd. Bridge: Mr. Stoll said this plaque is in -- so they need to get it installed and scheduled whatever ceremony the Commissioners want to have.

Commissioner Hunter said he would suggest Mr. Stoll look at the plaque to be sure it says what it is supposed to say. He's recently come in contact with some things at his house that didn't say what they were supposed to say. He knows David Koehler's wife is very excited about this. Mr. Hunter said he'd like to have some kind of formal ceremony before he leaves office.

Commissioner Borries said, "All we need to do is schedule it."

Mr. Hunter asked that Mr. Stoll look at the plaque, report back next week and then the Board can schedule the ceremony and contact Peggy Koehler.

Mr. Stoll said he will find out when Bill's crews will be available to install the plaque, as well. He will get back to the Commissioners next week on this.

RE: CONSENT AGENDA

Travel: It was noted by President Tuley that all travel is being paid for out of the various departments' own budgets. He then entertained questions or comments. There being none, a motion was entertained.

Motion to approve the Consent Agenda, as printed, was made by Commissioner Borries. Seconded by Commissioner Hunter. So ordered.

RE: SCHEDULED MEETINGS

Commissioner Tuley said a calendar of scheduled meetings is attached to the meeting agenda. There's a Personnel & Finance Committee meeting on Wednesday at 3:30 p.m.

Executive Sessions: Following brief discussion, Commissioner Borries moved that the Board advertise Executive Sessions at 4:00 p.m. on Monday, December 5, and 19, and on Tuesday, December 27th for purposes of discussing Pending & Possible Litigation and Personnel Matters. Seconded by Commissioner Hunter. So ordered.

RE: OLD BUSINESS

Commissioner Borries said he would like to continue discussion about the voting equipment. Mrs. Susan Kirk, the Republican member of the Voter's Registration, has submitted a report he'd like to read into the record at this time.

\*\*\*\*\*

ELECTION NIGHT NOV. 8, 1994  
PROBLEMS & POSSIBLE SOLUTIONS

At appx. 6:15 p.m. Betty Knight Smith came out to the receiving team where I was working and told me the printers for the vote tabulators were not working.

At appx. 7:00 p.m. Betty came back to me again and said the printers were still not working. I then went to the Council Chambers and asked the two BRC representatives if they had everything plugged in correctly and they said they did. I went back to the receiving team to complete my duties.

At 8:00 p.m. I returned to the Council Chambers and stood beside the BRC representative as she was running a deck of ballots through one of the tabulators. I noticed the printer's motor started and the paper was advancing. I opened the lid of the printer and moved the lever so the type on the printer would hit the paper. I then closed the lid and asked the BRC representative to run the deck of ballot cards through the vote tabulator again. The printer began printing at that time. I told the BRC representative that she had wasted 2 hours and should have known to move the lever into the proper position. She told me she thought the lever went the other way.

I asked the representatives if the same thing was wrong with the other printer and they said it was giving a "read error" of 64, which was not good. They called the home office concerning the read error of 64 and there wasn't much they could do to fix it.

I returned to the receiving team until appx. 8:45 p.m. before returning to the Council Chambers to assist in tabulating ballots. I was handing ballot cards from each precinct to the BRC representative to run through the tabulator. The first deck I gave to her stopped in the middle as a ballot wouldn't go through, due to the fact it had been inserted backwards when it was voted at the polls. She gave me the card to be sent to the duplication team. I asked for the rest of the deck, as that is proper procedure, so ballots from other precincts can continue to be processed while those ballots that need to be duplicated are done so. The representative told me they were not taking the whole deck out, but waiting for the duplicate ballot before processing more votes.

I also noticed that the representatives would stop processing ballots and try to get the other printer running. At one point the Evansville Courier brought their printer over and tried to hook it up to the existing equipment. Past election night experience has told me that if equipment problems can't be resolved within a reasonable length of time, leave it alone and continue with what is working, as it is a possibility to lose what has already been processed not to mention time lost trying to fix what can't be fixed.

#### TIME LOST ELECTION NIGHT

2 hrs. was lost due to the lever on the printer.

1 hr. was lost due to trying to get the other printer working.

1/2 hr. was lost due to the duplication process.

3 1/2 total hours lost election night

The tabulators were not processing ballots during these times.

#### DUPLICATED BALLOTS

Most precincts had 0, 1, 2, or 3 ballots duplicated. This demonstrates the equipment is working properly and for the most part "bad" ballots result from human errors (inserting ballots backwards, not punching the stylus all the way down etc.) There were three precincts that had an abnormal number of ballots that had to be duplicated, they were:

Ward 6 Pct. 7 that had 44) Check

Ward 6 Pct. 5 that had 26) Why are all votomatics not

Ward 3 Pct. 15 that had 18) checked prior to the election/?

The votomatics of these three precincts should be taken off the shelves and tested as soon as possible.

#### RECOMMENDATIONS

Leave the BRC vote tabulators for another year, with the following in mind.

The County should purchase or make a four wheel dolly with big rubber tires for transporting the vote tabulators and printers from the election office to the Council Chambers. The reason is, the four wheel dollies we use now do not absorb the shock as they roll along the hallways of the Civic Center. The tile floors have an extremely "jarring" effect on the electronic equipment. I don't say it will solve the problem, but I find it odd the voting equipment runs fine in the Election Office, but often fails after being transported election eve to the Council Chambers.

All votomatics should be tested before they are sent out to the polling place. The inspector

should test the votomatic prior to the opening of the polls and periodically throughout the day.

Ask for a technician and a software person election night.

Ask for back up equipment.

#### COMMENTS

Vanderburgh County purchased VOTE TABULATORS and VOTOMATICS in 1974 that were first used in 1975.

In 1985 the County either leased or purchased new VOTE TABULATORS to be used in the 1986 election.

In 1994, the County leased new VOTE TABULATORS for the 1994 election. VOTE TABULATORS (this equipment actually counts the votes election night) are electronic and have been upgraded periodically by purchasing or leasing new ones. We have not used the same vote tabulators since 1975. VOTOMATICS (this is what the voter uses to cast his/her ballot election day at the polls) are sent to each precinct and the only thing electric on them is the light bulb. They should be tested as I stated earlier and repaired if necessary.

We now have 2 vote tabulators and 2 printers. **ASK YOURSELVES THESE TWO QUESTIONS.....** If we can't keep 4 existing pieces of electronic equipment running that we only transport from one floor to another, how are we going to keep 167 or more pieces of electronic equipment running that has to be transported to each and every precinct at a cost of over one million dollars? AND...Is it worth raising taxes on the people of Vanderburgh County to purchase new equipment just so we can get the results of the election a couple of hours earlier?

In CLOSING, yes, we have some problems, but sending a message to our voters that the voting equipment is less than effective or worse is definitely the wrong message. The voters of this County should know that when they cast their ballot properly on our existing equipment it does count.

\*\*\*\*\*

In continuing, Commissioner Borries said. "I would want to echo many of her thoughts there and perhaps, again, Mr. President, you may want to have the people look over this system, as well as any other system that is approved by the Indiana Board of Elections and maybe we can then talk about costs. But if we're, again, talking about a million dollars of taxpayer money here, I think Mrs. Kirk has made some pretty clear remarks here that certainly we're going to have to consider."

Commissioner Hunter said, "It seems to me that since the bill has not been paid, there need to be some negotiations with that firm -- because she just reconfirms that they did not do their job and they did not live up to the commitment of their contract."

Commissioner Borries stated, "That's exactly right. And that is what a contract is. We were to provide the money and they were to provide the services. The equipment didn't work. The people down here didn't know what they were doing. So I don't see, at this point, I think we need to draft a letter to them asking them their side so, in fairness, they can tell their side."

Commissioner Hunter noted, "If you have somebody there who doesn't know how to flip a lever to make the thing print -- that's pretty bad to me."

Commissioner Borries said, "I don't feel any compelling need at this point to pay for services that were performed in that fashion."

Commissioner Tuley said, "I think you have a valid point. We should write a letter to them and perhaps attach that report to it."

Mr. Borries said, "And also Ms. Matlock's letter -- she has given some documentation to us."

Commissioner Tuley said, "And ask them to respond and we'll hold things until they've responded and evaluate what our options are at that time."

Commissioner Borries moved that a letter to BRC be drafted so, again, in fairness, we hear their side. Seconded by Commissioner Hunter. So ordered.

In regards to this system, Commissioner Borries said, "I might also say I did get a letter from a Perry Heights teacher. For the first time, the Election Office did have sample votomatics -- with just the little device there that people vote on -- sent to all the schools and I had a Perry Heights Middle School teacher who sent a letter to me saying she felt this was a wonderful way to instruct her students, one of which was a seventh grader, then took her mother to the polls (I can't remember whether it was his or her mother) because this mother wasn't going to vote and the seventh grader showed her again how to be able to vote. So the seventh grader understood what was going on -- and I certainly appreciated that letter. So I think we have some seventh grade students who can certainly understand this process. It has been around since 1974 and is not that high tech. So I think we're doing all we can here to explain things to our voters. But, again, I want to commend that seventh grader (anonymous as he or she may be) who had taken his or her mother to the polls."

President Tuley entertained further matters of Old Business to come before the Board. There was none.

RE: NEW BUSINESS

President Tuley entertained matters of New Business to come before the Board. There was none.

There being no further business to come before the Board at this time, President Tuley said the Drainage Board will convene following a brief recess. He then entertained a motion to adjourn. Motion to this effect made by Commissioner Hunter, with a second from Commissioner Borries. Meeting was adjourned at 6:55 p.m.

RE: MEETING RECONVENED

Approval of Minutes/Special Meeting Re Azteca on July 28, 1994:

At 6:56 p.m., President Tuley reconvened the meeting for purposes of approving the transcript of the special meeting held on July 28, 1994 concerning Azteca. He entertained a motion.

Motion to approve the minutes of the July 28th meeting was made by Commissioner Borries. Seconded by Commissioner Tuley (since Commissioner Hunter was not present for that meeting). So ordered.

At 7:00 p.m., President Tuley declared the Commission session adjourned.

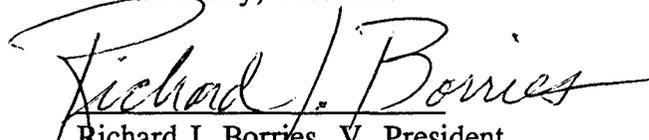
PRESENT:

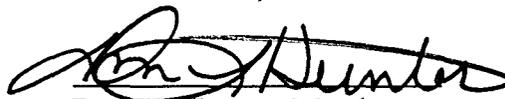
Patrick Tuley  
Richard J. Borries  
Don L. Hunter  
Alan M. Kissinger  
Cindy Mayo, Chief Deputy Auditor  
Mark Abell, Supt./County Bldgs.

John Stoll/County Engineer  
Bill Morpew/County Hwy. Supt.  
Richard Cappelletti/Computer Services  
Lynn Ellis/Purchasing Department  
The Reverend Joseph Trask  
The Reverend Adrian Brooks  
Les Shively, Attorney  
Ken Colbert/EHA  
James Landers  
Jack Waldroup (United Consulting Engineers)  
Others (Unidentified)  
News Media

ACTING SECRETARY: Sunny Titzer

  
Patrick Tuley, President

  
Richard J. Borries, V. President

  
Don L. Hunter, Member

(Transcribed by Joanne Matthews  
upon return from Vacation)



BOARD of  
COMMISSIONERS  
of the County of Vanderburgh

RICHARD J. BORRIES

DON L. HUNTER

PATRICK TULEY

AGENDA

VANDERBURGH COUNTY COMMISSIONERS  
NOVEMBER 28, 1993

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. Lynn Ellis:
    - 1) Open Bids/APA016-95--Liquid Asphalt
    - 2) Award Bids:
      - VC9417 Full Size 4-wheel drive blazer
      - VC9418 Single Axle Truck with Dump Body
      - APA005-95 Surfacing Materials
  - D. ORDINANCES:
    - 1) COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE
    - 2) RULES FOR HEALTH CARE CO-PAYMENTS
  - E. Richard Cappelletti/Data Processing  
\*Request of signatures for a Software License Agreement
  - F. Ken Colbert/EHA  
re: surplus property per Mark Abell
5. DEPARTMENT HEADS
  - Alan Kissinger -- ----- County Attorney
  - Mark Abell ----- Superintendent of County Buildings
  - Bill Morpew ----- County Garage
  - John Stoll ----- County Engineer (see attached requests)



COUNTY ENGINEERING DEPARTMENT

CONSENT AGENDA

NOVEMBER 28, 1994

CLAIMS:

OHIO ST. BRIDGE #3C 203-4345	
Bernardin Lochmueller (Inv. #91-068-1(29))	\$2,121.20

6. CONSENT ITEMS

A. Travel/Education

Perry Twp Assessor (3) Knight Twp Assessor (1)

Health (1) Weights & Measures (6)

\*\*these will be paid from from their individual accounts

B. Employment Changes

see attached lists

C. Council Call

1) Health Department

2) County Commissioners

7. Scheduled Meetings - List attached

8. OLD BUSINESS

9. NEW BUSINESS

10. MEETING ADJOURNED

DRAINAGE BOARD IMMEDIATELY FOLLOWING

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department Pigeon Township Trustee

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
	Susan Cravens	937 Parkland St.	Investigator	9.9769 / HR 20752 00	11-18-94
	(On Maternity leave with insurance)				

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY Mary E. Hart DATE 11/22/94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department CIRCUIT COURT

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
136-1380	JEFFREY SHOULDERS	EMP# 05204	OTHER PAY		11-21-94
260-1950	RONALD SCHINDLER	EMP# 05741	COUNSELING	115.00	11-21-94
505.0136Z-1990	TIMOTHY MYERS	EMP# 05718	PART-TIME CORRECTION OFFICER	7.00 HR	11-6-94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
505.0136Z-1990	TIMOTHY MYERS	EMP# 05718	PART-TIME CORRECTION OFFICER	5.00 HR	11-5-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY [Signature] DATE 11/22/94  
JUDGE, CIRCUIT COURT

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department \_\_\_\_\_ Auditor \_\_\_\_\_

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1020 1420	Gloria Blair		Bookkeeper	9,270 <sup>4</sup> / HR 19,295 00	11/21/94 ✓
1020 1330	Julie Hinton		Assistant to 1st Deputy	9,320 <sup>4</sup> / HR 19,400 00	11/21/94 ✓
1020 1310	Teresa Riney		Posting Clk	8,494 <sup>2</sup> / HR 17,668 00	11/21/94 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1020 1310	Gloria Blair		Posting clk	7,373 <sup>3</sup> / HR 15,336 00	11/18/94 ✓
1020 1390	Julie Hinton		TIF/Sett.	10,162 <sup>9</sup> / HR 21,139 00	11/18/94 ✓
1020 1330	Teresa Riney		Assit. to 1st deputy	9,320 <sup>9</sup> / HR 19,400 00	11/18/94 ✓
1020 1420	Michele Barnett		Bookkeeper	9,720 <sup>9</sup> / HR 20,232 00	11/18/94 ✓

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY Lindy May DATE 11-22-94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Vanderburgh Co. Prosecutor's Office

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
108012401080	LARRY K. SPRADLIN	202 Hampton Drive	Chief		
		Evansville, In 47715	Investigator	13,245 <sup>6</sup> / HR 27,551 00	11-25-94
		(STILL PAID 12/2/94 P.L.)			

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY Stanley M. Levco DATE 11-22-94  
Stanley X. Levco

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department 137.1 THE DRUG AND ALCOHOL DEFFERAL SERVICE

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
11501371	Emarie S. West	1710 Cass Ave	Sec/Recep.	7.373 (HC) 15,336.00	11-28-94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY [Signature] DATE 11-21-94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department VANDERBURGH SUPERIOR COURT *sh*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
26201980	Kimberly J. Hinton		Probation Officer	Other pay 60.00 (OCB weekend)	10/29/94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY T. My D. Ditch DATE 11-23-94

# November 1994

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1 2:30pm County Council	2 306/59	3 307/58	4 308/57	5 309/56	
6 310/55	7 311/54 3:30pm Dept. Head 4:00pm Exec. Session 5:30pm Commissioners 6:30pm Sp. Drainage Btd.	8 312/53 General Election	9 313/52	10 314/51	11 315/50 Veteran's Day	12 316/49
13 317/48	14 318/47 4:30pm Solid Waste 5:30pm Commissioners	15 319/46 9:00am Insurance Comm.	16 320/45	17 321/44 9:00am Steering Comm. 12:00pm PC - Technical 5:00pm Pigeon Creek	18 322/43 Pay Day	19 323/42
20 324/41	21 325/40 6:30pm Commissioners 7:00pm Rezoning	22 326/39	23 327/38	24 328/37	25 329/36	26 330/35
27 331/34	28 332/33 4:00pm Exec. Session 5:30pm Commissioners 6:30pm Drainage Btd.	29 333/32	30 334/31 3:30pm Personnel & Finance	Thanksgiving		

December

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

October

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					

**DATA PROCESSING REVIEW BOARD**  
**City of Evansville/Vanderburgh County**  
**Civic Center Complex, Room 205**  
**1 NW Martin Luther King Jr. Blvd.**  
**Evansville, Indiana 47708**

**A G E N D A   R E Q U E S T**

**NAME OF REQUESTOR:** Richard Cappelletti

**REQUESTOR TITLE:** Director

**DEPARTMENT:** Data Processing

**REQUEST(S) BEING MADE:**

- (1) Request signatures for a SOFTWARE LICENSE AGREEMENT between the City of Evansville and Vanderburgh County (licensees) and Vector Networks Limited for the LAN UTIL software product. This was approved for purchased by Databoard during their September 27, 1994 meeting.

**DATE TO BE PLACED ON AGENDA:**

County Commissioners	Monday, November 28, 1994
Board of Public Works	Wednesday, November 30, 1994

**ACTION**  **CONSENT**  **OTHER**



Vector Networks Limited  
 Unit 2, Amber Business Village,  
 Amington Industrial Estate,  
 Tamworth,  
 Staffordshire,  
 B77 4RP  
 U.K.  
 Telephone: 0827 67333  
 +44 827 67333  
 Fax: 0827 67068  
 +44 827 67068

**SOFTWARE LICENCE AGREEMENT**

This is to certify that :-

**Licensee** City of Evansville + Vanderburgh County - INDIANA  
**Address** Computer Services, Room 205 - Adelia Building  
 IN.W. Martin Luther King Blvd.  
 Evansville, IN - 47708-1832.

is licensed to use the following Vector Networks Software Products :-

Order Code	Product	Version
	LANutil 25 PCs / Single VAX license + maintenance.	

on the following equipment :-

CPU Type	CPU Serial Number

Vector Networks hereby grants a Licence to Licensee to execute the Software on the Licensed Equipment in accordance with the terms of this Agreement, as printed overleaf.

This Licence is not transferable. Licensee may only execute the Software on the Licensed Equipment. Licensee may load, copy, and transmit the Software only as necessary for such execution and for back-up purposes. Licensee shall not make copies of the Software available to anyone other than its employees and agents directly concerned with its licensed use.

**For and on behalf of Vector :-**

**For and on behalf of Licensee :-**

Signature

Signature

Name

Name

Title

Title

Date

Date

Distributor

Reference

Agreement # CDG 94 1910050.

## 1. Definitions

- 1.1 "Vector" means Vector Networks Limited.
- 1.2 "Agreement" means this Software Licence Agreement.
- 1.3 "Software" refers to the Software Products listed on the Agreement. "Software" applies to all parts of Software, to new releases, updates, and modifications of Software.
- 1.4 "Licencee" means the person, company, or organisation stated on the Agreement.
- 1.5 "Licence" refers to the Vector Software Licence documents whereby Licencee is authorised to use the Software.
- 1.6 "Licenced Equipment" means the processor or equipment configuration of the type and serial number (where appropriate) specified on the Agreement. If no serial number is specified for a Single CPU Licence, then the Licenced Equipment is the first processor of the specified type on which the Software is executed following the granting of the Licence.
- 1.7 "Software Product Description" or "SPD" refers to a document which provides Software product specifications and licence option information for Software described therein.
- 1.8 "Distributor" means the Vector Authorised Distributor stated on the Agreement.

## 2. Software Licence :

- 2.1 Licencee receives no right to use any Software except by the grant of a Software Licence by Vector or on behalf of Vector by a Vector Authorised Distributor. On execution of this Agreement, Vector grants Licencee a non-exclusive, non-transferable Software Licence, as provided below.
- 2.2 These Terms and Conditions and the terms identified by reference to the applicable Software licence option govern the Licence granted to Licencee, and Licencee's obligations hereunder.
- 2.3 Licencee may execute the Software on the Licenced Equipment, and may load, copy, and transmit the Software, in whole or in part, only as necessary for execution on the Licenced Equipment, except that :
- a) Licencee may execute the Software on another equipment configuration on a temporary basis during a malfunction which prevents execution of the Software on the Licenced Equipment, and may load, copy, or transmit the Software as necessary for such temporary execution; and
- b) Licencee may make archival or back-up copies of the Software for execution on the Licenced Equipment.

Licencee agrees to reproduce Vector's copyright and all other legal notices, including but not limited to other proprietary notices, and notices mandated by governmental entities, on all complete or partial copies, adaptations, or transmissions of the Software.

- 2.4 Licencee may make the Software available to its employees and agents to the extent needed to exercise its licence rights hereunder. Licencee shall not make the Software available in any form to any other party.
- 2.5 To the extent that the Software contains any confidential or trade secret information, the Software and the information it contains are Licenced to Licencee pursuant to a confidential relationship. Licencee expressly acknowledges this confidential relationship, and agrees to keep the Software and such information in confidence as provided herein.
- 2.6 Licencee's Licence is personal and non-exclusive, and may not be transferred without Vector's express permission.
- 2.7 Licencee shall keep complete and accurate records (a) uniquely identifying the Software (including the version) and the Licenced Equipment (by the retention of a copy of this Agreement or otherwise) and (b) indicating where the Software is located. Within thirty (30) days after receiving a request from Vector or Distributor, Licencee shall provide copies of the applicable records to Vector or Distributor. If either Vector or Distributor reasonably believes that the Software has been made available to any third party or executed (except as permitted by this Agreement) on any other equipment configuration during the term of the Licence, Licencee shall provide an explanation.

- 2.8 No title to or ownership of any Software is transferred to Licencee or any third party by Vector or Distributor. Except as explicitly set forth in this Agreement, Licencee shall not execute, use, copy, or modify the Software or take any action inconsistent with Vector's intellectual property rights in the Software. Licencee shall not decompile or reverse assemble the Software, or analyse or otherwise examine it in order to reverse engineer the Software or any hardware or firmware implementation thereof.

- 2.9 This Agreement only authorises use of the specified version of the Software. Rights to use other versions are granted by purchasing further Software, or in connection with Software Maintenance Services. Licence requirements for new versions are set out in the applicable SPD.

- 2.A For certain Software licence options, additional or modified terms may apply as indicated here or in the applicable SPD.

If this Agreement covers a Software licence option for which no corresponding media is ordered, Licencee is granted the additional right to load, copy, or transmit the specified version of the Software already licenced to Licencee and in Licencee's possession for execution only on the Licenced Equipment.

Additional terms apply to all Software supplied in Source Code form.

## 3. Software Warranty :

- 3.1 Vector warrants to Licencee that Software designated as warranted will conform to the SPD applicable to the Software at the date of the Agreement. The term of the warranty is specified in the SPD.

Vector does not warrant that the execution of the Software shall be uninterrupted or error-free.

- 3.2 This warranty is a limited warranty, and does not apply if the condition of the Software is a result of its improper use, or is a result of modifications made by any party other than Vector or its suppliers.
- 3.3 In all situations involving performance or non-performance of Software furnished under this Licence, Licencee's only remedy for any non-conformance of Software during the warranty period shall be remedy by Vector in the manner specified in the SPD.
- 3.4 Except for the express warranties stated above, Vector disclaims all other warranties whether express or implied in law.

## 4. Limitations

- 4.1 It is expressly agreed that Vector and Distributor are not and will not be liable for any lost profits, consequential, special, or indirect damages arising from the Licenced use of the Software.
- 4.2 In all cases, the extent of Vector's liability to Licencee will not exceed the price paid by Licencee for the Software.

## 5. Termination

- 5.1 Vector may terminate any Licence granted hereunder if Licencee neglects or fails to perform or observe any of its obligations under this Agreement, and fails to remedy the same within ten (10) days after written notice has been given to Licencee by Vector. In the event of any termination, Licencee shall :-
- a) Return any Licence Agreement and Product Authorisation Certificates furnished by Vector;
- b) Destroy all copies of all versions of the Software in Licencee's possession;
- c) Remove all portions of all versions of the Software from any adaptations made by Licencee, and destroy such portions; and
- d) Certify in writing that all copies, including all those included in Licencee's adaptations, have been destroyed.

## 6. Software Updates :

- 6.1 At such times as Vector make available a new version of the Software, Licencees of a preceding version of the Software may obtain the new version under a Software Maintenance Agreement or by purchasing an Update option for the specified Software.

## 7. Law

- 7.1 This Agreement shall be construed and operate in accordance with the Laws of England, and the parties to the Agreement submit to the jurisdiction of the English Courts.
- 7.2 The provisions of this Agreement may be enforced directly by Vector.



BOARD of  
COMMISSIONERS  
of the County of Vanderburgh

## AGENDA REQ.

NAME OF REQUESTOR: Lynn W. Ellis

REQUESTOR TITLE: Buyer

DEPARTMENT: Purchasing

### REQUEST(S) BEING MADE:

Award the bid for one (1) Full-Size, 4 wheel drive truck, Bid  
VC9417, to the low responsive and responsible bidder, Cooke  
Chevrolet GEO in the amount of \$23,842.86.

The lowest bidder, Cooke Chevrolet GEO did not comply with the  
electrical package and required seats. The second low bidder,  
Carson Ford, did not comply with the warranty and center console  
requirements.

DATE TO BE PLACED ON AGENDA: November 28, 1994

ACTION XX CONSENT \_\_\_\_\_ OTHER \_\_\_\_\_

The undersigned each represent and warrant that s/he is a  
document on behalf of the respective party and any and all ac  
to constitute the valid and binding act of the respective party

for City of Evansville

By Jack McNeely  
Jack McNeely, President  
Evansville Board of Public Works

By Jack J. Corn, Jr.  
Jack J. Corn, Jr., Vice President  
Evansville Board of Public Works

By Valerie McKinney  
Valerie McKinney, Member  
Evansville Board of Public Works

Attested By Sharon A. Evans  
Sharon A. Evans, Secretary  
Evansville Board of Public Works

Effective Date November 30, 1994

for Vanderburgh

By Pat Tuley  
Pat Tuley, President  
Vanderburgh County Board of Commiss.

By Rick Borries  
Rick Borries, Vice President  
Vanderburgh County Board of Commissioners

By Don Hunter  
Don Hunter, Member  
Vanderburgh County Board of Commissioners

Attested By Sam Humphrey  
Sam Humphrey, Vanderburgh County Auditor

Effective Date November 28, 1994

SUMMARY OF BIDS  
 FULL-SIZE, 4 WHEEL DRIVE TRUCK  
 BID NO. VC9417

BIDDER	COOKE CHEVROLET GEO	CARSON FORD	COOKE CHEVROLET GEO	D-PATRICK	KENNY KENT CHEVROLET	RUDD EQUIPMENT CO
BID PRICE	\$21,208.40	\$23,167.00	\$23,842.86	\$23,975.00	\$24,318.84	No Bid
BIDDER SUBMITTED 5% BID BOND	Yes	Yes	Yes	Yes	Yes	
FOB EVANSVILLE	Yes	Yes	Yes	Yes	Yes	
DISCOUNTS	None	None	None	N/A	N/A	
SUBJECT TO ESCALATION	None	No	None	No	N/A	
GUARANTEED DELIVERY	60-90 days	90-105 days ARO	60-90 days	60 days	120 days	
MANUFACTURER	Chevrolet	Ford	Chevrolet	Ford	Chevrolet	
MODEL	Tahoe	Bronco	Tahoe K10516 K1500	Bronco	CK10516	
BIDDER MEETS SPECS	No	No	Yes	Yes	Yes	
NEAREST FACTORY PARTS & SERVICE FACILITY	Evansville	Evansville	Evansville	Evansville	Evansville	
BIDDER SUBMITTED MANUFACTURER SPECS	Yes	Yes	Yes	Yes	Yes	
BIDDER WILL INDEMNIFY COUNTY	Yes	Yes	Yes	Yes	Yes	
BIDDER INCLUDED 3 REFERENCES	Yes	No	Yes	Yes	No	

BIDDER POSSESSES OCCUPATIONAL LICENSE	Yes	No	Yes	Yes	Yes	Yes	Yes
BIDDER WILL PROVIDE REQUIRED MANUALS	Yes	Yes	Yes	Yes	Yes	Yes	Yes
BIDDER WILL PROVIDE REQUIRED TRAINING	Yes	Yes	Yes	Yes	Yes	Yes	Yes
MANUFACTURER WARRANTY	60,000 miles	No - 36 months/ 36000 miles on chassis	60,000 miles	Yes	Yes	Yes	Yes
EEO STATEMENT	Yes	Yes	Yes	Yes	Yes	Yes	Yes
COST	\$21,208.40	\$23,167.00	\$23,842.86	\$23,975.00	\$24,318.84		
COST OF PERFORMANCE BOND	0	\$84.00	0	0	0		
TOTAL COST	\$21,208.40	\$23,251.00	\$23,842.86	\$23,975.00	\$24,318.84		
RECOMMENDED AWARD			\$23,842.86				
EXCEPTIONS TO SPECIFICATIONS	Power windows; cloth seats	Warranty; Center Console					



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

RICHARD J. BORN

DON L. HUNTER

PATRICK R. TULE

## AGENDA REQUEST

**NAME OF REQUESTOR:** Lynn W. Ellis

**REQUESTOR TITLE:** Buyer

**DEPARTMENT:** Purchasing

**REQUEST(S) BEING MADE:**

Award the bid for the purchase of one (1) Single Axle Truck with  
Dump Body, Bid No. VC9418, to Carson Ford in the amount of  
\$25,998.00. Carson Ford is the low responsive and responsible  
bidder meeting specifications.

The four (4) other low bidders, T. A. Brouillette & Son, Inc.,  
Cooke Chevrolet GEO, Evansville Truck Center and Kenny Kent  
Chevrolet Co, Inc. did not comply with engine size and fuel tank  
capacity. These exceptions are deemed to be material by the  
County Highway Department.

**DATE TO BE PLACED ON AGENDA:** November 28, 1994

**ACTION** X **CONSENT**        **OTHER**

SUMMARY OF BIDS  
SINGLE AXLE TRUCK W/DUMP BODY  
BID NO. VC9418

BIDDER	T.A. BROUILLETTE & SON, INC.	COOKE CHEVROLET GEO	EVANSVILLE TRUCK CENTER	KENNY KENT CHEVROLET CO, INC.	CARSON FORD	D-PATRICK INC.
PRICE	\$24,536.00	\$24,621.26	\$24,705.00	\$25,400.60	\$25,998.00	\$27,975.00
BIDDER SUBMITTED 5% BID BOND	\$1,226.80 Certified Check	Yes	Yes	Yes	Yes	Yes
FOB EVANSVILLE	Yes	Yes	Yes	Yes	Yes	Yes
DISCOUNTS	1% net 10	0	0	N/A	0	N/A
BID IS SUBJECT TO ESCALATION	N/A	None	None	No	No	N/A
GUARANTEED DELIVERY SCHEDULE	120 days ARO	60-90 days	120 days	120 days	90-145 days ARO	120 days
MANUFACTURER	GMC (truck) & Omaha Standard (dump bed & hoist)	Chevrolet	GMC	Chevrolet	Ford	Ford
MODEL	GMC TC31003 & Omaha E8-516-E	CC31003-C5B	TC31003 & 3500HD	CC31003	F Super Duty (F47)	F-Super Duty
BIDDER MEETS SPECS	No	*Yes	No	*Yes	*Yes	*Yes
NEAREST FACTORY FACILITY	Evansville	Evansville	Evansville	Evansville	Evansville	Evansville
MANUFACTURER SPECS INCLUDED	Yes	Yes	Yes	Yes	Yes	Yes
BIDDER WILL INDEMNIFY THE COUNTY	Yes	Yes	Yes	Yes	Yes	Yes





BOARD of  
COMMISSIONERS  
of the County of Vanderburgh

RICHARD J. BOI

DON L. HUNTER

PATRICK R. TUI

## 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 Liquid Asphalt, Bid No. APA016-95.

Bids will be taken under advisement for award at a later date.

DATE TO BE PLACED ON AGENDA: November 28, 1994

ACTION XX

CONSENT \_\_\_\_\_

OTHER \_\_\_\_\_



BOARD of  
COMMISSIONERS  
of the County of Vanderburgh

RICHARD J. BOR  
DON L. HUNTER  
PATRICK R. TULI

## AGENDA REQUEST

NAME OF REQUESTOR: Lynn W. Ellis

REQUESTOR TITLE: Buyer

DEPARTMENT: Purchasing

### REQUEST(S) BEING MADE:

Award the Surfacing Materials Bid to all three (3) bidders at the  
unit costs as indicated on the attached bid summary.

Usage will be based on location of job and unit cost(s) set  
forth on the attached summary.

\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE TO BE PLACED ON AGENDA: November 28, 1994

ACTION XX      CONSENT \_\_\_\_\_      OTHER \_\_\_\_\_

SUMMARY OF BIDS  
SURFACING MATERIALS  
BID NO. APA005-95

BIDDER	JH RUDOLPH & CO INC	KOESTER CONTRACTING CORP	JERRY DAVID ENTERPRISES INC
COLD PATCH - BITUMINOUS COATED AGGREGATE COLD PATCH	\$30.90/ton	No Bid	No Bid
HOT PATCH - ASPHALT CONCRETE HOT MIX	\$19.50/ton	\$21.50/ton	\$22.15/ton
HOT PATCH FOR PAVING - ASPHALT CONCRETE HOT MIX	\$18.80/ton	\$17.75/ton	\$21.15/ton
POTHOLE PATCH	\$69.00/ton	No Bid	No Bid
FOB BIDDER'S JOB SITE	Yes	Yes	Yes
DISCOUNTS	None	None	None
SUBJECT TO ESCALATION	None	None	None
BIDDER WILL ACCEPT A PORTION OR TOTAL BID ONLY	Portion	Portion	Portion
GUARANTEED DELIVERY SCHEDULE	7:00 a.m. - 3:30 p.m. Monday thru Friday	Normal hours, Monday thru Friday. Can make special arrangements	5:30 a.m. - 7:00 p.m. Monday thru Saturday
SUPPLIER	JH Rudolph	Southern Indiana Materials	Jerry David Enterprises
BIDDER MEETS SPECIFICATIONS/INDOT	Yes	Yes	Yes
NEAREST FACTORY	Evansville	Evansville	Evansville
BIDDER SUBMITTED REQUIRED SPECIFICATIONS	Yes	Yes	Yes
BIDDER SUBMITTED 5% BID GUARANTEE	\$75,000 Bid Bond	5% Bid Bond	5% Bid Bond

BIDDER WILL FURNISH A 100% PERFORMANCE BOND	Yes	Yes	
BIDDER WILL INDEMNIFY THE COUNTY/CITY	Yes	Yes	Yes
BIDDER INCLUDED 3 REFERENCES	Yes	Yes	Yes
BIDDER POSSESSES NECESSARY OCCUPATIONAL LICENSES	Yes	Yes	Yes
BIDDER EXECUTED EEO STATEMENT	Yes	Yes	Yes
COST OF PERFORMANCE BOND	No Charge	\$1,783.60	\$10,619.30
TOTAL BID - WITHOUT COST OF PERFORMANCE BOND	\$585,350.00	\$445,900.00	\$530,965.00
RECOMMENDED BID AWARD	Award at unit costs	Award at unit costs	Award at unit costs

"No Bids" were received from the following companies: Crafcro Inc., Chandler AZ; M-B Companies, Inc. of Wisconsin, New Holstein WI; and Schmidt Engineering & Equipment, Inc., New Berlin WI.

ORDINANCE TO ESTABLISH RULES FOR  
HEALTH CARE COPAYMENTS

WHEREAS, I.C. 11-12-5-5 authorizes the Board of Commissioners to adopt rules for the implementation of health care copayments collections for persons confined to the county jail;

IT IS HEREBY ORDAINED by the Board of Commissioners of Vanderburgh County as follows:

Section 1. Except as provided in Section 2, below, any person confined to the Vanderburgh County Jail shall be required to make a copayment in the amount of Ten Dollars (\$10.00) for each provision of any of the following services:

- A. Medical care;
- B. Dental care;
- C. Optometric (eye) care; or,
- D. Any other health care related service.

Said copayment may be withdrawn from the confined person's commissary account or jail trust account at the time the health care related service is rendered, or within thirty (30) days after the service is rendered.

Section 2. A person confined to the Vanderburgh County Jail is not required to make the copayment pursuant to Section 1, if:

- A. The person does not have funds in a commissary or jail trust account at the time the service is provided or within thirty (30) days thereafter;
- B. The service is provided in an emergency;
- C. The service is provided as a result of an injury received in the Vanderburgh County Jail;
- D. The service is provided at the request of the Vanderburgh County Sheriff or his authorized agent or administrator;
- E. The confined person is willing and financially able to immediately pay for his or her own health care related services; or,
- F. The confined person is committed to the Indiana Department of Correction or other penal authority which is responsible for the payment of the confined person's health care related treatment or services.

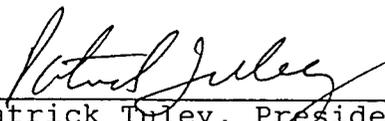
Section 3. The Treasurer of Vanderburgh County is hereby directed to establish a fund to be known as the County Medical Care for Inmates Fund. All money collected pursuant to this ordinance shall be immediately deposited into said fund. All

money accumulated in said fund shall be used to pay for Vanderburgh County expenses for medical care for persons confined to the Vanderburgh County Jail.

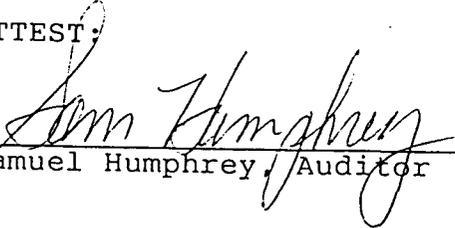
Section 4. This ordinance does not apply to a person confined to the Vanderburgh County Jail who is insured under an accident and sickness insurance policy or is an enrollee under an accident and sickness insurance policy or is an enrollee under a health maintenance organization, as defined by I.C. 36-2-13-14 (copy attached for reference).

This ordinance shall be in full force and effect from and after the date of its passage by the Board of Commissioners of Vanderburgh County and signing by the President of the Board.

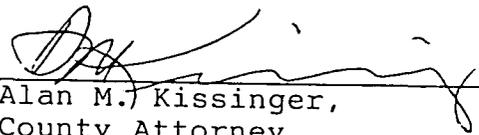
Date: November 28, 1994

  
\_\_\_\_\_  
Patrick Tuley, President  
Board of Commissioners of  
Vanderburgh County

ATTEST:

  
\_\_\_\_\_  
Samuel Humphrey, Auditor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Alan M. Kissinger,  
County Attorney

**36-2-13-14 Health care services supplied persons under lawful detention; payment under insurance of detainee; failure or refusal of detainee to file claim**

Sec. 14. (a) As used in this section, "accident and sickness insurance policy" means an insurance policy that provides one (1) or more of the types of insurance described as Class 1(b) or 2(a) insurance under IC 27-1-5-1 on an individual basis or a group basis.

(b) As used in this section, "enrollee" has the meaning set forth in IC 27-13-1-12.

(c) As used in this section, "lawful detention" has the meaning set forth in IC 35-41-1-18.

(d) As used in this section, "health maintenance organization" has the meaning set forth in IC 27-13-1-19.

(e) An individual who is:

(1) insured under an accident and sickness insurance policy; or

(2) an enrollee under a health maintenance organization;

shall submit a claim under the policy or plan for expenses resulting from health care services that are rendered to the individual while the individual is subject to lawful detention by a county sheriff.

(f) A county sheriff is not obligated to pay for health care services rendered to an individual while in the lawful detention of the sheriff to the extent that payment for the services is available under:

(1) an accident and sickness insurance policy under which the individual is insured; or

(2) a health maintenance organization under which the individual is an enrollee.

(g) If an individual to whom health care services are rendered while subject to lawful detention by a county sheriff fails or refuses to file a claim for payment of expenses resulting from the health care services, a claim for payment of the expenses may be filed by:

(1) the sheriff; or

(2) the health care provider that rendered the services;

on behalf of the individual with the accident and sickness insurance policy under which the individual is insured or the health maintenance organization under which the individual is an enrollee. *As added by P.L.219-1991, SEC.1. Amended by P.L.26-1993, SEC.27.*

ORDINANCE ESTABLISHING THE  
EVANSVILLE-VANDERBURGH COUNTY  
COMMISSION ON DOMESTIC AND  
SEXUAL VIOLENCE

WHEREAS, the Board of Commissioners of Vanderburgh County recognizes the right of every citizen to live in a safe and healthy environment free from physical and sexual violence and emotional abuse; and

WHEREAS, domestic and sexual violence that occurs in this community constitutes a major threat to the safety, health and welfare of the citizens of Evansville and Vanderburgh County and imposes a financial burden upon the criminal justice system, social service delivery system and medical resources; and

WHEREAS, Vanderburgh County desires to establish policies to significantly decrease the incidence of domestic and sexual violence and promote the permanent relief and safety of the victims of domestic and sexual violence; and

WHEREAS, the formal establishment of an Evansville-Vanderburgh County Commission on Domestic and Sexual Violence to meet the purpose of the policy hereinafter stated is recommended;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Vanderburgh County, Indiana, as follows:

SECTION 1. AMENDMENT OF COUNTY CODE OF ORDINANCES

The Vanderburgh County Code of Ordinances is hereby amended by the addition of Chapter 3.30.40 which shall read as follows:

TITLE 3: ADMINISTRATION, CHAPTER 33: COMMISSIONS, Section 33.65 COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE.

There is hereby established the Evansville-Vanderburgh County Commission on Domestic and Sexual Violence.

(A) The purpose of the Evansville-Vanderburgh County Commission on Domestic and Sexual Violence is to substantially decrease the occurrence of domestic and sexual violence in the community by:

(1) Promoting and strengthening community and government efforts to provide a collaborative approach in building capacity to meet the needs of victims of existing or threatened domestic and sexual violence and encourage those targeted to access and make use of all available help and to provide perpetrators the motivation, skills and opportunity necessary to abandon domestic and sexually violent behavior;

(2) Encouraging the development of educational efforts within the general public, agencies, and organizations dealing with domestic and sexual violence by recognizing that education is effective in intervention and the prevention of domestic and sexual violence; and

(3) Developing new programs and approaches to reduce domestic and sexual violence as community and societal needs change.

(B) The Evansville-Vanderburgh County Commission on Domestic and Sexual Violence shall consist of not less than eleven (11) and not more than seventeen (17) members. There shall be eleven (11) permanent positions on the Commission and six (6) nonpermanent positions. The total number shall be determined by the number of persons appointed.

(1) The eleven (11) permanent positions shall be occupied by the following persons:

Mayor of the City of Evansville (or a designee),  
President of the County Commissioners (or a designee),  
Chief of Police (or a designee),  
Sheriff (or a designee),  
Vanderburgh County Prosecutor (or a designee),  
Chief Judge - Vanderburgh Superior Court (or a designee),  
Judge - Vanderburgh Circuit Court (or a designee),  
YWCA Shelter for Domestic Violence, Director,  
Albion Fellows Bacon Center Executive Director,  
Chairperson of the Sexual Assault Task Force, and  
the Director of the Domestic Abuse Intervention Program. There shall be no more than one (1) representative from any agency named in this subsection.

(2) The remaining six (6) nonpermanent positions shall be chosen from the community at large and shall serve at the discretion of the appointing authority. The Mayor shall have up to three (3) appointments to the Commission and the County Commissioners shall have up to three (3) appointments. The terms shall be two (2) years.

(3) A president and vice president shall be chosen annually by the members of the Commission.

(4) The members of the Commission shall serve without compensation.

(C) The Commission shall have the following powers and duties:

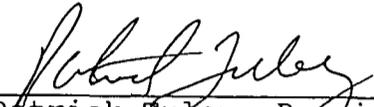
(1) To prepare a written annual report to the Mayor and County Commissioners on the status of domestic and sexual violence in the community; the first annual report to be due December, 1995.

(2) To do any and all lawful acts to carry out the purpose of this ordinance.

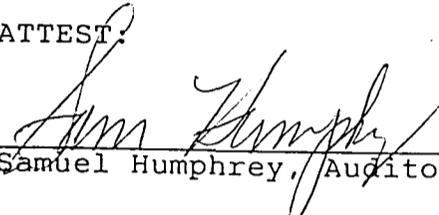
SECTION 2. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of Vanderburgh County and signing by the President of the Board.

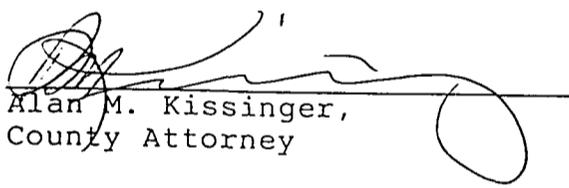
Date: November 28, 1994

  
\_\_\_\_\_  
Patrick Tuley, President  
Board of Commissioners of  
Vanderburgh County

ATTEST:

  
\_\_\_\_\_  
Samuel Humphrey, Auditor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Alan M. Kissinger,  
County Attorney

VANDERBURGH COUNTY HIGHWAY DEPARTMENT  
PROGRESS REPORT

FRIDAY, NOVEMBER 11, 1994 THRU THURSDAY, NOVEMBER 17, 1994

FRIDAY, NOVEMBER 11, 1994

Grader, broom, roller and four trucks pulled shoulders on Millersburg, Hornby and Young Roads.  
Pot hole patcher and one crew worked on work orders.  
One crew went to Jasper Engine for tour.  
Two tree crews worked on Old Henderson Road.  
Mowers worked on County Line East, Ruston Lane, Dieffenbach and Little Schaeffer.

MONDAY, NOVEMBER 14, 1994

Grader, roller, broom and five trucks rocked shoulders on Baseline.  
Pothole patcher and two crews worked on Fisher and Boonville New Harmony.  
Gradall and one crew worked on Green River Road.  
Two tree crews worked on Koring Road.  
One crew mounted spreaders and plows.

TUESDAY, NOVEMBER 15, 1994

Gradall and one crew worked on school bus turnaround on Schmitt and helped mount plows and spreaders.  
Grader, roller, broom and five trucks rocked shoulders.  
Pothole patcher and one crew worked on work orders.  
Mowers worked on Mill, Folz, Marx and Korressel.  
Two crews worked at garage cleaning trucks and working on gas pumps.

WEDNESDAY, NOVEMBER 16, 1994

Gradall and two trucks widened road on West Terrace.  
Pothole patcher and one crew worked on work orders.  
Grader worked on Roesner Road.  
Two tree crews worked on Rucker Road.  
Two crews rocked Grace Lane and Acre Drive.  
One crew cleaned trucks and mounted plows and spreaders.  
One crew installed PVC for gas pumps.  
Mower worked on Mill and Folz.

THURSDAY, NOVEMBER 17, 1994

Gradall and one crew finished Campbell and West Mill Road.  
Two tree crews worked on Rucker Road.  
Pothole patcher and one crew worked on work orders.  
Gradall and one crew worked on S. Weinbach.  
Grader worked on Acre, Maasberg and Grace Lane.  
Three trucks rocked roads in the Bottoms.  
One crew cleaned trucks and mounted plows and spreaders.  
Mower worked on Old Henderson Road.

VANDEBURGH COUNTY BRIDGE CREW  
PROGRESS REPORT  
FRIDAY, NOVEMBER 11, 1994 THRU THURSDAY, NOVEMBER 17, 1994

FRIDAY, NOVEMBER 11, 1994

Crew #1 - finished Campbell Road.  
Crew #2 - clean bridges.

MONDAY, NOVEMBER 14, 1994

Crew #1 & Backhoe - finish Campbell Road drop box.  
Crew #2 - put in field access on Green River Road.

TUESDAY, NOVEMBER 15, 1994

Crew #1 - pick up backhoe, work at shop.  
Crew #2 - pull forms on drop box and fill in around both  
drop box on Campbell Road.

WEDNESDAY, NOVEMBER 16, 1994

Crew #1 - clean bridges.  
Backhoe - worked on West Terrace Drive.  
Crew #2 - repair drop box on corner of Boonville New Harmony  
and Old Petersburg.

THURSDAY, NOVEMBER 17, 1994

Crew #1, #2 and Backhoe - take rip rap off bank at the end  
of Campbell Road and rake and clean up- pull post on St.  
Joe.  
Crew #3 - clean bridge finish drop box on Old Petersburg.

VANDEBURGH COUNTY HIGHWAY DEPARTMENT  
WEEKLY REPORT

FRIDAY, NOVEMBER 18, 1994 THRU THURSDAY, NOVEMBER 24, 1994

FRIDAY, NOVEMBER 18, 1994

Gradall and one crew worked on Middle Mt. Vernon Road.  
Two tree crews worked on Rucker Road.  
Grader worked on Campbell and Rucker Roads.  
Pothole patcher and two crews worked on work orders.  
One crew cleaned trucks and mounted plows and spreaders.  
One crew worked on gas lines at the garage.  
Mower worked on Old Henderson.  
Three trucks rocked roads in the bottoms.

MONDAY, NOVEMBER 21, 1994

Pothole patcher and two crews worked on work orders.  
Two tree crews worked on Old Henderson and 4505 Kuebler Road.  
One tree crew worked on Streuh Hendricks.  
Gradall and one crew worked on Seminary and Old Henderson.  
One crew worked on gas lines at the garage.  
Mower worked on Old Henderson.  
Grader and five trucks graded and rocked Newman and King Roads.

TUESDAY, NOVEMBER 22, 1994

Pothole patcher and two crews worked on work orders.  
Gradall and one crew worked on Seminary and Old Henderson.  
Grader, broom and four trucks pulled shoulders on St. Joe Ave.  
One crew worked on gas lines at the garage.  
Mower worked on Old Henderson.  
One crew cleaned trucks and mounted plows and spreaders.

WEDNESDAY, NOVEMBER 23, 1994

Gradall and one crew worked on Seminary and Old Henderson.  
Grader, front end loader, broom and four trucks pulled shoulders  
on St. Joe Ave.  
Two trash crews ran regular routes.  
Mower worked on Seminary and Bayou Creek.  
One crew worked on setting light poles at the garage.  
Gradall and one crew mounted spreaders and plows.

THURSDAY, NOVEMBER 24, 1994

HOLIDAY

VANDEBURGH COUNTY BRIDGE CREW  
PROGRESS REPORT

FRIDAY, NOVEMBER 18, 1994 THRU THURSDAY, NOVEMBER 24, 1994

FRIDAY, NOVEMBER 18, 1994

Crew #1, #2 and Backhoe - pull post on St. Joe.  
Crew #3 - clean bridges.

MONDAY, NOVEMBER 21, 1994

Crew #1 and Backhoe - repair bridge surface on Oakhill Road.  
Crew #2 - Oakhill Bridge.

TUESDAY, NOVEMBER 22, 1994

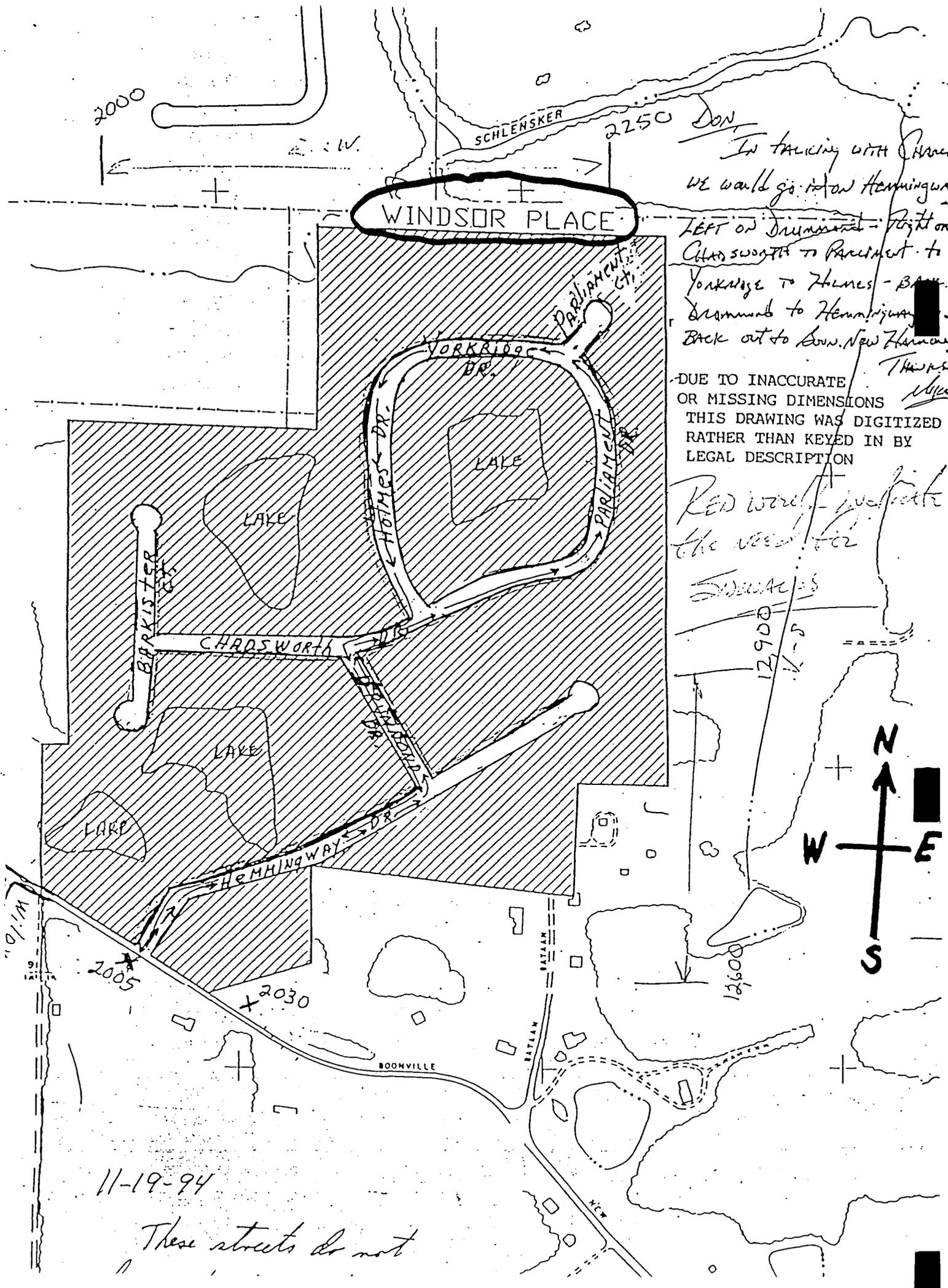
Crew #1, #2 and Backhoe - repair Oakhill Road Bridge.

WEDNESDAY, NOVEMBER 23, 1994

Crew #1, #2 and Backhoe - pull posts on St. Joe.  
Crew #3 - put reflectors on ends on guardrails on Westlake  
and clean culverts on Elm and Woods Ave.

THURSDAY, NOVEMBER 24, 1994

HOLIDAY

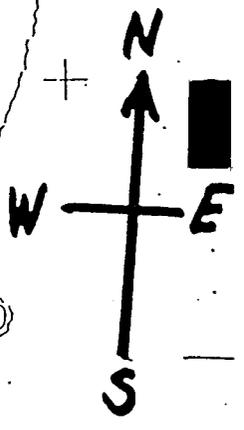


In talking with Chas  
 we would go from Hemmingway  
 left on Drummond - right on  
 Chadsworth to Parliament to  
 Yorkridge to Holmes - Bark  
 Drummond to Hemmingway  
 Back out to Ave. New Haven

DUE TO INACCURATE  
 OR MISSING DIMENSIONS  
 THIS DRAWING WAS DIGITIZED  
 RATHER THAN KEYED IN BY  
 LEGAL DESCRIPTION

Red words indicate  
 the need for  
 Surveyors

12,900  
 12,600



11-19-94

These streets do not

ELECTION NIGHT NOV. 8, 1994  
PROBLEMS & POSSIBLE SOLUTIONS

Submitted by: Susan K. Kirk

=====

At appx. 6:15 P.M. Betty Knight Smith came out to the receiving team where I was working and told me the printers for the vote tabulators were not working.

At. appx. 7:00 P.M. Betty came back to me again and said the printers were still not working. I then went into the council chambers and asked the two BRC representatives if they had everything plugged in correctly and they said they did. I went back to the receiving team to complete my duties.

At 8:00 P.M. I returned to the council chambers and stood beside the BRC representative as she was running a deck of ballots through one of the tabulators. I noticed the printer's motor started and the paper was advancing. I opened the lid of the printer and moved the lever so the type on the printer would hit the paper. I then closed the lid and asked the BRC representative to run the deck of ballots cards through the vote tabulator again. The printer began printing at that time. I told the BRC representative that she had wasted 2 hrs. and should have known to move the lever in the proper position. She told me she thought the lever went the other way.

I asked the representatives if the same thing was wrong with the other printer and they said it was giving a "read error" of 64, which was not good. They had called the home office concerning the read error of 64 and there

wasn't much they could do to fix it.

I returned to the receiving team until appx. 8:45 P.M. before returning to the council chambers to assist in tabulating ballots. I was handing ballot cards from each precinct to the BRC representative to run through the tabulator. The first deck I gave to her stopped in the middle as a ballot wouldn't go through, due to the fact it had been inserted backwards when it was voted at the polls. She gave me the card to be sent to the duplication team. I asked for the rest of the deck, as that is proper procedure, so ballots from other precincts can continue to be processed while those ballots that need to be duplicated are done so. The representative told me they were not taking the whole deck out, but waiting for the duplicate ballot before processing more votes.

I also noticed that the representatives would stop processing ballots and try to get the other printer running. At one point the Evansville Courier brought their printer over and tried to hook it up to the existing equipment. Past election night experience has told me that if equipment problems can't be resolved within a reasonable length of time, leave it alone and continue with what is working, as it is a possibility to lose <sup>se</sup> what has already been processed not to mention time lost trying to fix what can't be fixed.

TIME LOST ELECTION NIGHT

2 hrs. was lost due to the lever on the printer.

1 hr. was lost due to trying to get the other printer working.

1/2 hr. was lost due to the duplication process.

3 1/2 total hours lost election night

The tabulators were not processing ballots during these times.

DUPLICATED BALLOTS

Most precincts had 0, 1, 2, or 3 ballots duplicated. This demonstrates the equipment is working properly and for the most part "bad" ballots result from human errors (inserting ballots backwards, not punching the stylus all the way down, etc). There were three precincts that had an abnormal number of ballots that had to be duplicated, they were:

Ward 6 Pct. 7 that had 44

Ward 6 Pct. 5 that had 26

Ward 3 Pct. 15 that had 18

*check why are all votomatics not checked prior to the election.*

The votomatics of these three precincts should be taken off the shelves and tested as soon as possible.

RECOMMENDATIONS

Lease the BRC vote tabulators for another year, with the following in mind.

The county should purchase or make a four wheel dolly with big rubber tires for transporting the vote tabulators and printers from the election office to the council chambers. The reason is, the four wheel dollies we use now do not absorb the shock as they roll along the hallways of the civic center. The tile floors have an extremely "jarring" effect on the electronic equipment. I don't say it will solve the problem, but I find it odd the voting equipment runs fine in the election office, but often fails after being transported election eve to the council chambers.

All votomatics should be tested before they are sent out to the polling place. The Inspector should test the votomatics prior to the opening of the polls and periodically throughout the day.

Ask for a technician and a software person election night.

Ask for back up equipment.

COMMENTS

Vanderburgh County purchased VOTE TABULATORS and VOTOMATICS in 1974 that were first used in 1975.

In 1985 the county either leased or purchased new VOTE TABULATORS to be used in the 1986 election.

In 1994 the county leased new VOTE TABULATORS for the 1994 election.

VOTE TABULATORS (this equipment actually counts the votes election night) are electronic and have been upgraded periodically by purchasing or leasing new ones. We have not used the same vote tabulators since 1975.

VOTOMATICS (this is what the voter uses to cast his/her ballot election day at the polls) are sent to each precinct and the only thing electric on them is the light bulb. They should be tested as I stated earlier and repaired if necessary.

We now have 2 vote tabulators and 2 printers. **ASK YOURSELVES THESE TWO QUESTIONS.....** If we can't keep 4 existing pieces of electronic equipment running that we only transport from one floor to another, how are we going to keep 167 or more pieces of electronic equipment running that has to be transported to each and every precinct at a cost of over one million dollars?...AND... Is it worth raising taxes on the people of Vanderburgh County to purchase new equipment just so we can get the results of the election a couple of hours earlier?

IN CLOSING, yes we have some problems, but sending a message to our

voters that the voting equipment is less than effective or worse is definitely the wrong message. The voters of this county should know that when they cast their ballot properly on our existing equipment it does count.



# REQUEST FOR TRANSFER

DEPARTMENT: HEALTH

DATE: 11/15/94

ACCOUNT	LINE ITEM	AMOUNT
<b>FROM:</b>		
213.0-000.0-1520	Salaries Nurse PT	500.00
213.0-000.0-3530	Contractual Services	2,211.00
213.0-000.0-3600	Rent	2,314.00
213.0-000.0-3790	Professional Services	4,775.00
<b>TO:</b>		
213.0-000.0-1540	Salaries Nurse PT	500.00
213.0-000.0-2700	Other Supplies	1,000.00
213.0-000.0-3930	Other Contractual	6,000.00
213.0-000.0-4210	Office Furniture	1,800.00
213.0-000.0-4220	Office Machines	500.00

**EXPLANATION OF NEED FOR REQUEST:**

- 1540 - Salaries Nurse PT; pay salaries of PT employee who is covering for an employee on sick l
- 2700 - Other Supplies; windows software for new computers
- 3930 - Other Contractual; have Vital Records books rebound and laminated
- 4210 - Office Furniture; Replace worn out chairs and couch
- 4220 - Office Machines; purchase scanner

**VANDERBURGH COUNTY  
REC'D**

NOV 15 1994

*Sam Douglas*  
**AUDITOR**

**BALANCE OF ACCOUNTS:**

ACCOUNT NO	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER TRANSFER
213.0-000.0-1520	10,573.00	5,073.74	4,999.26	4,499.26
213.0-000.0-3530	10,000.00	2,145.00	7,855.00	5,644.00
213.0-000.0-3600	137,314.00	135,000.00	2,314.00	.00
213.0-000.0-3790	23,495.68	13,683.75	9,811.93	5,036.93
213.0-000.0-1540	10,673.00	8,117.75	2,555.25	3,055.25
213.0-000.0-2700	10,475.11	8,395.22	2,079.89	3,079.89
213.0-000.0-3930	32,038.00	25,664.74	6,373.26	12,373.26
213.0-000.0-4210	1,196.92	1,196.92	.00	1,000.00
213.0-000.0-4220	19,443.10	12,745.10	6,698.00	7,198.00

DEPARTMENT HEAD: *Sam Kelly* Executive Director

**REQUEST FOR APPROPRIATION**

DEPARTMENT: 1300 County Commissioners

DATE: 11/15/94

ACCOUNT	LINE ITEM	AMOUNT
1300-3610	Legal Services	1,016.00
1300-3700	Dues-Subscriptions	500.00
1300-3290	Transfer of Tuition	10,179.00
1300-3050	Patient - Inmate	12,967.00

**EXPLANATION OF NEED FOR REQUEST:**

VANDERBURGH COUNTY  
**REC'D**

NOV 15 1994

*Sam Humphrey*  
AUDITOR

**BALANCE OF ACCOUNTS:**

ACCOUNT NO	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER APPROPRIATION
1300-3610	10,000.00	17,000.00	-0-	1,016.00
1300-3700	7,500.00	7,243.00	257.20	757.20
1300-3290	40,000.00	139,245.00	-0-	10,179.00
1300-3050	250,000.00	480,214.00	-0-	12,967.00

DEPARTMENT HEAD: \_\_\_\_\_

*Patricia July*

*mf*

**REQUEST FOR TRANSFER**

DEPARTMENT: 1300 County Commissioners

DATE: 11/15/94

ACCOUNT	LINE ITEM	AMOUNT
FROM:		
1300-3881	Unisys	5500.00
TO:		
1300-3060	Soldiers Burial	5500.00

**EXPLANATION OF NEED FOR REQUEST:**

VANDERBURGH COUNTY

**REC'D**

NOV 15 1994

*Sean Humphrey*  
AUDITOR

**BALANCE OF ACCOUNTS:**

ACCOUNT NO	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFT TRANSFER
1300-3881	19,672.00	14,163.00	5,508.70	8.70
1300-3060	40,000.00	50,000.00	-0-	5,500.00

DEPARTMENT HEAD: *Patrol Julez*

*PJ*

**DATA PROCESSING REVIEW BOARD**  
City of Evansville/Vanderburgh County  
Civic Center Complex, Room 205  
1 NW Martin Luther King Jr. Blvd.  
Evansville, Indiana 47708

**A G E N D A   R E Q U E S T**

**NAME OF REQUESTOR:** Richard Cappelletti

**REQUESTOR TITLE:** Director

**DEPARTMENT:** Data Processing

**REQUEST(S) BEING MADE:**

- (1) Request signatures for a SOFTWARE LICENSE AGREEMENT between the City of Evansville and Vanderburgh County (licensees) and Vector Networks Limited for the LAN UTIL software product. This was approved for purchased by Databoard during their September 27, 1994 meeting.

**DATE TO BE PLACED ON AGENDA:**

County Commissioners                      Monday, November 28, 1994

Board of Public Works                      Wednesday, November 30, 1994

ACTION

CONSENT

OTHER

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 11/28/94 DEPARTMENT: COUNTY ENGINEERING DEPT.

EMPLOYEE (S): TOM GOODMAN

TIM SPURLING

DATES OF TRAVEL: 11/7/94 - 11/8/94

DESTINATION: ST. LOUIS, MO

PURPOSE: TROXLER NUCLEAR GAUGE OPERATOR COURSE

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

LODGING REQUIRED: \_\_\_\_\_

MEANS OF TRAVEL COUNTY VEHICLES NUMBER: \_\_\_\_\_

OTHER: \_\_\_\_\_

REIMBURSEMENT CLAIMED:

_____	Mileage	_____	Parking
<input checked="" type="checkbox"/>	Per Diem	<input checked="" type="checkbox"/>	Registration
_____	Air Fare	_____	Other

APPROVED: John Still  
Department Head

APPROVED: \_\_\_\_\_  
Office Holder

APPROVED BY:  
VANDERBURGH COUNTY COMMISSIONERS this 28<sup>th</sup> day of November, 19 94.

Patrick Tuley  
Patrick Tuley, President

Richard J. Borries  
Richard J. Borries, Vice-President

Don L. Hunter  
Don L. Hunter, Member

# DEPARTMENTAL CORRESPONDENCE

Date November 21, 1994

Subject Travel

To County Commissioners

Dep't \_\_\_\_\_

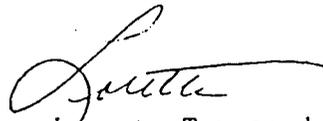
From Loretta Townsend

Dep't Weights & Measures

This is to inform you that on Monday, December 5 and Tuesday, December 6, 1994, Don Qualls, Larry Wright and myself will be in Indianapolis. I will be attending meetings and the others will be in the Metrology Lab testing 3,345 lbs. of our weights.

Also on Sunday, January 8, 1995, Roy Paschall, Larry Wright and myself will travel to Indianapolis and will be there until Tuesday afternoon, January 10th. The purpose of this is to have the remainder of our testing equipment, (weight kits, fuel test measures, etc.) tested and hopefully certified. We must go on Sunday in order to get the equipment into a climate controlled environment prior to the testing which will start at 8:00 a.m. (their time) on Monday.

The funds for both trips are available in our travel account (130-2-3130)

  
Loretta Townsend

*agenda  
item 2*

RECEIVED

NOV 21 1994

Vanderburgh County Commissioners

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 11/15/94 DEPARTMENT: Knight Township Assessor

EMPLOYEE(S): Al Folz

DATE(S) OF TRAVEL: Nov 29th 1994

DESTINATION: Indianapolis, Indiana

PURPOSE: IAAC, Inc. Board Meeting

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

LODGING REQUIRED: Yes

MEANS OF TRAVEL: \_\_\_\_\_  
COUNTY VEHICLE NUMBER: \_\_\_\_\_  
OTHER: \_\_\_\_\_

REIMBURSEMENT CLAIMED

<input checked="" type="checkbox"/>	Mileage	<input checked="" type="checkbox"/>	Parking
<input checked="" type="checkbox"/>	Per diem	_____	Registration
_____	Air fare	_____	Other

APPROVED: Shirley Reeder  
Department Head Chief Deputy Kntr

APPROVED: Al Folz  
Office Holder

APPROVED BY:  
VANDERBURCH COUNTY COMMISSIONERS this 28<sup>th</sup> day of November, 1994

Richard J. Borries  
RICHARD J. BORRIES

Patrick Tuley  
PATRICK TULEY

Don L. Hunter  
DON L. HUNTER

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 11-30-94 DEPARTMENT: PERRY TOWNSHIP ASSESSOR

EMPLOYEE(S): GLEN KOOB

JACQUELINE L PAGE

KAREN SWARTZ

DATE(S) OF TRAVEL: 11-30-94

DESTINATION: VINCENNES UNIVERSITY STUDENT UNION BLDG.

PURPOSE: STATE TAX BOARD CONTINUING EDUCATION TRAINING

SEE ATTACHED

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

LODGING REQUIRED: N/A

MEANS  
OF  
TRAVEL

COUNTY VEHICLE NUMBER: N/A

OTHER: PERSONAL VEHICLE

REIMBURSEMENT CLAIMED

Mileage

Parking

Per diem

Registration

Air fare

Other

APPROVED: Glen E. Koob  
Department Head

APPROVED: Amelia L. Fornatta  
Office Holder

APPROVED BY:

VANDERBURGH COUNTY COMMISSIONERS this 28<sup>th</sup> day of November, 1994

Patrick Tuley  
~~Carolyn MacLennan~~, President  
PATRICK TULEY

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: November 9, 1994 DEPARTMENT: Health/Nursing

EMPLOYEE(S): Ethel Daniels, WIC Coordinator

Virginia Salo

Deann Nau

Peer Counselors

Forestine Baines

DATE(S) OF TRAVEL: Tuesday, November 29, 1994

DESTINATION: Vincennes Univ., Jasper, IN

PURPOSE: Breastfeeding Peer Counselor Regional Meeting

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

LODGING REQUIRED: No

MEANS  
OF  
TRAVEL

COUNTY VEHICLE NUMBER: Yes

OTHER: \_\_\_\_\_

REIMBURSEMENT CLAIMED

WIC Grant

\_\_\_\_\_ Mileage

\_\_\_\_\_ Parking

\_\_\_\_\_ Per diem

\_\_\_\_\_ Registration

\_\_\_\_\_ Air fare

\_\_\_\_\_ Other

APPROVED: \_\_\_\_\_

Sam Elder  
Department Head

APPROVED: \_\_\_\_\_

Office Holder

APPROVED BY:

VANDERBURGH COUNTY COMMISSIONERS this 2<sup>nd</sup> day of November, 1994

Patrick Tuley  
PATRICK TULEY, PRESIDENT

Richard J. Borries  
RICHARD J. BORRIES, VICE PRESIDENT

Don L. Hunter  
DON L. HUNTER, MEMBER



# United Consulting Engineers & Architects

Established 1965



AMERICAN CONSULTING ENGINEERS COUNCIL

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Brad S. Faris, P.E., L.S.  
Dale A. Schmidt, P.E.  
Karen S. Kellerman, P.E.

November 22, 1994

Vanderburgh County Commissioners  
Civic Center Complex  
Commissioner's Office, Room 305  
Evansville, Indiana 47708

RE: Vanderburgh County Bridge Inspection Program  
Project No. BR-NBIS (202) - Update  
Str. #1 Waterworks Road over Eagle Creek  
Str. #2 First Avenue over Tributary of Pigeon Creek

Dear Commissioners,

United Consulting Engineers, Inc. hereby proposes to provide the Bridge Inspection Services necessary to revise and update the previously completed Vanderburgh County Bridge Inventory Report on file with the Indiana Department of Transportation.

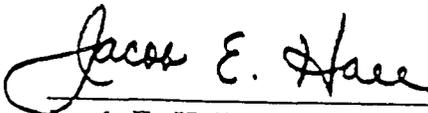
This Bridge Inventory Update shall include a field inspection at each of the referenced bridge sites, completing and submitting the Bridge Structure Inventory and Appraisal Sheets per INDOT standards, and providing the necessary coordination with INDOT.

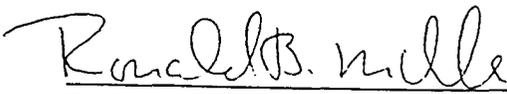
We propose to do the work described herein at a cost of \$450.00 per bridge, which shall be Agreed to as a total Lump Sum Fee of \$ 900.00. The work for this reinspection shall be completion within forty-five days of receipt of an executed copy of this Agreement.

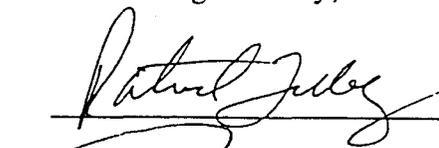
If this Agreement is acceptable, please sign in the space provided.

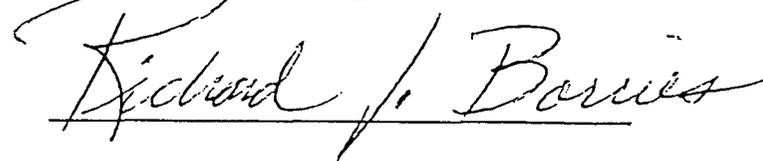
United Consulting Engineers, Inc

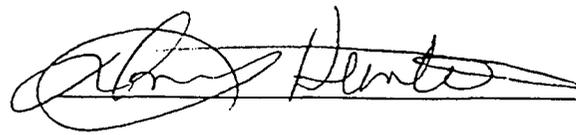
Vanderburgh County, Board of Commissioners

  
\_\_\_\_\_  
Jacob E. Hall, President

  
\_\_\_\_\_  
Ronald B. Miller, Treasurer

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_

c: file ( pending )

Date: \_\_\_\_\_





# 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

November 11, 1994

Vanderburgh County Commissioners  
 Room 305 - Civic Center Complex  
 Evansville, Indiana 47708

## I N V O I C E

Project:	Ohio Street Bridge # 3C over Pigeon Creek
INDOT Project No.:	BRM-480( )
Invoice No.:	91-068-1(29)
Period:	01-Oct-94 to 31-Oct-94
Work Description:	Preliminary Engineering for Design of Ohio Street Bridge #3C over Pigeon Creek & Ohio St. & Fulton Avenue Intersection

	BREAKDOWN OF SERVICES (See Enclosed Status Reports)	WORK PERFORMED THIS PERIOD PERCENT / AMOUNT
<b>OHIO STREET BRIDGE #3C:</b>		
Bridge Field Survey:		
\$23,876.00 x 100.0% Complete	= \$23,876.00	0.0%    \$0.00
Bridge Design & Plans:		
\$78,627.00 x 99.1% Complete	= 77,919.36	2.4%    1,887.05
Combined Location-Design Study Report:		
\$2,800.00 x 100.0% Complete	= 2,800.00	0.0%    0.00
Phase II Environmental Audit:		
\$22,521.00 x 100.0% Complete	= 22,521.00	0.0%    0.00
Utility Agreement Coordination (Supplemental No. 1):		
\$4,683.00 x 90.0% Complete	= 4,214.70	5.0%    234.15
<b>OHIO STREET &amp; FULTON AVE INTERSECTION:</b>		
Intersection Traffic Study:		
\$2,761.00 x 100.0% Complete	= 2,761.00	0.0%    0.00
Intersection Field Survey:		
\$6,554.00 x 0.0% Complete	= 0.00	0.0%    0.00
Intersection Geometrics & Plans:		
\$13,575.00 x 0.0% Complete	= 0.00	0.0%    0.00
Traffic Signal Design & Plans:		
\$7,713.00 x 0.0% Complete	= 0.00	0.0%    0.00
Design Geotechnical Investigation:		
Total Accumulated Direct Cost	= 24,383.30	0.0%    0.00
<b>SUBTOTAL</b>		<b>\$158,475.36</b>
Less Amount Previously Billed		= (156,354.16)
<b>TOTAL AMOUNT DUE THIS INVOICE</b>		<b>\$2,121.20</b>

NOV 11 1994

MINUTES  
COUNTY COMMISSIONERS MEETING  
DECEMBER 5, 1994

I N D E X

Subject	Page No.
Meeting Opened @ 5:40 p.m. ....	1
Introductions & Pledge of Allegiance .....	1
Approval of Minutes (Deferred) .....	1
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MINUTES  
COUNTY COMMISSIONERS MEETING  
DECEMBER 5, 1994

The Vanderburgh County Board of Commissioners met in session at 5:40 p.m. on Monday, December 5, 1994, in the Commissioners Hearing Room with President Pat Tuley presiding.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley called the meeting to order, welcomed the attendees, introduced members of the County Staff (Mark Abell, Supt./County Bldgs., Attorney Alan Kissinger, Commissioner Rick Borries, himself, Commissioner Don Hunter, and Joanne Matthews, Official Recording Secretary for the Board). He subsequently asked the group to stand for the Pledge of Allegiance.

RE: APPROVAL OF MINUTES

Commissioner Tuley noted he does not see any minutes for approval. Joanne Matthews was on vacation last week.

Ms. Matthews responded that she returned to the office this morning. She has the tape from last week's meeting and will be transcribing same.

The meeting continued with President Tuley saying approval of minutes will be deferred and asked if there are any individuals/groups in the audience who wish to address the Commission. If so, now is the time to come forward. There was no response from the audience.

RE: AWARDING OF BIDS - LYNN ELLIS, PURCHASING DEPARTMENT

Having been recognized, Ms. Ellis said there are just four bids to be awarded tonight. There was a complication with regard to bid for the gasoline and fuel oil products, so the awarding of that bid will be deferred until next week.

Annual Price Agreement/Car Washing Services: Ms. Ellis said it is not required by law to bid these services. However, she was finding that different City/County Departments were utilizing different services and being charged different prices. She did a letter of invitation to different companies to respond and offer their services. The attached synopsis indicates the services available and the unit cost. Once the Commission and the Board of Public Works approve this award, then this notification will be sent to all City and County departments notifying them of the services available and the cost. But, again, because it is a service we are not required by law to advertise or seek competition. But it is a service that we use a lot of for the Sheriff's Department, the Police Department, etc.

Commissioner Borries said he thinks Ms. Ellis is definitely on the right track. On some of these items you can go all the way from \$3.50 to \$20.00 -- so we're talking some major differences on some of these items.

Ms. Ellis asked Attorney Kissinger if we should get a motion to approve the pricing structure of this for calendar year 1995.

Attorney Kissinger responded affirmatively.

Commissioner Borries asked how they choose between a \$3.50 service and a \$20 service.

Ms. Ellis said the Oak Hill Car Wash facility is a quick service machine operated service.

Mike's is hand detailing work and the work involved in that is more detailed and of a higher quality than the Oak Hill or First Avenue machine operated facilities. At Mike's the work is all done by hand and it would take several hours to do that. She would imagine that, in our case, that service would not be utilized at all. There would be no reason to do that. The primary providers are the Oak Hill and First Avenue facilities. Oak Hill is willing to provide the service with the use of a credit card so they are not having to wait as many as 60 days for payment. If we are able or willing to use their Shell credit card, then the service would be \$3.00 instead of the \$3.50. We most likely are not going to do that. But that would be up to the individual departments. However, most of the departments are not inclined to use the credit card. They would rather have the claim form and make payment in that fashion. So we're looking at \$3.50 from Oak Hill and \$4.50 from First Avenue. A lot of that is dictated by the location of the patrolman or the deputy or the other County employee -- as to whether they have to drive across town. If so, then it would not be cost advantageous to have to do that in order to save the \$1.00. They'd spend more than that in their time and gas.

Attorney Kissinger asked if the County is now using credit cards at Thornton's.

Ms. Ellis responded affirmatively -- saying we're using Thornton's credit card. There is I.D. with every credit card -- the officer's number and another number added to it -- so there is protection in there for theft. It would mean another card would be required for each of the patrol cars.

Motion was made by Commissioner Borries that the pricing agreement for car washing services be approved. Seconded by Commissioner Hunter. So ordered.

Crushed Stone: Ms. Ellis said the only bid received was from Mulzer Crushed Stone, Inc. They have also been the sole bidder in previous years. The estimated annual usage is \$114,832.80 and they are both a responsive and responsible bidder. She would recommend the bid be awarded as in previous years. The same would be true for the sand and gravel, as well.

Motion to award Bid APA002-95 Crushed Stone be awarded to Mulzer Crushed Stone, Inc. in the amount of \$114,832.80 was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Sand & Gravel/Bid APA003-95: Motion to award this bid to Mulzer Crushed Stone, Inc. in the amount of \$13,861.50 was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Liquid Asphalt/Bid APA016-95: Ms. Ellis said the sole bidder was J. H. Rudolph and, again, in previous years they have been the only bidder responding to the liquid asphalt bid. The cost of that bid is \$43,950.

Motion to award this bid to J. H. Rudolph & Company, Inc. was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Gasoline & Fuel Oils: Ms. Ellis said she believes all the questions were answered today with regard to this bid, so she will bring it next week -- along with some other ones.

RE: EUTS/PROJECT UPDATE- ROSE ZIGENFUS

Ms. Zigenfus said she is here to give the Board a project update. If the Commissioners will recall, only those projects that have shown progress in the last thirty days are mentioned. The only one in Vanderburgh County is the Burkhardt Railroad crossing. INDOT has notified the railroad to place this project on hold pending confirmation of the Norfolk-Southern Rail abandonment status of this line. And that is all she knows about that project. Evidently they are looking at abandoning the line from Green River Rd. east. So until that determination is made....

Commissioner Borries interrupted, "But doesn't Warrick County object to that? Hasn't there been a series of initiatives up there?"

Ms. Zigenfus said she does not know -- she hasn't heard from them about it.

Commissioner Hunter commented, "I think they've made potential commitments to businesses based on the usage of the railroad and they are about to have a duck fit."

Ms. Zigenfus said she wasn't aware of that.

Franklin Street Bridge Project: It was noted by Commissioner Borries that we have started this project.

Ohio Street Bridge Funding: Mr. Borries said EUTS has also sent a letter concerning the Ohio Street Bridge funding. Would Ms. Zigenfus care to comment on that.

Ms. Zigenfus said, "Well, INDOT has stipulated that we cannot apply for bridge funds unless all of our STP funds have been used and we have used them. This is the same situation as last year. All of our standard Federal Aid money is going toward Lynch Road and once that is earmarked, then we have the ability to apply for bridge funds. And that is what we are doing with this letter."

Commissioner Borries asked if we've had any discussions with INDOT or any persons regarding EUTS' figures and what we need to do to get Burkhardt Road and that intersection on target -- so that as things happen there we are in the right communication mode with the state?

Ms. Zigenfus said she has heard nothing more since she sent that letter to Greg Curtis.

Commissioner Borries asked what the letter said.

Ms. Zigenfus responded, "The letter asked that he clarify his position."

Commissioner Borries said, "I think all of us are very concerned about that whole intersection and the aspect of planning and, again, it is just vital that if you are going to be the group that generates the figures for the State -- you know, they are the ones who are going to call the shots for the money, Rose, and I think it is very clear that we really need to have those figures in agreement. We're battling too hard, frankly. I think we've done our share with the State with USI and a series of other projects -- I could name them -- on Morgan Avenue -- and there is a great tendency at this point in this shell game, you know, no taxes or anything and we keep hoping for shells and there's nothing underneath at the Federal level and nothing at the State level and all of a sudden at the local level we get hit with all of this. Now why all of a sudden it becomes incumbent again upon us to have to generate the responsibility -- particularly financial responsibility -- for that type of an overpass is, in my way of thinking, pretty tough to handle in view of all the other responsibilities that we have on Burkhardt Road north."

Ms. Zigenfus countered, "I haven't heard anything from the State officially saying that our numbers are not accurate or not high enough or that an interchange isn't justified. I know that they are doing a study. The INDOT has contracted with a group out of Indianapolis to do an Interchange Study and if they ask us, we will be glad to give them whatever data they need -- or whatever we have."

Mr. Borries said, "Well, if they've done that, why are they saying our numbers are not correct?"

Ms. Zigenfus replied, "I don't know."

Commissioner Tuley commented, "I know I got a copy of the letter that she wrote to Greg Curtis -- and she did follow it up and wrote a letter to Greg Curtis saying we need some

clarification. If there is something wrong, you need to tell us specifically. If he has been misinterpreted, as he has said, then he needs to clarify his position." (Inaudible)

Ms. Zigenfus said, "I haven't heard if they did -- I was not invited. I don't know if they've named someone at this point either. As of Friday I had not heard anything. "

Mr. Borries said he hasn't heard either.

Mr. Tuley offered further comments, but they were inaudible since he was sitting back away from the microphone.

Ms. Zigenfus entertained further questions or comments.

Covert Avenue-Fuquay Road Intersection: Commissioner Borries said he has a couple of other things that either the EUTS group needs to handle or that he can refer to John Stoll, the County Engineer. He knows there will be another letter coming again to look at the intersection of Covert Avenue and Fuquay Road. There appears to be a growing amount of traffic on that road and frequent running of the signs -- particularly on Covert Avenue -- at high speeds. We've had some pretty grinding accidents at that point and, for whatever reason, he knows he's had calls on this and he can tell the Board there will be letters.

North Green River Rd./Boonville New Harmony Intersection: Mr. Borries said the Board needs some figures on this intersection, where there was a recent fatality. Something with either the speed at which they are traveling or the sight distance at which they are seeing the flashing light on Hwy. 57 or whatever. He's also had calls to look at that intersection to see what modifications and changes, if any, need to be done.

Commissioner Hunter said that he, too, has received calls on this one. He thinks we had some preliminary plans about two years or so ago -- the possibility of putting red flashing lights in both directions as Boonville-New Harmony crosses Green River Rd. But we didn't pursue it at that time as apparently the numbers just weren't there. But he also understands there are a number of high speed accidents.

Ms. Zigenfus asked if it is possible just to light that intersection -- illuminate it. She thinks perhaps that might help -- but EUTS will look at it.

Mr. Hunter said there was some additional signage installed -- maybe Bill Morpew's group put that up -- something about a dangerous intersection --as you move west on Boonville-New Harmony, just before you get to Green River Road. But apparently that didn't work either. It's an odd intersection -- because it is very, very dark at night and it's all you can do to see it in broad daylight. But at night all you see as you look west is the red flashing light at Highway 57 and Boonville-New Harmony. He really thinks we ought to try to address that. Apparently we decided previously that the numbers didn't merit it. But, like Rick, he thinks we obviously need to do something at both of the aforementioned intersections.

Commissioner Borries asked Ms. Zigenfus to keep the Commissioners informed if she hears anything regarding the Burkhardt Road situation.

Ms. Zigenfus said, "I will."

Blockage of Road at Lincoln Avenue & Highway 41: Commissioner Hunter said he had a call from some of the business people on Lincoln Avenue (Old Town and the area of Rose Marie's) - - and they had somehow gotten the idea that there was going to be something done to block the road at Lincoln Avenue and Highway 41. He doesn't see that on the list of State projects. The people were wanting to forestall anything -- whether it be Lincoln, Walnut, Washington Avenue or whatever until after the Christmas holidays - because they say it will be disastrous.

Ms. Zigenfus said, "Well, it's closed in." In response to query from Commissioner Hunter as

to how long that is going to be, she said the City is doing railroad removal and the State is doing intersection work."

Mr. Hunter said, "I don't see anything on Lincoln Avenue specifically -- but they were concerned about Walnut and Washington Avenue and, obviously, Lincoln Avenue closure would have been disastrous to them."

Ms. Zigenfus said, "I don't think Walnut is going to be closed more than a week. It looked like a day for the city and a couple of days for the state."

Mr. Hunter continued, "And I understand they had already done Washington Avenue, so if the city and the state couldn't coordinate it, it would have to be done at a later time?"

Ms. Zigenfus responded, "I'm not familiar with that - I don't know what the city has done."

In continuing, Commissioner Hunter said, "Well, anyway there was some concern about between now and Christmas and I think probably that concern is well founded."

RE: COUNTY ATTORNEY - ALAN KISSINGER

Attorney Kissinger said he has a couple of things to report.

Azteca Property Acquisition: This has been completed. We borrowed some money and spent it immediately. There will be several claims coming in in reference to legal fees and he will be addressing the Commissioners in the very near future in reference to transferring that real estate to the Redevelopment Commission pursuant to previous agreements -- so Redevelopment can enter into the lease.

Azteca/Real Estate Purchase Procedure: Attorney Kissinger said he believes John Stoll will be addressing the Commission this evening with regard to going before County Council to ask them to start the real estate purchase procedure. As the Commissioners may recall, the first thing that has to be done when we're going to purchase real estate is that first the County Council has to pass a Resolution indicating that the County has an interest. Then, it comes back to the County Commissioners for the purpose of appointing appraisers, having them report back and then using the average of their appraisals as our purchase price. When John addresses the Commissioners on this matter, they won't have blank looks on their faces.

RE: SUPERINTENDENT OF COUNTY BUILDINGS - MARK ABELL

Having been recognized by Commissioner Tuley, Mr. Abell said he has nothing to report.

RE: COUNTY HIGHWAY - BILL MORPHEW

Weekly Work Report: Mr. Morphew submitted the Weekly Work Report for period of November 23, 1994 thru December 1, 1994.....report received and filed.

West Terrace Drive: Commissioner Borries said a gentleman called him -- and perhaps Bill can help him before he returns the call. The question was, 'Why can't we widen West Terrace Drive more than just 2 ft.? The school buses still have to drive off the road.'

Mr. Morphew responded, "We are widening it 3 ft. That will give us a 17 ft. width paved surface. We will also have a 3 ft. shoulder on the north side."

Mr. Hunter asked what the standard width is for safety.

Mr. Morphew replied, "Between 16 ft. and 18 ft. We have a lot of narrow roads out here. That particular road is narrow and the school buses with the wide mirrors do meet out there -- and you can see where they have been running off the road. Not very far -- just about 6 to 8 inches.

But if I can get 36 inches out of that plus having a 3 ft. shoulder, that will help us out a great deal. We don't have room on the south side -- there are a lot of culverts, a new water and gas main in there, driveways -- we would look at quite an expense to widen on the south side. On the north side we've got one driveway and that is all there is. When the road was built, it was built basically on the south side of the right-of-way. So we can widen the whole north side, re-stripe it. We could go further than that, but we'd be getting into more excavation, moving a fence line, large trees, etc. But we can go with 36 inches and do it relatively inexpensively."

Mr. Hunter asked if it would be appropriate to call Charlie Johnson for a recommendation.

Mr. Borries said, "You could go 36 inches more than you are now doing you think?"

Mr. Morphew said, "I could probably get -- we still have to have a ditch in there. Including shoulder, from where the pavement is right now I can go over 6 ft. And what I was looking at was 3 ft. road surface plus 3 ft. shoulder. We started on that last week."

Mr. Borries said he will return the gentleman's call. He asked Mr. Morphew if he thinks this will address the problem.

Mr. Morphew replied, "Yes, it will. It will meet up with the subdivision. It won't be quite as wide as the subdivision, because they have a 24 ft. wide road -- but that will give us quite a bit of additional free play."

Conversions of County Vehicles to Use Natural Gas: Mr. Morphew said he has been doing some leg work on conversions for some of the highway trucks -- or actually, a couple of them. We're getting this Blazer. Last Friday morning he met with Joe Kiefer of SIGECO and he looked at the tank that is in the trunk of his car. It's a round cylinder and has a bag that the lines are in. In case of a rupture, the gas would go to atmosphere. The car runs off natural gas and also gasoline. He thought about that for the Blazer, but the only place he could put the tank would be inside the vehicle. And he said if it ruptured he wouldn't want to be in there with it. Jasper Engine is working currently on a tank that can be put underneath the vehicle, between the frame, like a standard automobile tank. As a matter of fact, he has a meeting with them tomorrow. With the Commissioners' permission, what he would like to do is look at the two new Chevrolet 3/4 ton trucks at the County Highway. Both have tool boxes on them. These tanks would be mounted underneath the tool box in the back. They could mount two (2) 8-gallon tanks, which would give the truck 16-gallon capacity, as far as natural gas goes. They do have 35 gallon gas tanks on the truck now. At 87 cents per gallon as far as natural gas goes, he thinks it would be to our benefit there. They also have a 3 inch gas main at the County Garage and they can put in a quick fill service at the garage so they could fill these trucks up coming right off the gas main at the garage.

Commissioner Hunter asked how much this would cost.

Mr. Morphew said he hasn't gotten that far yet. This is something that he sees happening in the future and he thinks we should get as much information as we can.

Commissioner Borries said he agrees. He met with them and asked that they contact Mr. Morphew. He knows that the School Corporation has 94 buses, he believes, running off this. And the casing involved in that is probably every bit as sturdy as what you would find in a normal gasoline tank. He had initially voiced some concerns and he thinks probably to look at the Clean Cities Act and perhaps use other available funds that might be out there in this kind of dwindling type situation where some of our priorities are going to change and some of this money might not be available. But this type of situation as a real alternative to some petroleum sources might be something we want to look at and he told them he'd work with them. So he's glad Bill is looking at it. We can look at it on a trial basis and see how it works for us.

Mr. Morphew said he thinks the two foremens' vehicles would be a pretty good idea. One of the things a little more intriguing was the wear and tear. There is virtually none. When you

change oil in a vehicle after three or four thousand miles, it is black -- it has a lot of additives in it for cleansing the inside of the motor. And he guesses there is a lot of carbon from gasoline deposits. When they changed the oil in one of the vehicles at Jasper (they had a conversion in that vehicle) it was clean after four thousand miles. So it is going to be environment friendly, also. We're not going to have the emissions and we're going to have a savings in the mileage. He thinks all around it is going to be quite beneficial.

Commissioner Borries again said he thinks it is worth looking into to see if it works for us.

Request to Travel: Mr. Morpew said he would like to go to the A.C.C. Meeting on Wednesday in Indianapolis -- a highway supervisors meeting. The agenda for highway supervisors is basically Wednesday afternoon and Thursday. There is nothing on Friday. So he'd be spending one (1) night, returning Thursday evening.

Motion to approve the request was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: COUNTY ENGINEER - JOHN STOLL

Plaque/Volkman Rd. Bridge: Mr. Stoll said the plaque on the Volkman Rd. Bridge has been installed by the bridge crew. So if the Commissioners want to have a Dedication Ceremony out there, that is ready to go.

Commissioner Hunter said, "That's great. Peggy (Koehler) was at my house last night and was so excited about it. She said that is kind of a dream come true for her, because that was always Dave's bridge."

Commissioner Borries said, "Well, let's do it."

Mr. Hunter asked, "Rick, what is a good time for you. In the afternoon on -- of course, she's in teaching, too."

Commissioner Borries said we can't make it too late; at 4:00 p.m. we'll be in the dark with the way these days are going to get shorter here.

Commissioner Borries suggested possibly December 12th. However, Commissioner Hunter said that is Solid Waste Meeting day and the Commissioners Christmas Party from 1:30 p.m. to 4:00 p.m. Commissioner Hunter also suggested December 15th, but Mr. Borries said he will be in Indianapolis on that day.

Commissioner Hunter subsequently suggested Tuesday, December 13th, at 3:00 p.m. He then asked if John Stoll will contact Peggy (Koeshler) and Angie (the daughter) to see if that date is agreeable to them.

Request to Go on Council Call: Mr. Stoll said that as noted by Attorney Kissinger, he has prepared a Resolution for County Council for the purchase of the additional approximately two (2) acres of right-of-way needed for the frontage road out next to the Azteca site. He would request permission to go before Council with this Resolution.

Motion to approve the request was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Attorney Kissinger asked if Mr. Stoll knows when the next County Council meeting is.

Ms. Matthews stated it is at 3:30 p.m. on Wednesday, December 7th.

Attorney Kissinger said Mr. Stoll might want to contact Sandi Deig so she can get this on specifically, so they will know what they are considering in advance.

Mr. Stoll asked if there are any advertising requirements or anything like that in regard to the Resolution. In other words, can it still be brought up **this** Wednesday.

Attorney Kissinger said he doesn't think they need to advertise with regard to a Resolution.

RE: WEIGHTS & MEASURES/EXTENSION OF LEASE

Commissioner Tuley said he met with Loretta Townsend this morning. What they have is a Lease Agreement with Citizen's Realty concerning a one year extension of their lease at the same price as last year.

Motion to approve the extension of the lease was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: CONSENT AGENDA

Employment Change: Commissioner Tuley said he has one employment change to be added which was received too late to get on the printed agenda and that is James August DeGroot, Transportation Officer, at \$5,200 per year for Judge Lensing, Juvenile Court.

County Treasurer/Monthly Report: Mr. Tuley said the County Treasurer's Report for month ending October 31, 1994 also needs to be added.

Motion to approve the Consent Agenda, including the two additional aforementioned items, was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: SCHEDULED MEETINGS

President Tuley said that, as noted, there is a County Council Meeting this Wednesday at 3:30 p.m. There will be no Executive Session next week due to the Solid Waste Meeting. There are a number of meetings listed on the December calendar.

RE: OLD BUSINESS

President Tuley entertained matters of Old Business to come before the Board.

Appointment to Domestic Violence Commission: Mr. Tuley said he has talked to a Lori Bryant of 4814 New Harmony Road. She is the individual responsible for the Adult Literacy Program through C.A.P.E. and she served on the Governor's First Lady's Adult Literacy Program for the State, but has recently resigned that post and would gladly accept this position.

Motion to appoint Ms. Bryant was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: NEW BUSINESS

President Tuley entertained matters of New Business to come before the Board.

Ambulance Service: Commissioner Borries said he had a telephone call from the ambulance provider for the County concerning what apparently have been some kind of discussions to change what this County agreed to in regard to emergency response, etc. So he has agreed to meet with the current provider and he would have some major concerns about changing the contract at this late date, as well as some duplication of services here that is going to cost some taxpayer dollars, he is afraid. But it could be of real concern to all of us. He really doesn't have any more information about that, but will be meeting with them and, certainly, as Board

members, the other Commissioners should be aware of this.

Commissioner Tuley asked if Mr. Borries was contacted or did he contact them? He wasn't contacted.

Commissioner Borries stated, "I received a phone call from Mercy Ambulance today. And I received a phone call from a media person last week. That was the first time I was aware that any township was either providing such a service and thereby perhaps duplicating what already is or....."

Commissioner Hunter said, "I had a complaint last week about Mercy's response time on a particular call which you might want to look into, as well. Everybody else was there but them."

Commissioner Borries said he thinks that some of these either need to be documented OR SOMETHNG. It's pretty easy to sit on the sidelines and take the old pot shots there -- but he thinks we need some documentation. Certainly it is going to be something he is going to ask these folks for. He also knows that sometimes these things begin to create a life of their own and before long we could have all kinds of emergency units doing this for one township and something else for another township -- and he thinks that would be unfortunate. He's always had concerns about the potential duplication between City and County services in this area and has always believed as this thing has moved forward that really the solution is a County-wide service to avoid some confusion in terms of billing and duplication from that standpoint. But to divide this into townships simply because there may be some special interest involved, he is not sure we're on the right track with that. But he does want to meet with Mercy.

Agreement w/David M. Griffith & Associates/Cost Allocation Plan:

President Tuley said the only new business he has is this agreement. David M. Griffith & Associates evaluates and handles all the filings so the County can be reimbursed for costs for programs such as food stamps, child support, AFDC, Medicaid, etc. They are a very reliable firm. We've been doing business with them for several years. In fact, they do all 92 counties across the State. It does need to be noted that for only the second time since 1977 there is an increase in their fees. The increase is \$2,425 -- but the contingency on that is they will recover more than the cost of the services and it is not payable until 1996. Our reimbursements have always far exceeded the cost of their services. The Agreement was reviewed by Attorney Kissinger.

Motion to approve the Agreement was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

There being no further matters of business to come before the Board, President Tuley entertained a motion for adjournment.

Motion to adjourn was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered. Meeting adjourned at 6:40 p.m.

PRESENT:

Patrick Tuley  
Richard J. Borries  
Don L. Hunter  
Alan M. Kissinger  
Mark Abell/Supt., County Bldgs.  
John Stoll/County Engineer  
Bill Morphew/County Hwy. Superintendent  
Rose Zigenfus/Director/EUTS  
Pam Schaefer/EUTS  
Lynn Ellis/Purchasing Department

COMMISSION MEETING  
December 5, 1994

10

Richard Mourdock/Commissioner-Elect  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

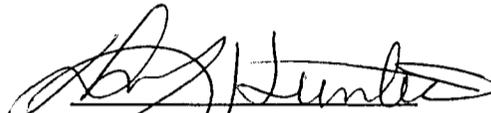


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Patrick Tuley, President

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Richard J. Borries, V. President



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Don L. Hunter, Member



BOARD of  
COMMISSIONERS  
of the County of Vanderburgh

RICHARD J. BORRIES

DON L. HUNTER

PATRICK TULEY

AGENDA

VANDERBURGH COUNTY COMMISSIONERS  
DECEMBER 5, 1994

5:30 P.M.

**FINAL**

1. CALL TO ORDER
2. INTRODUCTIONS
3. PLEDGE OF ALLEGIANCE
4. ACTION ITEMS
  - A. Approval of minutes - *None*
  - B. Any group-individual wishing to address the commission
  - C. Lynn Ellis:  
Award of bids:
    - 1) APA002-95/Crushed Stone
    - 2) APA016-95/Liquid Asphalt
    - 3) APA003-95/Sand and Gravel
    - 4) APA004-95/Gasoline and Fuel Oils - *Dezanne*
 Approve the award of the annual price agreement for Car Washing Services
  - D. Rose Zigenfus/EUTS  
\*monthly report/update
5. DEPARTMENT HEADS

Alan Kissinger -- ----- County Attorney  
 Mark Abell ----- Superintendent of County Buildings  
 Bill Morpew ----- County Garage  
 John Stoll ----- County Engineer (see attached requests)  
 Loretta Townsend ----- Weights and Measures - *app. J. RBIDB.*

6. CONSENT ITEMS

A. Travel/Education  
Community Corrections (2) Co-Op Extension (1) Health (5)  
\*\*these will be paid from their individual accounts

B. Employment Changes  
see attached lists

C. Claim for payment.....Given & Spindler....6,721.06  
reimbursement for expenses

7. Scheduled Meetings - List attached

8. OLD BUSINESS — *Agpt. -*

9. NEW BUSINESS — *Agreement/D. m. Griffith & Assoc.*

10. MEETING ADJOURNED — *6:40 p.m.*

COUNTY ENGINEERING DEPARTMENT

CONSENT AGENDA

DECEMBER 5, 1994

CLAIMS:

MANN ROAD BRIDGE #6 203-4361 WE Ltd (Inv. #3)	\$13,397.97
VOLKMAN ROAD BRIDGE #2311 203-4343 Award World (Inv. #8821)	\$ 143.25
TEKOPPEL AVE/UNION TWP ACCESS 430 BOND PVC Plastics (Inv. #127274)	\$ 8,015.00

# December 1994

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
4 338 / 27	5 339 / 26 3:30pm Dept. Head 4:00pm Exec. Session 5:30pm Commissioners	6 340 / 25	7 341 / 24 3:30pm County Council	8 342 / 23	9 343 / 22	10 344 / 21
11 345 / 20	12 346 / 19 4:30pm Solid Waste 5:30pm Commissioners	13 347 / 18 8:30am Insurance Comm.	14 348 / 17	15 349 / 16 9:00am Steering Comm. 12:00pm PC - Technical 5:00pm Pigeon Creek	16 350 / 15 Pay Day	17 351 / 14
18 352 / 13	19 353 / 12 4:00pm Exec. Session 5:30pm Commissioners 7:00pm Rezoning	20 354 / 11	21 355 / 10	22 356 / 9	23 357 / 8	24 358 / 7
25 359 / 6	26 360 / 5	27 361 / 4 4:00pm Exec. Session 5:30pm Commissioners 6:30pm Drainage Brd.	28 362 / 3 3:30pm Personnel & Finance	29 363 / 2 Pay Day	30 364 / 1	31 365 / 0
CHRISTMAS				CHRISTMAS EVE		NEW-YEAR'S EVE

November 1994

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			

January 1995

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				

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department ELECTION OFFICE *al*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
11401210	THOMAS MASSEY		ELECTION MEMBER	300 00	11-8-94 ✓
11101210	THOMAS MASSEY		CANVASS	400 00	11-8-94 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
121011201210	CAROL PRIMM		CLERK	6 00	11-10-94 ✓
121011201210	PAM DANIELS		CLERK	6 00	11-10-94 ✓
121011201210	JANE WILKIE		CLERK	6 00	11-10-94 ✓
121011201210	TAMMIE ISAACS		CLERK	6 00	11-10-94 ✓

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY *Alberta Matlock* DATE 11-28-94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department ELECTION OFFICE *al*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
11401210	BETTY KNIGHT SMITH		ELECTION SEC.	300 00	11-8-94 ✓
11101210	BETTY KNIGHT SMITH		CANVASS	400 00	11-8-94 ✓
11401210	WAYNE TROCKMAN		ELECTION CHAIR	300 00	11-8-94 ✓
11101210	WAYNE TROCKMAN		CANVASS	400 00	11-8-94 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
121011201210	NANCY KLEIMAN		CLERK	6 00	11-10-94 ✓
121012101210	JOHN JONES		BALLOT AID	6 00	11-10-94 ✓
121012101210	ELMER TORNATTA		BALLOT AID	6 00	11-10-94 ✓
121011201210	MARY L BASSEMIER		CLERK	6 00	11-10-94 ✓

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY *Alberta Matlock* DATE 11-28-94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Knights Township Trustee Office

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
	Emarie S. West	1710 Cass Ave.	Chief Deputy	23792	00	12-29-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY David J. Paul DATE 11/28/94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department CENTER ASSESSOR

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
11101990	ROBERT S. FOERSTER	8503 N GREENRIVER RD	PART TIME FIELD DEPUTY	HOUR 5	00	11/28/94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY Kevin E. Smith DATE 10-28-94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department

BURDETTE PARK

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
1750	STEVEN J. CRAIG		UNION	12	6206	12-2-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY Mark T. Tuley DATE \_\_\_\_\_

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department VANDEBURGH SUPERIOR COURT-JUVENILE DIVISION *sl*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
37013110	JAMES AUGUST DEGROOTE	2905 E. MULBERRY	TRANSPORTATION OFFICER	5,200 000	12-5-94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*[Signature]*

DATE

*12/5/94*



BOARD of  
COMMISSIONERS  
of the County of Vanderburgh

RICHARD J. BORRI

DON L. HUNTER

PATRICK R. TULEY

## AGENDA REQUEST

NAME OF REQUESTOR: Lynn W. Ellis

REQUESTOR TITLE: Buyer

DEPARTMENT: Purchasing

### REQUEST(S) BEING MADE:

Approve the award of the annual price agreement for Car  
Washing Services to all bidders responding to the Request for  
Bids. County departments shall utilize the location/vendor  
providing the required services, at the best price, and at a  
suitable location.

The bidding of these services was not required by statute. The  
bids are for acquiring services at the best price and to show  
the services available from each bidder.

DATE TO BE PLACED ON AGENDA: December 5, 1994

ACTION XX      CONSENT \_\_\_\_\_      OTHER \_\_\_\_\_

CAR WASHING SERVICES  
APA NO. 001-94

BIDDER	OAK HILL CAR WASH, INC.	FIRST AVENUE CAR WASH & DETAILING CENTER	MINUTEMAN CAR WASH	C & R CUSTOM CAR CLEANING	AMERICAN AUTO HAUS	MIKE'S DETAILING SERVICE
PRICE	\$3.50	\$4.50	\$4.75	\$15.00	\$20.00	\$20.00
PRICE WITH CREDIT CARD	*\$3.00 SHELL \$3.50 OAK HILL		\$5.00 MAJOR CREDIT CARD			
ADDITION- AL SERVICES INCLUDED	drying the exterior; cleaning windows inside; drying door jambs	drying the exterior; cleaning windows inside and out; cleaning dashboard, etc; cleaning trunk jamb and storage box; vacuuming seats, floors and mats; emptying trash and ashtrays	clean interior glass	hand washed and vacuumed; interiors treated with vinyl treatment; windows inside and out cleaned; vacuum trunk	hand wash exterior; vacuum & wipe interior; clean all windows inside & out; degrease wheel wells; clean & polish wheel covers; dress tires with protectora nt; free pick up & delivery	hand washed; vinyl dressing; steam shampooin g interior is \$15.00; waxing exterior is \$20.00; wash, wax, vacuume, steam shampoo is \$65.00 - \$75.00; vans, heavy trucks is \$75- 100.00

BID FORM 95 WITH NON- COLLUSION AFFIDAVIT	Yes	Yes	Yes - not notarized	Yes	Yes	Yes	Yes	Yes
EEO PLEDGE	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
WILL HONOR FOR ONE (1) YEAR MINIMUM	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

\*Prices good only if awarded exclusive contract.



BOARD of  
COMMISSIONERS  
of the County of Vanderburgh

RICHARD J. BOR  
DON L. HUNTER  
PATRICK R. TULE

## AGENDA REQUEST

*Mulzer*

NAME OF REQUESTOR: Lynn W. Ellis

REQUESTOR TITLE: Buyer

DEPARTMENT: Purchasing

### REQUEST(S) BEING MADE:

Approve the award of Bid No. APA002-95 for Crushed Stone to  
Mulzer Crushed Stone, Inc. at an estimated annual usage of  
\$114,832.80. Mulzer was the sole bidder. They are a responsive  
and responsible bidder.

DATE TO BE PLACED ON AGENDA: December 5, 1994

ACTION xx      CONSENT \_\_\_\_\_      OTHER \_\_\_\_\_

SUMMARY OF BIDS  
 CRUSHED STONE  
 BID NO. APA002-95

BIDDER	MULZER CRUSHED STONE, INC.
CRUSHED STONE - SIZE #1, 95 TONS	\$6.95/TON
CRUSHED STONE - SIZE #2, 227 TONS	\$6.95/TON
CRUSHED STONE - SIZE #5, 100 TONS	\$6.95/TON
CRUSHED STONE - SIZE #7, 82 TONS	\$6.95/TON
CRUSHED STONE - SIZE #8, 0 TONS	\$7.30/TON
CRUSHED STONE - SIZE #9, 4600 TONS	\$7.30/TON
CRUSHED STONE - SIZE #10, 150 TONS	\$6.95/TON
CRUSHED STONE - SIZE #11, 0 TONS	\$7.55/TON
CRUSHED STONE - SIZE #53, 6345 TONS	\$6.95/TON
CRUSHED STONE - SIZE #73, 4321 TONS	\$6.95/TON
RIP RAP, 307 TONS	\$8.40/TON
DELIVERY CHARGES WITHIN CITY LIMITS	
1 TO 8 TONS (PER LOAD)	\$28.00/LOAD
9 TO 14 TONS (PER LOAD)	\$33.00/LOAD
18 TO 21 TONS (PER LOAD)	\$1.70/LOAD
DELIVERY CHARGES WITHIN COUNTY LIMITS	
1 TO 8 TONS (PER LOAD)	\$38.00/LOAD
9 TO 14 TONS (PER LOAD)	\$43.00/LOAD
18 TO 21 TONS (PER LOAD)	\$1.95/LOAD
FOB JOB SITE - CITY AND COUNTY	Yes
DISCOUNTS	None
BID IS SUBJECT TO ESCALATION	No
BIDDER WILL ACCEPT PORTION/TOTAL BID AWARD	Portion

GUARANTEED DELIVERY SCHEDULE	1 day
SUPPLIER	N/A - Mulzer
BIDDER CONFORMS TO SPECIFICATIONS	Yes
NEAREST FACTORY/SERVICE FACILITY	N/A - Evansville
BIDDER SUBMITTED 5% BID GUARANTEE	\$20,000 Bid Bond
BIDDER WILL FURNISH 100% PERFORMANCE BOND IF REQUIRED	Yes
BIDDER WILL INDEMNIFY CITY/COUNTY	Yes
BIDDER INCLUDED 3 REFERENCES	No
BIDDER POSSESSES OCCUPATIONAL LICENSE(S)	Yes
BIDDER EXECUTED EEO PLEDGE	Yes
TOTAL BID COST	\$114,832.80
RECOMMENDED AWARD	\$114,832.80



BOARD of  
COMMISSIONERS  
of the County of Vanderburgh

RICHARD J. BORI  
DON L. HUNTER  
PATRICK R. TULE

## AGENDA REQUEST

NAME OF REQUESTOR: Lynn W. Ellis

REQUESTOR TITLE: Buyer

DEPARTMENT: Purchasing

### REQUEST(S) BEING MADE:

Approve the award of Bid No. APA003-95 for Sand and Gravel to  
Mulzer Crushed Stone, Inc. at an estimated annual usage of  
\$13,861.50. Mulzer was the sole bidder. They are a responsive  
and responsible bidder.

DATE TO BE PLACED ON AGENDA: December 5, 1994

ACTION XX      CONSENT \_\_\_\_\_      OTHER \_\_\_\_\_

SUMMARY OF BIDS  
SAND AND GRAVEL  
BID NO. APA003-95

BIDDER  
MULZER CRUSHED STONE, INC.

FILL SAND, 900 TONS \$3.55/TON

#5 GRAVEL, 1260 TONS \$7.30/TON

PEA GRAVEL (UNCRUSHED), 50 TONS \$6.25/TON

MORTAR SAND, 200 TONS \$5.15/TON

TOP DRESSING SAND - FINE, 120 TONS NO BID

WPEA GRAVEL, 14 TONS \$9.00/TON

DELIVERY CHARGES WITHIN CITY LIMITS

1 TO 8 TONS (PER LOAD) \$28.00/LOAD

9 TO 14 TONS (PER LOAD) \$33.00/LOAD

18 TO 21 TONS (PER LOAD) \$1.70/LOAD

DELIVERY CHARGES WITHIN COUNTY LIMITS

1 TO 8 TONS (PER LOAD) \$38.00/LOAD

9 TO 14 TONS (PER LOAD) \$43.00/LOAD

18 TO 21 TONS (PER LOAD) \$1.95/LOAD

FOB JOB SITE - CITY AND COUNTY

DISCOUNTS Yes

BID IS SUBJECT TO ESCALATION None

BIDDER WILL ACCEPT PORTION/TOTAL BID AWARD No

GUARANTEED DELIVERY SCHEDULE Portion

SUPPLIER 1 day

BIDDER CONFORMS TO SPECIFICATIONS N/A - Mulzer

NEAREST FACTORY/SERVICE FACILITY Yes

N/A - Evansville

BIDDER SUBMITTED 5% BID GUARANTEE	\$20,000 Bid Bond
BIDDER WILL FURNISH 100% PERFORMANCE BOND IF REQUIRED	Yes
BIDDER WILL INDEMNIFY CITY/COUNTY	Yes
BIDDER INCLUDED 3 REFERENCES	No
BIDDER POSSESSES OCCUPATIONAL LICENSE(S)	Yes
BIDDER EXECUTED EEO PLEDGE	Yes
TOTAL BID COST	\$13,861.50
RECOMMENDED AWARD	\$13,861.50



BOARD of  
COMMISSIONERS  
of the County of Vanderburgh

RICHARD J. BOR:

DON L. HUNTER

PATRICK R. TULE

## AGENDA REQUEST

NAME OF REQUESTOR: Lynn W. Ellis

REQUESTOR TITLE: Buyer

DEPARTMENT: Purchasing

### REQUEST(S) BEING MADE:

Approve the award of bid number APA016-95, Liquid Asphalt, to  
J.H. Rudolph & Co., Inc. as the only bidder. J.H. Rudolph is  
a responsible and responsive bidder and their prices are deemed  
to be acceptable.

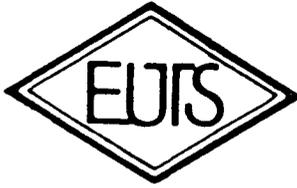
DATE TO BE PLACED ON AGENDA: December 5, 1994

ACTION XX      CONSENT \_\_\_\_\_      OTHER \_\_\_\_\_

SUMMARY OF BIDS  
LIQUID ASPHALT  
BID NO. APA016-95

BIDDER	J. H. RUDOLPH & CO., INC.
BID PRICE	
AE-T (20,000 GALLONS)	\$1.38/GALLON
AE-P (5,000 GALLONS)	\$1.52/GALLON
80-90-135 EMULSION FOR PATH MACHINE (5,000 GALLONS)	\$1.75/GALLON
BIDDER SUBMITTED 5% BID GUARANTEE	YES - \$2,500 BID BOND
FOB LOCATION	PLANT SITE
DISCOUNTS	NONE
SUBJECT TO ESCALATION	NONE
BIDDER WILL ACCEPT PORTION/TOTAL BID ONLY	PORTION
GUARANTEED DELIVERY SCHEDULE	MONDAY THRU FRIDAY, 7 A.M. - 3:30 P.M.
SUPPLIER	JH RUDOLPH
BIDDER CONFORMS TO SPECIFICATIONS	YES
NEAREST FACTORY FACILITY	EVANSVILLE
BIDDER SUBMITTED INDOT CERTIFICATION	YES
BIDDER WILL SUPPLY 100% PERFORMANCE BOND IF REQUIRED	YES
BIDDER WILL INDEMNIFY CITY/COUNTY	YES
BIDDER SUBMITTED 3 REFERENCES	YES
BIDDER POSSESSES OCCUPATIONAL LICENSE(S)	YES
BIDDER SUBMITTED EEO STATEMENT	YES
TOTAL BID COST	\$43,950.00

"No Bids" were received from M-B Companies, Inc. of Wisconsin, New Holstein WI and Crafcro Inc., Chandler AZ.



# EVANSVILLE URBAN TRANSPORTATION STUDY

---

Civic Center Complex, Room 316, 1 N.W. Martin Luther King, Jr. Blvd. Evansville, IN 47708-1833 (812) 426-5230  
FAX-(812) 426-5399 Hearing Impaired/TDD (812) 426-5483

ROSE M. ZIGENFUS, M.P.A.  
EXECUTIVE DIRECTOR

TO: Rose M. Zigenfus, Executive Director

FROM:  Pamela L. Schaeffer, Transportation Engineer

SUBJECT: November Project Update

DATE: November 10, 1994

## CITY OF EVANSVILLE PROJECTS:

- \* Fulton Avenue: Several condemnations remain to be settled. The first phase of construction involves the sewer work. Final tracings have been approved by INDOT. The storm and sanitary sewers construction and project management agreements have been executed by the City and returned to INDOT for further processing. The sewers project has been awarded to Blankenberger Bros. Inc. for \$4,789,280.
- \* Green River Road/Virginia Street Intersection: This CMAQ funded intersection improvement project will include an additional left turn lane on Green River Road to provide a northbound double left, an eastbound left turn lane, and the lengthening of the westbound intersection approach lanes on Virginia Street. The City will be submitting the grade check plans to INDOT for review.
- \* St. Joseph Avenue: The early coordination package has been mailed and responses have been received. The draft environmental document will be prepared. A scope of work meeting was held on November 1, 1994 to discuss project procedures.

## WARRICK COUNTY PROJECTS:

- \* Newburgh Sign Program: The traffic signs and posts located within the Town of Newburgh will be upgraded. The Location-Design Study Report has been approved by INDOT.
- \* Vanada Road Bridge: The bridge has been determined to be a historic structure by DNR. The Environmental study has received approval from INDOT and FHWA. Field check plans were approved and a field check was held on March 17, 1994. The notice request a public hearing was advertised with no requests received. The consultant has received design approval contingent on changes to the grading of the project.

STATE PROJECTS:

- \* SR 69: INDOT has proposed this corridor improvement project as a link between I-64 and SR 62 in Posey County. The project has been divided into four sections: Section I - Mt. Vernon By-Pass, Section II- reconstruction of existing SR 69 from the Mt. Vernon By-Pass to the New Harmony By-Pass, Section III - New Harmony By-Pass and Section IV - New Harmony By-Pass to I-64. Right-of-way activities for Section I are underway. INDOT is working with the local authorities on drafting the relinquishment agreements.
- \* US 41/Riverside Drive Intersection: A notice for the opportunity to request a public hearing was advertised. No public hearing was requested. Final right-of-way tracings have been accepted. A field check was held on October 25, 1994. The consultant will now prepare the final tracings.
- \* US 41/Walnut Avenue Intersection: An opportunity to request a public hearing has been advertised for this intersection improvement project. A field check was held on October 25, 1994. The consultant will now prepare the final tracings.
- \* US 41/Washington Avenue Intersection: An opportunity to request a public hearing was advertised for this intersection improvement project. The notice did not result in a request. Final right-of-way tracings have been accepted. A field check was held on October 25, 1994. The consultant will now prepare the final tracings.

CITY OF EVANSVILLE RAILROAD PROJECTS:

- \* Green River Road (SOU RRP-E-340): Construction activities have ceased pending confirmation of the Norfolk Southern rail abandonment status of this line.

VANDERBURGH COUNTY RAILROAD PROJECTS:

- \* Burkhardt Road (SOU STP-RRP-E-100 (3)): The construction agreements to install automatic signals and gates have been processed. Norfolk Southern was notified to proceed to construct the project by letter dated July 26, 1994. INDOT has notified the railroad to place this project "on hold" pending confirmation of the Norfolk Southern rail abandonment status of this line.

- \* Indicates Progress
- \*\* Indicates New Projects
- Description of Progress

PLS/jw

VANDEBURGH COUNTY HIGHWAY DEPARTMENT

PROGRESS REPORT

FRIDAY NOVEMBER 23, 1994 THRU THURSDAY DECEMBER 1, 1994

FRIDAY NOVEMBER 23, 1994

HOLIDAY

MONDAY NOVEMBER 28, 1994

Gradall and crew installed culvert on Darmstadt Rd.  
Pothole patcher worked from work orders.  
Tree crew worked on Hillview and Wright Drives.  
Grader and truck crews worked on rocking roads in Union township.  
One crew mounted spreader on a truck and washed two others for preparation to mount spreaders.

TUESDAY NOVEMBER 29, 1994

Gradall and crew installed a culvert on Big Schaeffer Road.  
Pothole patcher worked from work orders.  
One crew installed spreader and plows on trucks.  
Grader and two trucks worked on rocking roads in Union Township.  
Tree crew worked on Wright Drive.

WEDNESDAY NOVEMBER 30, 1994

Gradall and crew worked on S. Weinbach Ave.  
Pothole patcher worked from work orders.  
Grader and two crews worked on rocking roads in Union Township.  
One crew worked on installing spreaders and plows on trucks.  
Tree crew worked on removing brush on Wright Dr.

THURSDAY DECEMBER 1, 1994

Gradall and crew worked on West Terrace Dr. to widen shoulder.  
Tree crew worked on Petersburgh Road.  
Gradall and crew worked on ditching Roesner Road.  
The mower cut grass on old Hwy. 57.  
Cleaned and installed spreaders on trucks.  
Grader and trucks worked on rocking roads in Union Township.

VANDEBURGH COUNTY BRIDGE CREW  
PROGRESS REPORT  
FRIDAY NOVEMBER 23, 1994 THRU THURSDAY DECEMBER 1, 1994

FRIDAY NOVEMBER 23, 1994  
HOLIDAY

MONDAY NOVEMBER 28, 1994  
Remove and pick up concrete posts on St. Joe Avenue  
Installed driveway culvert on Darmstadt Rd.

TUESDAY NOVEMBER 29, 1994  
Repaired guardrail on Schutte Road.  
Installed driveway culvert on Schaeffer Rd.

WEDNESDAY NOVEMBER 30, 1994  
Placed new guardrail on Schroeder Road.  
Sawed road for culvert installation on Old Petersburg Rd.

THURSDAY DECEMBER 1, 1994  
Repaired and replaced guardrail at Green River Road and Hirsch Road.











02-Dec-94

VANDERBURGH COUNTY TREASURER

MONTH ENDING--OCTOBER 1994

CHARGES:

1. TOTAL TAXES COLLECTED	\$13,762,470.54
2. STATE ASSESSED WEED	
3. INNKEEPERS TAX	\$500.00
4. CASH CHANGE FUND	\$98,322.85
5. CERTIFIED TO CLERK	\$2,186.00
6. DEMAND FEES	\$18,533.36
7. DELINQUENT WEED	\$2,453.95
8. DRAINAGE ASSESSMENTS	
9. BOAT EXCISE TAX	
10. GROSS INCOME TAX	\$540.00
11. LICENSE EXCISE TAX	
12. AIRCRAFT EXCISE TAX	
13. AUTO RENTAL EXCISE TAX	
14. SEWAGE COLLECTIONS	\$25,880.98
15. TAX SALE - ADVERTISING	\$15,250.00
16. TAX SALE - ATTORNEY	
17. TAX SALE - TITLE SEARCH	\$34,800.00
18. TOTAL BALANCE OF LEDGER ACCOUNTS - CASH	\$12,272,803.44
19. TOTAL BALANCE OF LEDGER ACCOUNTS - INVESTMENTS	\$4,423,000.00
20. TOTAL CHARGES	<u>\$30,656,741.12</u>



ANALYSIS OF CASH ON HAND AT C [REDACTED] OF MONTH:

(A) CASH CHANGE FUND \$500.00  
 (B) RECEIPTS DEPOSITED IN DEPOSITORIES \$2,870,783.67  
 (C) UNCOLLECTED ITEMS ON HAND \$72.64  
 (D) TOTAL (MUST AGREE WITH # 23) \$2,871,356.31

DEPOSITORY BALANCES AT CLOSE OF MONTH

	BALANCE PER BANK STMT	ADJUSTMENTS	OUTSTANDING CHECKS	BALANCE PER DAILY BALANCE OF CASH AND DEPOSITORIES
OLD NATIONAL BANK	\$2,967.18			\$2,967.18
CITIZENS NATIONAL BANK	\$3,139,830.61	(\$445,017.85)	\$513,192.77	\$2,181,619.99
NATIONAL CITY BANK	\$7,226.42			\$7,226.42
NBD	\$63,502.10		\$63,497.10	\$5.00
TOTAL	\$3,213,526.31	(\$445,017.85)	\$576,689.87	\$2,191,818.59

SCHEDULE OF UNCOLLECTED ITEMS ON HAND

DATE ORIGINALLY RECEIVED	RECEIVED FROM	FOR	DATE RETURNED	RETURNED BY	REASON FOR RETURN	AMOUNT
10/13/94	Chris Moss	Sewer	10/27/94	Citizens Natl Bk	NSF	\$72.64
TOTAL						\$72.64



BOARD of  
COMMISSIONERS  
of the County of Vanderburgh

RICHARD J. BORRIE

DON L. HUNTER

PATRICK R. TULEY

## AGENDA REQUEST

NAME OF REQUESTOR: Harris Howerton

REQUESTOR TITLE: Executive Director of Community Correction

DEPARTMENT: County of Vanderburgh

### REQUEST(S) BEING MADE:

Travel to Terre Haute, Indiana for a Department of Correction Sactioned  
Residential Standards Committee.

Harris Howerton, Executive Director, and Dale Williams, Residential Captain  
will travel by county vehicle and stay one (1) night December 14th, return  
December 15th.

The cost of this travel will be paid by the Correction Program, no  
additional funds will be required.

DATE TO BE PLACED ON AGENDA: December 5, 1994

ACTION \_\_\_\_\_ CONSENT X OTHER \_\_\_\_\_

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: DEC 14, 15 '94 DEPARTMENT: VANDERBURGH COUNTY  
Community Correction

EMPLOYEE(S): HARRIS Howerton, EXECUTIVE DIRECTOR  
DALE Williams, RESIDENTIAL CAPTAIN

DATE(S) OF TRAVEL: DEC 14, 15, 1994

DESTINATION: TERRE HAUTE, IN

PURPOSE: INDIANA DEPT OF CORRECTION SANCTIONED

RESIDENTIAL STANDARDS COMMITTEE MEETING  
Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: ONE NIGHT (DEC 14, 1994)

MEANS OF TRAVEL: \_\_\_\_\_ COUNTY VEHICLE NUMBER: DIRECTOR #1  
OTHER: N/A

\*

REIMBURSEMENT CLAIMED

N/A Mileage \_\_\_\_\_ Parking \_\_\_\_\_  
Per diem \_\_\_\_\_ Registration \_\_\_\_\_  
Air fare \_\_\_\_\_ Other \_\_\_\_\_

TRAVEL COSTS  
Will be paid by  
CORRECTION ACCOUNT —  
NO additional funds will  
be needed —

APPROVED: [Signature]  
Department Head HARRIS Howerton

APPROVED: \_\_\_\_\_  
Office Holder

APPROVED BY:  
VANDERBURGH COUNTY COMMISSIONERS this 5<sup>th</sup> day of December, 1994

[Signature]  
RICHARD J. BORRIES, PRESIDENT

[Signature]  
PATRICK TULEY, VICE-PRESIDENT

[Signature]  
DON L. HUNTER, MEMBER



BOARD of  
COMMISSIONERS  
of the County of Vanderburgh

(4)  
RICHARD J. BORG  
DON L. HUNTER  
PATRICK R. TULE

### AGENDA REQUEST

NAME OF REQUESTOR: J. Robbins

REQUESTOR TITLE: \_\_\_\_\_

DEPARTMENT: Health

REQUEST(S) BEING MADE:  
see attached  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE TO BE PLACED ON AGENDA: next available date

ACTION \_\_\_\_\_ CONSENT \_\_\_\_\_ OTHER \_\_\_\_\_

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 11/23/94 DEPARTMENT: CB

EMPLOYEE(S): Wendy Murphy  
Kelly Kempf

DATE(S) OF TRAVEL: January 1995 - December 1995.

DESTINATION: Warrick Co. 1st Monday; 2nd Monday, Gibson Co. 3rd Monday

PURPOSE: Immunization clinics

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

LODGING REQUIRED: No.

MEANS OF TRAVEL COUNTY VEHICLE NUMBER: \_\_\_\_\_  
OTHER: personal vehicle

REIMBURSEMENT CLAIMED

<input checked="" type="checkbox"/>	Mileage	<input type="checkbox"/>	Parking
<input type="checkbox"/>	Per diem	<input type="checkbox"/>	Registration
<input type="checkbox"/>	Air fare	<input type="checkbox"/>	Other

*Ad by Fed. money from state govt.*

APPROVED: Sam Elder  
Department Head

APPROVED: \_\_\_\_\_  
Office Holder

APPROVED BY:  
VANDERBURGH COUNTY COMMISSIONERS this 5<sup>th</sup> day of December 1994

Richard J. Borries  
RICHARD J. BORRIES, PRESIDENT

Patrick Tuley  
PATRICK TULEY, VICE-PRESIDENT

Don L. Hunter  
DON L. HUNTER, MEMBER

HEALTH DEPARTMENT

INTERDEPARTMENTAL CORRESPONDENCE

TO: County Commissioners

DATE: 11-23-94

FROM: Sam Elder, Director

RE: Request for approval for travel.

EMPLOYEE(S): Sarah Stanton - Disease Intervention Specialist

DESTINATION: Indianapolis and counties (listed below)  
(Facility or Agency)

(City)

DATE(S): From 1-1-95 to 12-31-95 (various)

PURPOSE: To perform duties for HIV program and ISDH  
(education CTS, investigation quality assurance)  
Proof (copy of brochure or letter) must be attached.

MEANS OF TRAVEL:

County Vehicle No. \_\_\_\_\_  
Other: \_\_\_\_\_

*pd by Fed. Funds*

Approved: \_\_\_\_\_  
(Supervisor)

Approved: Sam Elder  
(Director)

Approved: \_\_\_\_\_

Date: \_\_\_\_\_

Counties Included:

- |             |            |
|-------------|------------|
| Sullivan    | Spencer    |
| Greene      | Posey      |
| Knox        | Lawrence   |
| Daviess     | Jackson    |
| Martin      | Jennings   |
| Gilson      | Orange     |
| Pike        | Washington |
| Dubois      | Scott      |
| Posey       | Tipton     |
| Vanderburgh | Crawford   |
| Warrick     | Harrison   |
|             | Flora      |

TRAVEL REQUEST FORM FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 11/28/94 DEPARTMENT: Health

EMPLOYEE(S): Wallace Cobbitt

DATE(S) OF TRAVEL: 12-1-94

DESTINATION: Indpls, IN - Marion County Health Dept.

PURPOSE: Board meeting of Indiana Public Health Association

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: Sam Alden  
Department Head

APPROVED: \_\_\_\_\_  
Office Holder

APPROVED BY:  
VANDERBURGH COUNTY COMMISSIONERS this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

Richard J. Borries  
Richard J. Borries, President

Patrick Tuley  
Patrick Tuley, Vice President

\_\_\_\_\_  
Don Hunter, Member



BOARD of  
COMMISSIONERS  
of the County of Vanderburgh

RICHARD J. BORR  
DON L. HUNTER  
PATRICK R. TULE

## AGENDA REQUEST

NAME OF REQUESTOR: J. Robbins

REQUESTOR TITLE: Env. Sec.

DEPARTMENT: Health

REQUEST(S) BEING MADE:  
See attached

DATE TO BE PLACED ON AGENDA: next available date

ACTION \_\_\_\_\_ CONSENT \_\_\_\_\_ OTHER \_\_\_\_\_

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 11-29-94 DEPARTMENT: Health

EMPLOYEE(S): Bret Townsend

DATE(S) OF TRAVEL: 12-5-94 and 12-6-94

DESTINATION: Indianapolis, IN

PURPOSE: Rodent Control training session - Need Continuing Educ. Credits for Pesticide Applicators License  
Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: yes

MEANS OF TRAVEL: \_\_\_\_\_ COUNTY VEHICLE NUMBER: 871  
OTHER: \_\_\_\_\_

REIMBURSEMENT CLAIMED

_____ Mileage	_____ Parking
<input checked="" type="checkbox"/> Per diem	_____ Registration
_____ Air fare	_____ Other

APPROVED: *Sam Eldon*  
Department Head

APPROVED: \_\_\_\_\_  
Office Holder

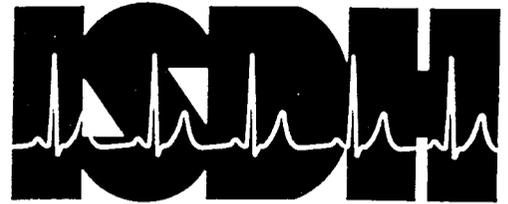
APPROVED BY:  
VANDERBURGH COUNTY COMMISSIONERS this 5<sup>th</sup> day of December, 1994

*Patrick Tuley*  
PATRICK TULEY, PRESIDENT  
*Richard J. Borries*  
RICHARD J. BORRIES, VICE PRESIDENT  
*Don L. Hunter*  
DON L. HUNTER, 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  
317/633-0100 Fax: 317/633-0776



Indiana State Department of Health

An Equal Opportunity Employer

November 4, 1994

To: ALL LOCAL HEALTH DEPARTMENTS

Attention: Environmental Health Specialists

Ladies and Gentlemen:

We have heard that many local health department sanitarians are encountering problems with rodent infestations and that a rodent training session might be helpful. We have therefore made arrangements to hold such a session next month.

Marion County Rodent Control has agreed to host a Rodent Control Training session in cooperation with Mug-A-Bug and the State Department of Health. This session will be held at the Marion County Rodent Control Headquarters on Tuesday, December 6, 1994. The session will last from 8:00 a.m. until noon and will be free of charge.

Because of limitations in the size of the facility plus the nature of the training, which will involve a field exercise, we will have to limit the number of participants to 25. If there is enough interest, a second session will be scheduled at a later date.

If you or any other individuals from your area are interested in attending this session, please give us a call at (317)383-6397. The program for this training has been submitted to the Office of the Indiana State Chemist for accreditation toward Category 8 recertification. We expect to receive 3 Continuing Certification Hours to be awarded for attendance.

Sincerely,

  
Michael J. Sinsko, Ph.D.  
Senior Medical Entomologist

*"The health of the people is really the foundation upon which all their happiness and all their powers as a state depend."*

## Rodent Control Training Session

Sponsored by: Marion County Rodent Control  
Indiana State Department of Health  
Mug-A-Bug

Date: December 8, 1994

Place: Marion County Rodent Control  
223 N. Lynn St., Indianapolis

### Program

- 8:00-9:00 Current Rat Control Strategy in an Ongoing Program. Rodenticides, Survey Techniques, Baiting and Trapping Strategies, and Source Reduction
- Jack Clark  
Marion Co. Rodent Control  
&  
Michael Sinsko, Ph.D.  
ISDH
- 9:00-10:00 Rodenticides and Control Equipment Currently Available on the Market with a Discussion Involving Choosing Products
- Mug-A-Bug  
Technical Representatives
- 10:00-12:00 Field Exercise: Surveying for Rats; Rat Signs; Baiting Techniques.
- Marion Co. Rodent Control  
Staff

PURDUE UNIVERSITY  
COOPERATIVE EXTENSION SERVICE



VANDERBURGH COUNTY OFFICE

October 14, 1994

TO: Vanderburgh County Commissioners  
FROM: James L. McCampbell, C.E.D.  
SUBJECT: Notification of NACAA 1994 Annual Meeting

The funds will come from our Travel Account. (Not to exceed \$500)

FOR: James L. McCampbell

SESSION: NACAA Annual Meeting

DATE: September 25-29, 1994

PLACE: Casper, WY

If you have any questions, please call (435-5287).

Sincerely,

James L. McCampbell  
Extension Educator-C.E.D.

JLM/sc

ROOM 202, ADMINISTRATION BLDG. • 1 N.W. MARTIN LUTHER KING JR. BLVD.  
EVANSVILLE, INDIANA 47708 • (812)435-5287

Purdue University, Indiana Counties and U.S. Department of Agriculture Cooperating  
An Affirmative Action/Equal Opportunity Institution

TRANSCRIPT  
COUNTY COMMISSIONERS MEETING  
DECEMBER 12, 1994

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, December 12, 1994 in the Commissioners Hearing room with President Pat Tuley presiding.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley called the meeting to order, welcomed the attendees, introduced members of the County Staff (Mark Abell, Supt./County Buildings, County Attorney Alan Kissinger, Commissioner Rick Borries, himself, Commissioner Don Hunter, Chief Deputy Auditor Cindy Mayo and Joanne Matthews, Official Recording Secretary for the Board) and asked the group to stand for the Pledge of Allegiance.

RE: APPROVAL OF MINUTES

A motion was entertained for approval of minutes from the December 5, 1994 meeting.

Motion to approve was made by Commissioner Hunter and seconded by Commissioner Borries. So ordered.

President Tuley then asked if there are any individuals or groups who wish to address the Commission but do not find their particular item of interest on tonight's agenda. If so, now is the time to come forward.

RE: SURPLUS PROPERTIES

The Reverend Joseph Trask of Christ Missionary Baptist Church was recognized and stated, "We're here for the same reasons we appeared before the Commissioners on two other occasions. And that is in an effort to obtain the surplus properties at 800 Lincoln Avenue and 773 Lincoln Avenue. Since the last meeting -- well, we left the last meeting under the assumption (and maybe it was a misunderstanding on my part) that we would get the properties in question or that we were seeking. Since that time, I had one call saying our paperwork was not in order. Upon receiving that call I obtained a copy of the Ordinance from the Commission, a copy of the minutes of the meeting, and I went over this again to research the requirements for qualifying for tax exempt status of an organization. After we organized this church, we discussed with the Internal Revenue Service what would be necessary and in publication 557 and other publications that we filed to get an EIN number -- that we would be exempt from Federal Income Taxes and receive non taxable deductions. We received that. And we were told that churches were not required to file a 1023 under 501(c) 3. The publication states that they might find it to their advantage to do so -- but they were not required to do it. Publication 557 says they are not required to do it. And under 501(c) it says that churches are not required to file that. So, of course, if churches are not required to file that, then I was told again our paperwork was in order, but another group had gone through some expense of trying to obtain the property by way of doing a title search and that sort of thing. Now, we did not do that -- and the reason was, being a newly organized church, we were looking at that property to put a church on it. We did not go through the motions to find out what was against the property to determine whether or not we wanted it. We wanted the property and we wanted to use the property. We went about to obtain the property and, once obtained, believing that whatever was against it we could get it worked out to use that property to locate a church in there. So we did that. Then, my understanding is that surplus property is disposed of on a first-come, first-serve basis. We did that by submitting papers before the other group did. In fact, we submitted our papers a full two and a half weeks before they came before the Commission.

Now, if we're going to be held up on some technicality of sorts which, according to all publications I've looked through, except this one where you said be in compliance with 501(c) and then the other says it is not necessary -- so what do you do about that? That is up to the Commission. We're not here squabbling. I just have some serious questions that I think should be answered. Since we did submit our desire and make it known by documentation, first of all, that we were interested in the property. And then we left the meeting on November 28th under the assumption that we would have that property -- only to find -- and as of yet, I don't know whether it's a clear reversal, because I was told a couple of different things. So I'm here for questions tonight -- because we left the meeting all enthused and everything and then we started waiting so we could start doing whatever was necessary to be done. So my questions to the Commissioners, you know, if we are awry in our way of thinking or just what is what. If, for some reason, the property should go to somebody else, I think then -- just let us know that. But I feel that we have complied with the requirements. And if we have not, then let us know. But if we have, then I feel that on a first-come, first-serve basis we should get the property. We're not fighting with anybody -- we're trying to locate a church home. And we started out with that property with the goal of that is what we were going to do with it -- that is our soul intent for it -- and that is why we're still pursuing it."

Commissioner Tuley stated, "Okay. Let me start off by saying that, to my knowledge, the determination of where that property is going to end up has not been made yet. So I'm not sure if there is a miscommunication or misunderstanding as to your understanding or maybe you've been told it is going somewhere else. The only other real question I have is, I'm not sure about this first-come, first-serve in terms of the approach the Commissioners were going to take on this. When this thing first came about the initial understanding was that the Commissioners would try to, through this office, work with any organizations where there was a conflict - where there were two parties wanting the same property. I don't think there was a race so to speak in terms of the first one who gets their paper in here is the one who gets the property. I don't think that was ever the intent. I think the intent was that if we could meet the compliance of the ordinance, we would ask that if there were two conflicting organizations wanting the same property, that those two organizations try to work it out amongst themselves. If that is not possible, then we would decide at that time -- that we would determine who, if any one, should get it or should it just go up on public auction as opposed to taking sides. From there, where we're gone wrong or where there's been a mix-up, I'm not sure, to be honest with you. I don't know exactly what has happened. It's my understanding in reviewing this since Mr. Brooks forward, that Mr. Brooks apparently approached someone from our staff and was told that in order to apply for this property he would have to go through these certain procedures. Apparently it took some while for that to happen. The night that you were here -- I don't know if it was just that with so many property it was a failure to realize that you were asking for properties someone else had been told to go do these things and it was not brought to our attention that there was a conflict on these two pieces of property. Basically, all I'm trying to do is clarify the air and let you know how we got to be where we are at right now."

Commissioner Tuley then entertained further questions or comments.

Commissioner Borries said, "Well, Reverend, it is regrettable that, I suppose, in this job as complicated as this tax sale seems to be -- I have some ideas on how to hopefully make this a little easier for folks the next time it is done -- but I don't think that this Board received all of the story at this particular time. So I want to ask Mr. Abell here, who is in the office on a daily basis, to give us his background as to exactly who contacted him first and how this matter proceeded from that standpoint. The reason why I say that, we saw you first in here. But there is now a problem in so far as actually who contacted our office first in so far as moving ahead with that particular property. So, Mr. Abell, would you want to clarify that?"

Mr. Abell responded, "The time frame a little bit?"

Commissioner Borries responded, "Yes."

Mr. Abell stated, "Initially, I was approached over the phone by Mr. Adrian Brooks -- probably

some time back in mid-October. And I'd say, Reverend Trask, I heard from you maybe sometime in mid-November. Does that sound right? Maybe early November? Some time after Mr. Brooks."

The Reverend Trask responded, "Well, it could be. But it would have been somewhere just prior of the first weekend of November. It would still have been in October."

Mr. Abell continued, "But, for the record, Mr. Brooks did contact me initially. Still, all in all, that is phone contact."

Commissioner Borries said, "All right. But what did you instruct Mr. Brooks to do? And I think that was part of the confusion that this Board worked on. And I think it's important that you..."

Mr. Abell interrupted, "I instructed both parties to do the same thing -- which was, number one, that they needed to show proof of not-for-profit status with documentation and bring that to me. Secondly, they needed to come to a meeting and make application for the properties. I also informed them both that the properties were not what you would call clear of any defects of title and it would be a good idea -- although it is not mandatory by our ordinance -- to do title searches. But it would be a good idea were they to be real interested in the property. I told them both that. Reverend Trask, I think I told you that there was somebody else interested in the property, because by that time I had spoken to Mr. Brooks initially. That is pretty much the time frame and what I told them. Reverend Trask then did bring forth some documentation -- their not for profit application -- I'm not an expert; I'm not a legal attorney -- so I wasn't quite sure what to do with it. I sought the help of the County Attorney to see whether or not that was good enough to fulfill our ordinance requirements."

"Did you happen to talk to a Barbara Washington in early October?"

Mr. Abell responded, "Yes. I have talked to her."

"I'm her husband. And I had other calls, because I am a precinct committeeman and ....

Mrs. Mayo stated, "If he is going to speak, he needs to come to the microphone."

Attorney Kissinger said, "You need to come up and identify yourself."

Mr. Joseph Parvin Washington approached the podium, stated his name and said, "My wife, Barbara Washington, is the precinct committeeman and I'm a vice committeeman. I told her to get on the phone and call Mark Abell -- this was in the first week of October and inquire about that property. He told her that you all wanted to give it away; that all she had to do was bring \$1.00 down here and you all wanted to give it away. They even gave us permission to go in the place. We went in the place and looked at it -- so I know he wasn't the only one that called in October."

Mr. Abell said, "Okay. I have spoken to a Barbara Washington. She represented herself to me as working with Reverend Trask, I believe. And, frankly, I kind of considered you both to be of the same entity. And what I told her is exactly what I told you, which was we do want to...."

Mr. Washington interrupted, "But you said the time frame was November. Barbara talked to you the first week of October."

Mr. Abell said, "Well, regardless, I don't remember -- but they are both considered in my mind to be working for the same entity -- the church. Uh, but I have spoken to both of them. I have never met Mrs. Washington and never received anything in writing from her. But I have from Reverend Trask -- and they both apparently do represent the same organization."

The Reverend Trask continued, "She was the one who brought it to my attention that the property was available -- because I was not aware of it at that time. I did not see the listing. And she was the one who brought it to my attention and that's what prompted me to contact you."

Mr. Abell said, "And you both do work and are interested in it for the same church."

The Reverend Trask said, "For the same church, yes."

Mr. Abell said, "So I wasn't misunderstanding that. Okay."

Commissioner Tuley said, "Let me clarify. Mr. Washington, is your point then being that your initial contact on behalf of the church and Mr. Trask was not November, but it was early October?"

Mr. Washington responded, "Yes, the first week of October."

President Tuley said, "Thank you. I just wanted to make sure that was the point you were trying to make."

The Reverend Trask continued, "And, if I might, I'd add this. We're not -- there is no fight or anything between Pastor Brooks and me in any way or anything like that. We're just trying - - I'm just trying to find out who contacted whom first, who was in order, and who should receive the property. That is the only thing I'm trying to find out -- and that is the basis of my questions at this time."

Commissioner Borries said, "I'm speaking to Mark Abell again. Has Reverend Brooks given you then information of the procedures that he followed in so far as doing the title search, etc. and has he provided a not-for-profit certificate that verifies then that the group he represents is, in fact, eligible without any doubts to that effect?"

Mr. Abell responded, "I have -- yes, he has done that. I have all of the necessary proper not-for-profit status information from them that was requested. They have done some additional title work. I have that. They have done some deed work and I have that. In my mind, I think there was a question what it came down to -- maybe not so much as who contacted me initially on the phone because, frankly, a lot of people contact me daily about a lot of properties. But phone contact is one thing and documentation in the office is another. Written documentation that the ordinance calls for -- again, this is just my opinion and I would probably like to ask the Attorney again his opinion -- but I think it all comes down to that Reverend Trask's organization doesn't qualify under our ordinance for not-for-profit status. I know Mr. Brooks does and I do have their paperwork."

Attorney Kissinger said, "Well, basically what the ordinance says is that any prospective transferee must show proof that it is, in fact, an Indiana non-profit corporation as defined by Title 26 U.S.C.A. Section 501 and I suppose it is a judgment call as to whether or not Reverend Trask and his organization has done so. However, I am satisfied with his citation of the various Internal Revenue Service codes -- but a part of that explanation you gave indicated that it may be to your advantage to apply for the certificates that will show you clearly to be. I'm not even certain that that is a point that should be totally debated, because if we're looking for a way to exclude someone, I suppose we could say 'Yes, you are excluded on that basis' or 'No, you are not excluded on that basis' and it wouldn't get us any closer to an equitable solution to this problem. But as far as I am concerned, I don't have any personal doubts and I will say publicly for the record that you are, in fact, a non-profit corporation as defined by Indiana law and as defined by Federal law."

President Tuley said, "Let's hear from Mr. Brooks, if you don't mind right now."

The Reverend Brooks approached the podium and stated, "In the words of Hal Haplan, we do

find ourselves in quite a quandary. Because we have no desire to make any kind of public display against another sister church -- and that is what they are to us. What we have done is we have brought all of the information that we were requested. We followed the steps that we were told to follow. And we've come to ask you to allow us to acquire those properties. We're not for profit; we've proven that. We're trying to facilitate community development within the inner city. We accept the liability and we've enclosed statements that prove our not-for-profit. We have our exemption certificates and all of that good stuff and we also have a letter from a local financial institution to prove that we have the ability to renovate those properties so that they would not stand as eyesores in the community -- so we've simply come to you and asked that you allow us to enhance our portion of the community in which we serve and live. If you have questions concerning this issue for us, we'd be happy to entertain any. Our qualm is not, of course, as the Reverend Trask said, with him. I initiated contact with Mark either early October or late September or whatever the case may be. I talked with Mr. Borries, as well, who told me to call Mark and we followed all of the proper procedures. That is why we had that real befuddled look on our face at the last meeting -- because we had followed all of the procedures and were under the impression everything was 'go'. So we've also brought not only proof of not-for-profit, but proof of ability to carry out what we say we are going to do. And we have a contractor within our congregation and we work closely with Haefer & Associates and also Brother Bruce Morrison of Castle Contracting, and we have .....Contracting who is owned by Greg Wicware who is a member of our church. So we don't just come to you not knowing what the situation is. We've had a cursory legal opinion done on those properties, as well."

Commissioner Borries asked, "And you have paid to have the title searches, as Mr. Abell suggested were optional -- but that it was advisable in so far as clearing up any confusion as to who owned the property?"

Pastor Brooks replied, "And maybe in my gregariousness, I failed to understand or comprehend. I thought Mr. Abell told me that I had to have that title search. I didn't realize that it was optional. If I could have avoided spending that \$600, I would have jumped on it -- because I represent three or four hundred members according to Memorial's records, so I hardly want to go back and tell them that I am not spending the money of the church wisely. You don't spend \$600 unless you have to. And Evansville Title did not want any tax exemptions or deductions - - they wanted cash!"

Mr. Abell remarked, "They're like that. I think probably I understand how that misunderstanding...."

Commissioner Borries interrupted, "They didn't refuse to take your money by saying it was an optional thing to do, is that right?"

Pastor Brooks responded, "No, they did not."

Mr. Abell continued, "I can understand how that misunderstanding took place. I said that it would be necessary for you to accept liability for the properties, which was previously addressed when we had the initial public hearing. So that is understandable. Certainly, I have everything -- and it is in order -- from Mr. Brooks."

Commissioner Borries said, "We've asked the County Attorney what our options are at this point."

Attorney Kissinger stated, "I think, as the County Commissioners will recall, when we discussed the matters -- one of the things that we said was that if we're going to have competition over these properties and in consideration of the fact that we are **giving** it away -- then we would settle any arguments or we would settle that situation before they became arguments by telling the parties that that property was not available to either party or any competing party -- and I think we have gone a little beyond that in this case -- although we did have those cases, as you will recall, with the first batch of properties with Habitat, the Housing Authority, etc. There

were some competing interests and those people got together and settled it between themselves. But we did have the option at that time of saying, 'No, we will not deed that property to any of you.' Another option that we have, of course, I think, is to allow those competing interests to effectively bid against one another for the property. Although, my observation there would be that we would be defeating the purpose of deeding this property to charitable organizations if we do that. The third option that we have may very well be an option that many times Courts will turn to when the law is not specifically in favor of or against any party. And that is the principle of equity. I don't think either one of these groups or these the representatives of either of these groups have bad intentions. Both of them have, in representing Christian organizations, displayed a very Christian attitude about the whole thing. But it seems like it's a dilemma that someone finally has to speak out on, and my opinion is that the equities in this case are with Mr. Brooks and his organization in consideration of the fact that they proceeded in good faith, based on instructions that they received from us. To a certain degree -- and, of course, some of that blame may, in fact, even lie with the County Attorney's office -- we have created this situation and the Reverend Trask is blameless and Pastor Brooks is blameless, but this is the group that must settle this problem. And the Reverend Trask has graciously and, once again, in a Christian-like manner said, 'We will abide by what the County Commissioners do'. And I think if you will apply equitable principles -- although who gets there first is not necessarily in the ordinance, I think the greatest reliance on instructions from the Office of the County Commissioners was made by Mr. Brooks' group and, personally, although this is not a legal opinion, I think they should receive some priority in your consideration. And the last option, of course, is just to tell both of these groups, 'Neither one of you get it'. This is the only way we can settle the dispute and that, of course, maybe like cutting the baby up -- I don't know."

The Reverend Trask was again recognized and stated, "Thank you. We're not here to block anybody. If they receive it, then they get it."

Attorney Kissinger said, "Thank you."

Commissioner Borries said, "At the risk of being a little -- no, I won't even say that. This is really tough. You just try really hard in these subjects to be very fair to all who are here. I think the Attorney's remarks were very well said. I regret that there has been some confusion with this. Mr. Abell, how many properties are we (being Vanderburgh County) currently responsible for at this time that have not been sold?"

Mr. Abell replied, "One hundred thirty."

Commissioner Borries said, "Okay. So there may be other properties that this group could look at and decide as they are forming a new church to maybe consider. I'm going to move that the Memorial Baptist Church group/Pastor Adrian M. Brooks, be allowed to acquire the properties located at 773 Lincoln Avenue and 800 Lincoln Avenue for \$1.00 each and note that they have complied with the requirements that were given to them through this Vanderburgh County Commissioners office."

Seconded by Commissioner Hunter.

President Pat Tuley stated, "Due to the controversial nature of this, I'd just as soon we do go ahead and take a roll call vote, even though it is not necessary." Commissioner Hunter, yes; Commissioner Borries, yes.

Commissioner Hunter said, "Before I vote, I just want to say for the record that, as a Commissioner and a new Commissioner, I am embarrassed by the situation that we've allowed this thing to get into. I apologize to both organizations. I will also further instruct Mark Abell to develop a **written procedure** for handout, a log, whatever it takes -- so that we don't have this kind of confrontation again. So **everybody receives the same written instructions**; so that it is logged as to when we were contacted; so that everything s brought back in and right then, before it ever comes before the Commissioners, it can be determined that all requirements within the ordinance have been met. So that we will then be notified **prior** to a meeting if it looks like

we've got a conflict on property. It is not a direct reflection on you, Mark, I'm just saying so this does not happen again, we need to do that. Having said that, I will vote yes, as well. So ordered.

Commissioner Borries said, "It is good when your faith is tested with religious people and so, hopefully, we've moved forward here on this and, as Commissioner Tuley has very well said, I apologize for the confusion. If there are other folks here in the audience, please convey that message to those affected."

Attorney Kissinger said, "I would advise the Commissioners that Mr. Brooks has provided deeds and, well, I see some minor changes that need to be made. But we can make those minor changes and I will recommend that the Commissioners sign these deeds at their next meeting, which will be next Monday."

RE: PURCHASING DEPARTMENT - LYNN ELLIS

Ms. Ellis said there are two separate awards to be made tonight, although only one got noted on the meeting agenda.

Gasoline & Fuel Oil Products (APA004-95): Ms. Ellis said there were a couple of problems with this bid and she has been in contact with the different vendors who bid on this. The recommendation is to award the transport deliveries to Petroleum Traders in the amount of an estimated annual usage of \$217,591.09 and the tank wagon deliveries to Wannemuehler Oil Company in the estimated annual usage of \$90,396.40. Wholesale Petroleum was the initial apparent low bidder. AMOCO only bid on one of the items. Petroleum Traders bid all. Busler failed to bid the regular leaded and the other two bidders bid all. Wholesale Petroleum eventually withdrew their bid. They bid an incorrect item for the No. 1 diesel fuel. There was some confusion on their part as to the product that was specified in the bid document. It was very clear and it was clear to the other vendors. They indicated that to her on the phone. The next low bid becomes Petroleum Traders and that is the recommendation. Wannemuehler's had two options and this is in regard to the premium diesel low sulphur No. 2. They submitted a bid in compliance with the bid specs at \$0.5840 per gallon. We are recommending that we take the option of 64 cents per gallon. It is a product that is actually produced at the refinery as opposed to having an additive added at the distribution point. And the fire trucks are in need of that. So that item does not affect the County Commission per se, but is a part of the recommendation.

Following discussion between Ms. Ellis and the Commissioners, Ms. Ellis said that because of the complications that result it is recommended that we not subdivide the transport deliveries and the tank wagon deliveries -- that they be awarded as sub units, because there is just no way to keep track of who is supposed to supply what. And we'd have too many tankers coming in at one time to delivery those products and it would be a mess. A motion was entertained.

Commissioner Borries moved that the bids be awarded to Petroleum Traders Corp. in the amount of \$217,591.09 for gasoline and fuel oil products under transport deliveries and under tank wagon deliveries, Wannemuehler Oil Inc. in the amount of \$90,396.40 per year. Seconded by Commissioner Hunter. So ordered.

Oil Products (APA00495): Ms. Ellis said she had a discussion with Attorney Kissinger. There were complications with this bid, as well. There are three items on the agenda request. Two of them must be decided before an award can be made. It is possible at this point, depending on Commission action tonight, that the City may decide not to be in compliance with that. So we may have two different contracts with two different companies, which is fine.

The first decision that has to be made is to determine whether the technicality of home oil and gas is minor or major. According to the representation (and there is a copy their request attached) they misunderstood an item in the bid that said to indicate the cost of the performance bond. Apparently last year that item was not corrected. -- or was not indicated to them and they were perhaps confused about that line item. When she talked to them on the phone

they said they didn't understand that request. It indicates in the bid that that line could be deleted depending on the action taken by the Board, as to whether or not a performance bond would be required. They included in that line the dollar amount of their bid bond, as opposed to what could be the cost of a performance bond. She can't determine, from her position, whether that could be an accurate figure or not. The performance bond is determined based on the company's reputation, history with the bonding company and their equity in comparison to their liabilities. So a lot of figures go into determining the rate that is given to a company for a bond. From appearances, she would concur that was not the intent, but they misunderstood that -- because the figure they supplied is identical to the cost of the bid bond or the value of their bid bond.

Attorney Kissinger said he and Ms. Ellis did discuss this and, basically he is of the opinion -- not necessarily agreeing or disagreeing with anyone -- this was a misunderstanding on the part of the bidder and he thinks it is a minor thing and he does not think the bidder should be penalized for making that error. And once the error is removed from the bid, it doesn't change the bid to the extent that -- no I shouldn't put it that way -- it is obviously an error in consideration of the figures that were used and he does believe it is a minor technicality and he thinks that if the Commissioners wish to consider the bid based on the total figure with the erroneous bond included, then they certainly have the leeway to do that. But if they want to consider it without that bond being included as a part of the total figure, it is a minor technicality and they certainly would be totally justified in doing that, as well.

Ms. Ellis said the second is whether or not to require a performance bond. The Board of Public Works and Parks Board have not yet met. They will be meeting Wednesday, but it is the recommendation of the staff and the City Attorney that a performance bond be required. And it is their recommendation to award this bid to Wannemuehler. Based on the inclusion of the performance bond, Wannemuehler becomes the low bid.

Attorney Kissinger asked that Ms. Ellis explain why a performance bond is being considered by the other parties.

Ms. Ellis said that in the past -- not last year -- but apparently previously years, long before she came here -- there were problems with different contractors or successful bidders honoring an agreement and they had an occasion for bidders to withdraw their bid and failed to honor the contract. A bid bond - whether we keep it in our files for the year or not -- its of absolutely no use to us. Because a bid bond guarantees that they will enter into a contract. A performance bond guarantees that they will perform in accordance with the contract. There was nothing that the City could do to enforce that contract and so they had to go to another provider and they lost money as a result of that.

Attorney Kissinger said, "As a matter of fact, don't the contract specifications in these bids indicate the possibility of a fluctuating price?"

Ms. Ellis responded affirmatively.

Attorney Kissinger continued, "So as far as the necessity for a bid bond -- and what really caused the problems before, as I understand it, is that the people with whom we contracted were locked into a specific price and couldn't meet that price without losing a lot of money themselves and therefore chose not to deliver. But in this case they do have the flexibility of being able to charge an increased price based on their cost."

Ms. Ellis said, "Right. All of the bids include an escalator clause because the petroleum market is so volatile. You would pay an exorbitant amount up front in order for them to take a guess at that they are going to be paying six or nine months from now. So the bids provide for that fluctuation and that percentage is documented by the bid -- the cost they gave on the day that the bi was submitted has their markup, and that same markup is applied to the unit cost that they provide to the county henceforth -- whether this is a one year contract or a decision is made to extend it for an additional year. That same percentage is applied to the unit cost."

In response to query from Commissioner Tuley, Ms. Ellis said if a decision is made on Item #1 to state that that is a minor technicality and that there would be no cost to the county for a performance bond, then Home Oil is low bidder. If the decision on Item #1 is to say that is not a minor technicality and that their bid should not be adjusted in accordance with their attached request, then Wannemuehler becomes the low bidder -- if a performance bond is required.

Mr. Borries asked what the specs said.

Ms. Ellis said that a performance bond may be required and that if one is required -- and there is a cost for that -- that should be indicated on the bid summary. Ms. Ellis then referred the Commissioners to the second page of their letter (copy not given to the secretary) it has summarized bid items and low bid cost and a description of the item and the bid cost and then the second item is cost of performance bond and in parenthesis, (if required). And that is where they would fill in the cost for that. And then total bid costs, because you would add Items #1 and #2 together. In conclusion, Ms. Ellis said that Question #1 has to be answered before anything else can be decided. Or you could answer Question #2 and then answer Question #1. But those two decisions have to be made before she can make a recommendation.

In response to query from Commissioner Tuley, Attorney Kissinger said he thinks it is a minor technicality based on the fact that it is an obvious misunderstanding of what they were supposed to be doing when they prepared their bid. And the Commissioners may disregard it if they choose to, but, by the same token, they certainly are not required to, because if they use that as a basis for saying they are not the low bid, they need to be certain about preparing these bids. They can't expect us to take care of the problems later on.

In response to query from Commissioner Borries concerning the other bids, Ms. Ellis said that everyone else submitted a bid bond. A performance bond would not be required until a bid is awarded and a decision is made as to whether or not one is required. But all did submit the required bid bond and all indicated they would supply a performance bond. She then referred the Commissioners to Page 4 of the Bid Summary. The top line indicates the cost without the cost of the performance bond added in. The second line is the cost of the performance bond. For Home Oil it was the \$1,543.60 which is, again, the value of their bid bond. For Busler it was \$775.00 and for Wannemuehler and Wholesale Petroleum there was no cost. So there was no difference in lines #1 and #3 for Wannemuehler or Wholesale Petroleum. There are various ways you can look at this. As a purchasing agent, she doesn't like either one -- but someone loses. The bidder needs to take responsibility for their bid and they are aware of that. She has discussed this with them. It's like other bids she's done and they say, "We didn't understand that -- but we thought you meant this. Well, if you don't understand it, you need to call. She indicated to them at that point she didn't know who she was going to recommend; it would depend on whether a performance bond was required. If so, they would no longer be the low bid.

Attorney Kissinger said, "I should add here, too, that in consideration of the fact they got that information after the fact, that could be construed as a violation of the confidentiality of the bid process. I think it is unlikely, but it certainly could be."

Ms. Ellis said, "They messed up. They did. And they did last year, too. But last year a performance bond was not required, so there was no need to bring it to their attention. And it may never have been brought to their attention, because I have a different way of looking at things than some people do. You know, it looked funny and I questioned it."

Commissioner Borries said one of the reasons behind having a City-County Purchasing authority in the first place was to have some uniformity. And it probably would make good business sense in some cases, because you would get an economy here because you can get lower prices when you are offering literally greater quantities for bid. So this is a toughy. But if Ms. Ellis is telling him that, in this case, the City is going to say that they require this performance bond - if they do and we don't, I see some confusion already in that fashion and I don't think that was the intent of what we envisioned this whole purchasing process to be. So I would move that

performance bond be required. Seconded by Commissioner Hunter. So ordered.

Commissioner Borries moved that the bid be awarded to Wannemuehler Oil Company. Seconded by Commissioner Hunter. So ordered.

Ms. Ellis said she hopes the next bids aren't this complicated.

RE: SHERIFF - REQUEST FOR CCD FUNDS

Chief Steven Woodall was recognized and said he is representing the Sheriff's Department. He said he has a simple request. The Sheriff's Department is requesting permission to approach the County Council to ask for \$80,000 in 1995 CCD Funds. What they would like to do is use the money to buy five (5) marked patrol vehicles according to the State bid process, as each patrol vehicle cost about \$16,000. The benefits of allowing them to purchase these vehicles would be the replacement of the older vehicles which have high mileage on them -- and that is due to the fact of the constant demand on them. It provides safe vehicles for the public and the deputies and also will assist in reducing the maintenance cost. Last year in the General Fund, Council gave them \$65,000, which will allow them to purchase only four vehicles.

Commissioner Tuley said the problem is that when put together figures for the annual projection of the use of CCD Funds they did not specify money for the Sheriff's Department for that purpose. And he can't back \$250,000 for contingencies for which we've already been approached and we need to respond to \$160,000 going to the E.A.R.C. -- so that takes us down to a total of \$90,000 uncommitted funds for the year of 1995. He thinks this is a very valid request and one we need to address but, quite candidly, he doesn't know if we do that -- then that gives us \$10,000 for emergencies for 1995 and we haven't even gotten there yet.

Chief Woodall said, "Not that you've explained that, I do understand it."

Mr. Tuley continued, "So I'm just a little leary about cutting us that short. I think later on in the year that if we see things aren't going to happen, maybe we can ask for it -- go ahead and specify it and hit 1996 with it. Put it in our allocation requests for 1996."

Mr. Borries asked, "You have submitted requests for 1995?"

Mr. Tuley confirmed that is correct and Council has pretty much indicated they will honor it."

Chief Woodall said they have approximately 13 motor vehicles right now and these are marked vehicles which are used as front line vehicles. And these go all the way from 1992 to 1994 vehicles and out of 13, over half of them have 100,000 miles on them and out of that, they are close to 143,000 miles plus. He does understand the dilemma. They will approach the Council to see if they have the money in the General Fund and go on record there, too. This last year they asked Council for enough money to purchase 10 vehicles and they couldn't come up with the money either. Of course, the Commissioners understand the Sheriff's Department's concern -- not just for the public, but also for the deputies.

Commissioner Tuley said he would encourage Chief Woodall to go before Council to see if there is money. If not, maybe some way to split that request -- from both the CCD Fund and the General Fund monies.

Commissioner Hunter said the General Fund is supposed to be in better shape than it was last year.

Commissioner Tuley said, "Yes, apparently in 1995 the General Fund is not going to be as stressed as it once was thought."

Commissioner Borries said there ought to be a way to do this. Chief Woodall has some valid public safety concerns and as fine a Sheriff's Department as we have, we need to look at ways

of updating our fleet, because cars don't get better after 100,000 miles and magic won't fix them.

Commissioner Tuley concurred. If any of the CCD money requested for 1995 is not needed, he would be more than willing to look at this request.

Commissioner Borries said he would support the request and we'll try to look at all alternatives.

RE: COUNTY APPOINTMENTS - CONVENTION & VISITOR'S BUREAU

Commissioner Borries moved to reappoint Patrick Shoulders (citizen member, and current President) and Ms. Cynthia Stone, manager of the Marriott Inn on U. S. Highway 41 North. Seconded by Commissioner Hunter.

Commissioner Tuley said he did receive a letter fro Pete Helfrich, which was mailed to his home. It did talk about the dedication the aforementioned two individuals have for the Board. He did not directly ask that they be reappointed, but did state they had been good board members and worked well with the rest of the members. So he took that as a sort of enforcement. He will so ordered.

RE: COUNTY ATTORNEY - ALAN KISSINGER

Deeds to Surplus Properties:/Habitat: Attorney Kissinger said he thinks we hve finally received all of the appropriate property descriptions and he has prepared the deeds and the necessasry disclosure forms for 28 separate pieces of property that the Commissioners have previously agreed to convey to Habitat of Evansville, Inc. He believes all of the deeds are in order and he has asked Habitat to review the property descriptions and advise him if they have questions or changes in so far as property descriptions are concerned. They have not contacted him, so he is assuming that means they have no objection. These deeds are prepared for the signature of each Commissioner and he would recommend the Commissioners sign these 28 deeds and that we later attach the Vanderburgh County seal. That is 28 properties that have now gone to the cause which he believes the Commissioners anticipated.

Motion to sign the 28 deeds was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Deeds/Surplus Properties/Evansville Housing Authority: Attorney Kissinger said these deeds have been prepared an Attorney Black has indicated he will prepare the necessasry disclosure documents. These particular deeds require only that they be dated, signed by one Commissioner (he would recommend this be President Tuley) and there is an attestation signature line and he has filled that in for the auditor. Ms. Matthews should attach the County Seal and he would recommend the Commissioners give consideration to signing these deeds, as well.

Motion that Commissioner Tuley sign the four (4) deeds was made by Commissionesr Borries, with a second from Commissioner Hunter. So ordered.

Claim Forms: Attorney Kissinger said Council Attorney Joe Harrison, Jr. has handed him claims to H. J. Umbach & Associates, the accounting firm that provided the compilation of the T.I.F. feasibility analisys on the Azteca project. One for himself for legal services. As the Commissioners will recall, pursuant to the ontract, this is one of the matters that he can be paid separately for -- bond issues and related matters. Another claim to Ice, Miller, Donadio and Ryan in the amount of \$28,901.50. Ice Miller had quoted their fee at \$25,000. He was not aware of it or had forgotten it. But it was explained to him when he questioned the fee being more than 25,000, that representatives of Ice, Miller had before the Vanderburgh County Council explained that there would be additional fees in consideration of the fact that this became a two-step process instead of a one-step process. He checked and there is reference to that in the minutes that they would be charging for additional costs -- so we were advised in advance. The last claim he has is the judgment in the trial of Board of Commissioners vs. Floyd & Patrsy Adams. This was the condemnation trial and there was total judgment in the amount of \$3,000.

John Stoll will want to see that one, too, since it is a condemnation. He would ask the Commissioners to give favorable consideration to approving all of these claims -- specifically in reference to the Azteca claims, both Ice, Miller and Umbach and Associates have asked that, if possible, their claims be paid this year. He has talked with the County Auditor and he has indicated that if the Commissioners sign these claims immediately and he brings them to his attention or the attention of his Chief Deputy, that they can be walked through the process and still paid this year.

Motion to approve the claims, as described by Attorney Kissinger, was made by Commissionoer Borries, with a second from Commissioner Hunter. So ordered.

Mr. Borries asked if that finishes the Azteca project.

Attorney Kissinger said that finishes the Azteca project -- at least in reference to the bank anticipation note. The final tying of loose strings will actually be the issuance of the bonds - and Ice, Miller has told him to advise the Commissioners to anticipate an additional fee at that time. He told them that they had better anticipate issuing bonds that would cover those fees -- because otherwise the cupboard is bare.

S.W. Indiana Mental Health Foundation: Attorney Kissinger said he is requesting permission to contact torney Jerry Evans, Legal Counsel for the S.W. Indiana Mental Health Foundation, who hs been responsible for the operation of the Hillcrest-Washington Home. We found somewhat to our embarrassment that that conctct either needs to be re-bid or we need to re-enter and extend that contract and we don't even have close to enough time to attend to all the necessary details to do that. With the Commissioners' permission, he will contact Attorney Jerry Evans and request that they continue performing their services on a month-to-month basis at the present rate of compensation and reimbursement until we have had an opportunity to either extend their contract or advertise for bids for a new contract.

Commissioner Borries asked if we're able to extend their contract.

Attorney Kissinger said he will give a one word answer and say, "No, however, I will also sasy that the potential exists that re-bidding it is not necessary. And I certainly want to research that. Jerry Evans said he had some input on that, as well. If that is the case, it may not have to be re-bid. But I certainly want to be sure I am absolutely correct on that before so advising the Commissioners."

Motion was made by Commissioner Borries to authorize Attorney Kissinger to contact Jerry Evans re extending the contract on a month-to-month basis, until we have made a determination as to how we must proceed. Seconded by Commissioner Hunter. So ordered.

RE: SUPERINTENDENT OF COUNTY BUILDINGS - MARK ABELL

Surplus Properties: Mr. Abell said he would like to say he's glad to see Habitat finally get their deeds. They are a good organization that is doing well with those properties.

Request to Go On Council Call/1995 CCD Funds: These are funds he was set in for at \$110,000 per the plan. So this isn't anything out of the ordinary. It was part of the plan that went to the Council. However, he still needs permission to approach Council.

Commissioner Tuley confirmed this is correct; this is what was designated in the plan for year 1995. (Mr. Abell explained this is for ADA building compliance.)

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

RE: COUNTY HIGHWAY - BILL MORPHEW

Weekly Work Report: Mr. Morphey submitted Weekly Work Report for period of December 2, 1994 thru December 8, 1994.....report received and filed.

In response to query from Commissioner Borries, Mr. Morphey confirmed they did not get to pave this last week -- a little cool. They had crews called out over the weekend to a couple of locations re ice. One was in Daylight -- where there was a fire in the antique store.

Request to go on Council Call: Mr. Morphey said he is requesting permission to go on Council Call in January for CCD Funds for the salt storage building.

Travel Request/Indianapolis: He would also like to ask permission to go back to Indianapolis - possibly this Friday to look at some vehicles to be sold at State auction to different governmental entities -- such as County Commissioners, Highways, School Boards and things of this sort. These are used vehicles that the State is putting up for auction. Vehicles that aren't purchased at that auction will, at a later date, go to public auction. He is looking for vehicles to replace some of the old used and worn ex-Sheriff deputy cars that the engineers now have. We're running into problems with those cars. They had to push one out of the road at 7:00 this morning. The fuel pump went out on Mr. Higgins' car.

Motion to approve the requests to go on Council Call and travel to Indianapolis was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Mr. Morphey said you complete and form and place a sealed bid for the vehicles in which you are interested. They notify you within fourteen (14) days.

Mr. Tuley asked if Mr. Morphey has money out of the highway funds if he decides to purchase any of these. Mr. Morphey responded that he does.

RE: COUNTY ENGINEER - JOHN STOLL

The following action was taken with regard to Mr. Stoll's agenda items:

Ohio Street Bridge: Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the Board approved a Notice of Intent to IDEM with regard to discharge of storm water for the Ohio Street Bridge. So ordered.

Acceptance of Streets: Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Board approved acceptance of 970 l.f. of Royal Avenue in AG Minor Subdivision. So ordered.

Baumgart Rd. Bridge/Change Order: Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Board approved a Change Order resulting in a \$100.32 decrease on this contract. So ordered.

Concrete Repair Contract/Change Order: Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the Board approved a Change Order resulting in a \$73,035.69 increase on this contract. So ordered.

William Wortman Subdivision, Section 2/Request for Sidewalk Waiver: Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the Board approved this request. So ordered. (This is a 32 lot subdivision on Old State Rd. near Peck Rd. The lots average about 1/2 acre in size.) He will let the APC know and send a letter to the engineers who designed the subdivision. That's all that needs to be done.

Dedication/Volkman Rd. Bridge: Mr. Stoll said when he contacted the Koehlers, 3:00 p.m. tomorrow was agreeable to them with regard to the dedication ceremony for this bridge.

RE: CONSENT AGENDA

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the Consent Agenda was approved, as printed, with the exception of an appointment in the Treasurer's office. Mr. Hunter said he believes the release/appointment salary information was reversed. Mr. Tuley said he believes he put the salaries on the wrong lines and they will send this back to the Treasurer for clarification. So ordered.

RE: SCHEDULED MEETINGS

President Tuley said there is a calendar of scheduled meetings attached to the agenda. But he does have a note that a Special Meeting of the County Council will be held at 3:30 p.m. on Thursday, December 29th for purposes of considering a transfer request from the Evansville Convention & Visitors Bureau and any other related actions. Immediately following will be a meeting of the Council Personnel & Finance Meeting for purpose of considering 1995 additional appropriation requests in excess of the budget.

RE: OLD BUSINESS

President Tuley entertained matters of Old Business to come before the Board. There were none.

RE: NEW BUSINESS

Tax Deeds/Class "B" 1993 Parcels: Commissioner Tuley said Ms. Matthews has submitted a file containing 70 new tax deeds for Class "B" 1993 parcels which were deeded to the County after November 10, 1994 for acceptance by the Board of Commissioners.

Commissioner Hunter asked if these can't wait until next year.

Attorney Kissinger suggested the Board take these under advisement until he has an opportunity to review same. Motion to this effect was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Commissioner Borries said he wants to commend Attorney Kissinger. He knows that at some point on his part these past few years, we've set as a goal to cut legal services. He's not sure it is possible in this day and age to say we are going to end litigation due to the way certain suits seem to roll into the government. He supposes that is a great American tragedy. But he does commend Alan for his work. He knows at times it must get a bit overwhelming, particular with the intricacies of all this property. But, again, he wants to echo President Tuley's comments here. "We need to get some things down on paper, because the best of intentions we did tonight -- I think is going to work. I think the property will be used and used correctly; certainly Habitat and certainly Reverend Brooks' congregation will do that. But he thinks all of us wanted to make sure we inform people so the best of intentions that this property can be socially useful and put to good use in the community. That is what we want to end the confusion. He would again ask that Attorney Kissinger come up some bullet points (do this, do this) -- it might be helpful to everybody and hopefully ease some of the Attorney's work load. Again, he commends Attorney Kissinger for his work to reduce costs in terms of our legal services. He would safely say we could probably look at a couple of hundred thousand we've saved Vanderburgh County over the past two years due to Attorney Kissinger's efforts.

Attorney Kissinger said he thinks some of the problems we saw here tonight and the problems that arose over these particular parcels definitely should be a road map to us as to how we should proceed in the future. We do need something to earmark certain properties about which

certain people have inquired. Once there has been an inquiry, he thinks we should have a way of keying that -- so if anyone inquires about the same property we can advise them in advance that we have another inquiry on that property. Right now it is not available -- and it's just that simple.

Commissioner Hunter said he thinks we lucked out the first time around, because the people who wanted the property worked out all the problems among themselves. They walked in, said this is what we want, we've got it all worked out. So we assumed it was going to run nice and smoothly and.....

Attorney Kissinger said he thinks they also had the advantage of hearing the Board's original instructions which were, "Don't get in a fight about this, or we'll settle it."

Commissioner Hunter said he concurs with Commissioner Borries -- but he feels equally bad about what happened. But you live and learn and he thinks this is just part of the process.

Attorney Kissinger remarked, "We could easily just have swept that thing under the carpet and kicked everybody out, but that certainly wasn't the appropriate thing to do either."

Commissioner Tuley concurred saying it was a tough decision -- but the Board had to make it.

President Tuley entertained further matters of new business to come before the Board.

INDOT Appointment: Commissioner Borries said he believes INDOT has a new Commissioner, just appointed today. If the Commissioners are in Indianapolis -- he has to be up there on Thursday of this week, but doesn't know if he will get over to INDOT. But maybe the Commissioners can get their cards in the door and associate names and faces pretty quickly, so they can set up some dialogue with the new Commissioner -- the gentleman's name is Smith.

There being no further business to come before the Board at this time, President Tuley entertained a motion for adjournment. Motion to this effect was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered. Meeting adjourned at 7:20 p.m.

PRESENT:

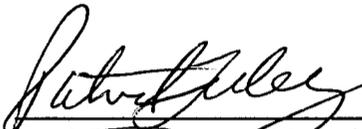
Patrick Tuley  
Richard J. Borries  
Don L. Hunter  
Cindy Mayo, Chief Deputy Auditor  
Alan M. Kissinger, County Attorney  
Mark Abell, Supt., County Bldgs.  
Steven Woodall, Chief Deputy Sheriff  
John Stoll/County Engineer  
Lynn Ellis/Purchasing  
Bill Morpew/County Highway Supt.  
Eric Williams/Sheriff's Dept.  
Richard E. Mourdock/Citizen  
The Rev. Joseph Trask/Christ M.B. Church  
George Anderson/Memorial Baptist Church  
Adrian Brooks/Pastor  
David Wagner/Memorial Baptist Church  
Greg Wickware/Memorial Baptist Church  
Jerry Wildman/Sitecon, Inc.  
Joseph P. Washington/Christ M.B. Church  
Keith Wagner/Memorial Baptist Church  
Faye Wortman/Wortman Subdivision  
Bill Wortman/Wortman Subdivision

COUNTY COMMISSIONERS  
December 12, 1994

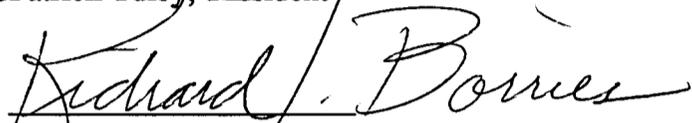
16

Steve Burger/WIKY  
Others (Unidentified)

SECRETARY: Joanne A. Matthews



Patrick Tuley, President



Richard J. Borries, V. President

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Don L. Hunter



BOARD of  
COMMISSIONERS  
of the County of Vanderburgh

RICHARD J. BORRIES

DON L. HUNTER

PATRICK TULEY

AGENDA

VANDERBURGH COUNTY COMMISSIONERS  
DECEMBER 12, 1994

5:30 P.M.

*fine*

1. CALL TO ORDER *5:30 P.M.*
2. INTRODUCTIONS
3. PLEDGE OF ALLEGIANCE
4. ACTION ITEMS
  - A. Approval of minutes ✓
  - B. Any group-individual wishing to address the commission - *J. Tillie*
  - C. Adrian Brooks ✓  
re: 773 and 800 Lincoln Avenue
  - ✓ D. Lynn Ellis:  
Approve the award of Annual Price Agreement for Gasoline  
and Fuel Oil Products/APA004-95
  - ✓ E. Sheriff Hamner - *S. Woodall & F. Williams*  
re: Council call regarding CCD funds
  - ✓ F. Convention and Visitors Bureau/Board Appointments - *C. Stone*  
*P. Skovdave*
5. DEPARTMENT HEADS
  - ✓ Alan Kissinger ----- County Attorney
  - ✓ Mark Abell ----- Superintendent of County Buildings
  - ✓ Bill Morphew ----- County Garage
  - ✓ John Stoll ----- County Engineer (see attached requests)

COUNTY ENGINEERING DEPARTMENT

CONSENT AGENDA

DECEMBER 12, 1994

CLAIMS:

CONTRACTUAL 201-3930 - O'Hara Drive JH Rudolph (Inv. #41872)	\$16,457.40
CONTRACTUAL 203-3930 - Boonville New Harmony Rd & Gr. River Rd. M & W Concrete (Inv. #7174)	\$ 640.00
FRANKLIN ST. BR. #4 203-4340 United Consulting Engineers (Inv. #1)	\$ 2,058.84
ENGINEERING EQUIPMENT 203-4429 Community Jobs Club (Inv. #15)	\$ 60.00
MILL ROAD RR CROSSING 216-4359 Indiana Dept. of Transp. (Inv. #IR9500272)	\$ 8,709.20
CONTRACTUAL 216-3930 Indiana Dept. of Transp. (Inv. #XW9500263)	\$ 650.00

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Prosecutor - IVD Child Support Enforcement Division

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1081 1990	Sheryle A. Mills	8200 Pollack Ave	Temporary	\$5.00 / HR	12-05-94
		Evansville, IN 47715	part-time		
			Clerical		

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY *Douglas R. Brown* DATE 12-05-94  
Douglas R. Brown, Chief Deputy Prosecutor

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Vanderburgh County Assessor

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
10901200 1090	Bettye Welte	1506 A Bellemeade Ave	Real Estate Deputy	16,075 00	12-2-94
24901090 1220	Sylvia R. Angermeier	604 College Highway	Cad Operator	18,708 00	12-2-94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
10901200 1090	Sylvia R. Angermeier	604 College Highway	Real Estate Deputy	17,688 00	12-2-94
24901090 1220	Bettye Welte	1506 A Bellemeade Ave	Cad Operator	18,708 00	12-2-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY *James P. Angermeier* DATE December 2, 1994

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department CIRCUIT COURT *sl*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
136.1-1980	VICTORIANO BERGONIA	EMP# 05471	PART-TIME CORRECTION OFFICER	7.00 HR	11-20-94
136.1-1980	CHARLEY PACE, JR.	EMP# 04433	PART-TIME CORRECTION OFFICER	7.00 HR	11-20-94
505.01362-1990	DAVID M. BUCHOLD	EMP#	PART-TIME CORRECTION OFFICER	6.00 HR	11-28-94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
136.1-1990	VICTORIANO BERGONIA	EMP# 05471	PART-TIME CORRECTION OFFICER	7.00 HR	11-19-94
136.1-1990	CHARLEY PACE, JR.	EMP# 04433	PART-TIME CORRECTION OFFICER	7.00 HR	11-19-94
260-1980	CARRIE WEBB	EMP# 05456	still P.R. 12/16/94 P.L. INTERNSHIP	5.00 HR	12-2-94
260-1980	KAREN FARTHING	EMP# 05139	still P.R. 12/16/94 P.L. INTERNSHIP	4.75 HR	11-28-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY *[Signature]*  
JUDGE, CIRCUIT COURT

DATE Dec 6, 94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department TREASURER *sl*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
103-112	TULEY, ZELMA L	1813 E VIRGINIA ST	CHIEF DEPUTY	27,799.00	1-1-95

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
103-112	TULEY, ZELMA L	1813 E VIRIGNIA ST	CHIEF DEPUTY	30,647.00	1-1-95

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY *[Signature]* DATE 12-6-94



# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department CENTER ASSESSOR

*rd*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
2490 11101990	APRIL ARNOLD	2511 N KENTUCKY AVE	PART TIME DEPUTY	HOUR 5	00	1-3-95
2490 11101990	ROBERTA McKANNAN	4500 MEADOWRIDGE RD	PART TIME DEPUTY	HOUR 5	00	1-3-95
2490 11101990	KIM ELLARD	471 APPLEWOOD CT	PART TIME DEPUTY	HOUR 5	00	1-3-95
2490 11101990	VERDIA COURSEY	10411 ST JOE AVE	PART TIME DEPUTY	HOUR 5	00	1-3-95

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
11101990	APRIL ARNOLD	2511 N KENTUCKY AVE	PART TIME DEPUTY	HOUR 5	00	12-31-94
11101990	ROBERTA McKANNAN	4500 MEADOWRIDGE RD	PART TIME DEPUTY	HOUR 5	00	12-31-94
11101990	VERDIA COURSEY	10411 ST JOE AVE	PART TIME DEPUTY	HOUR 5	00	12-31-94
11101990	KIM ELLARD	471 APPLEWOOD CT	PART TIME DEPUTY	HOUR 5	00	12-31-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*[Signature]*

DATE

12-9-94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department CENTER ASSESSOR

*rd*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
2490 11101990	JOE RILEY	7608 OAK HILL RD	PART TIME FIELD DEPUTY	HOUR 5	00	1-3-95
2490 11101990	ROBERT FOERSTER	8503 N GREENRIVER RD	PART TIME FIELD DEPUTY	HOUR 5	00	1-3-95
2490 11101990	LOIS STUCKI	1401 LAUBSCHER RD	PART TIME DEPUTY	HOUR 5	00	1-3-95

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
11101990	JOE RILEY	7608 OAK HILL RD	PART TIME FIELD DEPUTY	HOUR 5	00	12-31-94
11101990	ROBERT FOERSTER	8503 N GREENRIVER RD	PART TIME FIELD DEPUTY	HOUR 5	00	12-31-94
11101990	LOIS STUCKI	1401 LAUBSCHER RD	PART TIME FIELD DEPUTY	HOUR 5	00	12-31-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*[Signature]*

DATE

12-9-94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department

BURDETTE PARK

*sl*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
118	JAMIE STANLEY		LIFEGUARD	5 00	11-23-94 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*Mark Juley*

DATE

*12/9/94*

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department

VANDERBURGH SUPERIOR COURT

*sl*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
.137013120	Elmer R. Shelton		Bailiff/Tran Officer	7,000 00	12/16/94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*1 W. A. Dittus*

DATE

*12-9-94*

MINUTES  
COUNTY COMMISSIONERS MEETING  
DECEMBER 19, 1994

I N D E X

Subject	Page No.
Meeting Opened @ 5:30 p.m. ....	1
Introductions & Pledge of Allegiance .....	1
Extension of Contract w/Bassemier's Transportation for Handicapped & Elderly .....	1
Awarding of Contracts for Turf Fertilizers & Chemicals .....	1
County Attorney/Alan Kissinger .....	1
Lease Agreement Between EVSC & Vanderburgh County re Bosse Field	
Lease Agreement Between Vanderburgh County & Baseball Properties, Inc. re Bosse Field (A.K. to bring next week)	
Agreement w/Southwest Mental Health Foundation re Hillcrest-Washington Home	
Superintendent of County Buildings/Mark Abell .....	2
County Treasurer's Report/November County Highway Garage/Boilers Quit Claim Deeds/Memorial Baptist Church/Surplus Properties at 800 Lincoln Ave. & 733 Lincoln Ave.	
County Highway/Bill Morphey .....	3
Weekly Work Report Complaint re Pothole/8107 Larch Lane	
County Engineer/John Stoll .....	3
Request to Advertise Notice to Bidders/VC94-11-01 Overlay of Burkhardt Rd. at Columbia Street	
Environmental Inspection of Bridge & Culvert at Intersection of Broadway Avenue & Johnson Lane (Approved Proposal in Not to Exceed Amount of \$90.00)	
Consent Agenda .....	3
Approved, as amended, to include County Treasurer's Report/November	
Scheduled Meetings .....	3
Executive Sessions scheduled January 9, 17, 23 and 30	
Old Business .....	4
Meeting w/INDOT	
New Business .....	4
Letter of Resignation/Sunny Titzer/Auditor's Office Employee Status Change/Zelma Tuley	
Meeting Recessed @ 6:30 p.m. ....	5
Meeting Reconvened @ 7:00 p.m. for Rezonings .....	5

R E Z O N I N G S\*

VC-16-94/Petitioner, Chris Combs

VC-18-94/Petitioner, Evlle.-Vanderburgh School Corp

VC-19-94/Petitioner, CHAL Corporation

VC-20-94/Petitioner, Evlle.-Vanderburgh School Corp.

\*All Rezoning passed by Unanimous Affirmative Roll Call Vote

TRANSCRIPT  
COUNTY COMMISSIONERS MEETING  
DECEMBER 19, 1994

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, December 19, 1994, in the Commissioners Hearing Room with President Pat Tuley presiding.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley called the meeting to order, welcomed the attendees, acknowledged the presence of County Staff (Mark Abell, Supt./County Buildings, County Attorney Alan Kissinger, Commissioner Rick Borries, Commissioner Don Hunter, Chief Deputy Auditor Cindy Mayo, Joanne Matthews, Official Recording Secretary for the Board, and himself). He subsequently asked the group to stand for the Pledge of Allegiance.

Commissioner Tuley asked if there are any individuals/groups in the audience who wish to address the Commission but do not find their particular item of interest on the agenda. There was no response from the audience.

RE: EXTENSION OF CONTRACT WITH BASSEMIER'S TRANSPORTATION FOR THE HANDICAPPED & ELDERLY

Following brief discussion and at the recommendation of the County Attorney following his discussion with Lynn Ellis of the Purchasing Department, a motion was made by Commissioner Hunter and seconded by Commissioner Borries that the subject contract be continued on a month-to-month basis based on the present terms of the contract.

RE: AWARDING OF CONTRACTS FOR TURF FERTILIZERS AND CHEMICALS

At the recommendation of Ms. Lynn Ellis of the Purchasing Department, upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the following contract amounts were awarded:

Indiana Seed Co., Inc.	\$ 2,614.00
Daylight Farm Supply, Inc.	\$ 4,705.00
LESCO, Inc.	\$ 4,394.70
O.M. Scott & Sons Co.	\$ 9,670.63
George W. Hill Co., Inc.	\$36,465.38
TenBarge Seed Co.	\$ 867.80
Cannon Turf Supply	\$ 4,230.05

So ordered.

RE: COUNTY ATTORNEY - ALAN KISSINGER

Lease Agreement Between EVSC & Vanderburgh County re Bosse Field: Attorney Kissinger said he has the subject Lease Agreement for Execution by the Commissioners, subsequently to be executed by the Evansville-Vanderburgh School Corporation. He has reviewed the lease and finds it to be in order.

Lease Agreement Between Vanderburgh County & Baseball Properties, Inc. re Bosse Field: Attorney Kissinger said he also has this lease, wherein Baseball Properties will sign as Sub-Lessor, but he will present this lease next week, after the initial lease between the County and the School Corporation has been executed.

Motion to sign the Lease Agreement between the County and the School Corporation was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Agreement with Southwest Mental Health Foundation re Hillcrest-Washington Home: Attorney Kissinger said he is requesting permission to communicate with Jerry Evans, Legal Counsel for the Southwest Mental Health Foundation, to see if this contract can be continued on a month-to-month basis until he has completed his research and reports back to the Commissioners as to how we should proceed.

Motion for approval was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

RE: SUPERINTENDENT OF COUNTY BUILDINGS - MARK ABELL

Treasurer's Report: Mr. Abell said he has the County Treasurer's Report for November, 1994 to be included on the Consent Agenda. He will submit that to President Tuley at this time.

County Highway Garage/Boilers: Mr. Abell said he has the following letter from Bud Davis of Riverbend Mechanical, Inc. with regard to the boilers at the County Highway Garage to be entered into the record.:

12 December 1994

Board of County Commissioners  
Civic Center Complex  
Administration Building  
Evansville, Indiana 47708

Re: County Garage

Gentlemen:

This is to report on our inspection of the heating system for the possible use of our hydromagnetic water conditioning unit.

We do not recommend the use of our unit due to the age and condition of the boiler.

One steam unit heater leaks. The others seemed okay. We recommend that if any steam unit heaters are replaced they be replaced with gas-fired units since a gas main is available in the building.

Sincerely,

Riverbend Mechanical, Inc.

Russell (Bud) Davis

Quit Claim Deeds/Memorial Baptist Church/Surplus Properties: Mr. Abell said he also has the two (2) Quit Claim Deeds for surplus properties located at 800 Lincoln Avenue and 733 Lincoln Avenue which have been prepared by Attorney Kissinger. He is requesting that the Commissioners sign the Deeds, so he can have same recorded.

Motion to sign the Deeds was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: COUNTY HIGHWAY - BILL MORPHEW

Weekly Work Report: Mr. Morphew submitted the Weekly Work Report for period of December 9, 1994 thru December 15, 1994.....report received and filed.

Complaint re Pothole/Larch Lane: Commissioner Borries requested that Mr. Morphew check out a complaint re a pothole at 8107 Larch Lane. (Mr. Morphew indicated he will check this out.)

RE: COUNTY ENGINEER - JOHN STOLL

Request to Advertise/Notice to Bidders/VC94-11-01 Overlay of Burkhardt Rd. at Columbia Street: Mr. Stoll requested permission to advertise for bids on the subject project, with bid opening scheduled on Tuesday, January 17, 1995, due to the MLK Holiday on Monday, January 16th.

Motion to approve the request and sign the Notice to Bidders was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Environmental Inspection of Bridge and Culvert at Intersection of Broadway Avenue and Johnson Lane: Mr. Stoll also submitted a proposal from Tim Boisture, President of Environmental & Consulting Engineering Company, Inc. in a not to exceed amount of \$920.00 for the scope of work outlined in his proposal.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the proposal was signed by the Commissioners. So ordered.

RE: CONSENT AGENDA

President Tuley entertained questions or comments concerning the consent items, other than the addition of the County Treasurer's Report for November 1994. There being none, he entertained a motion for approval.

Motion to approve the Consent Agenda, as amended, was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

RE: SCHEDULED MEETINGS

President Tuley said there is a calendar of Scheduled Meetings attached to the meeting agenda. The Commissioners have an Executive Session at 4:00 p.m. and a Commission Meeting at 5:30 p.m. next Tuesday, December 27th. There is also a Drainage Board Meeting on December 27th. County Council has a Special Meeting on Thursday, December 29th at 3:30 p.m., followed by a Personnel & Finance Committee Meeting.

Executive Sessions/January: Commissioner Tuley asked if the Board wants to set Executive Sessions for January, so same can be advertised.

Motion was made by Commissioner Borries to schedule Executive Sessions at 4:00 p.m. on Tuesday, January 3rd and on Monday on January 9, 16, 23 and 30 for purposes of discussing Pending and Possible Litigation and Personnel Matters. Seconded by Commissioner Hunter.

Due to the January 16th Martin Luther King holiday, Commissioner Borries subsequently

amended his motion to hold the Executive Sessions on Tuesday, January 3rd; Monday, January 9th; Tuesday, January 17th; and Monday on January 23rd and 30th. Seconded by Commissioner Hunter. So ordered.

RE: OLD BUSINESS

President Tuley entertained matters of Old Business to come before the Board.

Meeting with INDOT: Commissioner Borries stated, "Mr. President, I was in Indianapolis last week for a brief meeting with the new Commissioner of INDOT, Mr. Stan Smith. I arrived about 4:30 p.m. and he was nice enough to say he'd see me. He certainly expressed interest in coming to Evansville very soon -- so let's hope we did at least associate a name with a face - - and I did invite him to come to Evansville whenever he can do so. I told him to drive down and enjoy the drive!"

The other Commissioners expressed feeling that it was good Commissioner Borries did get to meet the new Commissioner of INDOT.

RE: NEW BUSINESS

Letter of Resignation/ Sunny Titzer/Auditor's Office: Chief Deputy Auditor Cindy Mayo stated, "I submitted a Letter of Resignation from one of the employees in the office to you this afternoon. Attorney Kissinger said it might be better just to cover all bases. So I guess just to make it a matter of record, I did submit a Letter of Resignation from Sunny Titzer that was submitted to Sam Humphrey."

Attorney Kissinger said, "Mrs. Titzer did confirm with me in reference to that and, specifically, to make sure that she was in compliance with the two week notice. She is more than in compliance with the two week notice. She was concerned that the notice had to be two weeks and I explained to her that it was at least two weeks -- and this is some advance notice in so far as staffing, etc. So I did advise her to submit it as soon as possible."

Commissioner Hunter said, "I also have one question on the Sunny Titzer thing. Cindy, do you concur with the sick days, vacation days, comp days, etc.?"

Mrs. Mayo responded, "Yes. I'm the person who keeps track of the time in the office and she did get that directly from me, yes."

Commissioner Hunter asked, "And you don't have any problems with that?"

Mrs. Mayo responded, "No."

Commissioner Hunter asked, "So, do we need to accept this?"

Commissioner Tuley replied, "I guess it is just a matter of formality and entering it into the record."

Motion was made by Commissioner Borries that the Letter of Resignation from Mrs. Titzer be entered into tonight's record. Seconded by Commissioner Hunter. So ordered. The letter read as follows:

\* \* \* \* \*

December 12, 1994

Dear Sam:

I hereby tender my resignation from the Auditor's office effective March 17, 1995.

I will have after January 1, 1995;

5 weeks of compensation time  
3 weeks of vacation time  
1 week and 4 days of sick time and  
3 personal days.

I will leave my position vacant as TIF/Settlement Clerk on January 3, 1995 but because of my accumulated time should stay on payroll until March 17, 1995.

Respectfully,

Sunny B. Titzer

\* \* \* \* \*

Employee Status Change/Zelma Tuley: Commissioner Tuley said, "Along those lines of explanation, etc., last week there was a pink slip turned in on a certain Chief Deputy in a certain County Treasurer's office, also being a certain Commissioner's wife. Anyway, it was submitted correctly and the explanation is that she was hired under a probationary period of time and her salary is being phased in and because of the raise issued by the Council and the Salary Ordinance as adopted, her salary would have gone to \$30,647 January 1, 1995 -- but that is not keeping in line with the progressive pay increases agreed to by the County Treasurer and her at the time of her employment. So it is being set back to \$27,799 for January 1st, until she meets the end of her probationary period. So that is the reason for the decrease.

There being no further regular business to come before the Board, at 6:30 p.m. President Tuley declared the meeting recessed until 7:00 p.m., at which time the Board will reconvene for purposes of hearing Rezoning.

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### REZONINGS

The Board of Commissioners reconvened promptly at 7:00 p.m. to hear the rezonings and President Tuley called the meeting to order.

VC-16-94/Petitioner, Chris Combs: Common known address is 2519 Calf Lane. Requested zoning is from AG to C-4. He then recognized Attorney Steve Bohleber.

Attorney Bohleber said he is here to ask the Commissioners to consider rezoning the property as requested to C-4. This does nothing but bring his existing operation into conformity with the zoning code. When he purchased all of this land a few years back, he was under the impression it was all zoned C-4. In reality, only about half of it was and he is just taking this opportunity to bring the northern portion of his property into conformity with proper zoning. This is part of his existing nursery operation. Currently there are three greenhouses and a couple of storage buildings on that site. It comes to the Commission with a unanimous do pass recommendation from the Area Plan Commission.

There being no further comments either for or against this petition, a motion was entertained.

Motion to approve on Third Reading was made by Commissioner Borries, with a second from Commissioner Hunter. President Tuley asked for a roll call vote: Commissioner Hunter, yes; Commissioner Borries, yes; and Commissioner Tuley, yes. So ordered.

VC-18-94/Petitioner Evlle.-Vanderburgh School Corp., VC-19-94/Petitioner CHAL Corporation and VC-20-94/Petitioner Evlle.-Vanderburgh School Corporation.

Attorney Marco DeLucio was recognized and stated he is here this evening on behalf of the Evansville-Vanderburgh School Corporation. For purposes of expediency, they think it makes some sense to do all three petitions at one time. They are all common issues. They are all on the south side of Covert Avenue and they are all either directly or indirectly related to one another. So if they would proceed with all three petitions they would appreciate that.

With him this evening is Virgil Miller, Director of School Facilities for the EVSC. In a few seconds, he will ask him to detail the plan. They are here this evening to down zone property which is currently zoned PUD Commercial and just a regular PUD designation to an R-1 classification. This property is located at 5501 Covert Avenue and 5747 Covert Avenue. When the PUD was initially passed back in 1978, the PUD Commercial aspect of this at 5747 Covert contemplated the construction of four commercial buildings totaling approximately 30,900 sq. ft. with 251 attendant parking spaces. The remainder portion of the PUD that they seek to down zone this evening is located at 5501 Covert and it contemplated the construction of 20 multi-family apartment buildings. The site plan, itself, from the 1978 PUD shows a cut on Shoshoni for the commercial development and an additional two cuts, he believes, along Shoshoni for the multi-family apartment complex. The School Corporation this evening seeks to eliminate the possibility of the commercial use and the multi-family use and replace it with an R-1 designation. In this R-1 designation, the School Corporation proposes to construct a school -- which Mr. Miller will discuss in a couple of moments -- and also to construct some practice fields, two soccer fields and a girl's softball field -- which he will detail in a moment. This conceptual site plan that you see in front of you this evening and which Mr. Miller has handed you on reduced sheets has been presented to the School Board. It has been presented to the Area Plan Commission and received a unanimous 901 vote of approval and a recommendation approval and also has been presented to the Board of Zoning Appeals for a Special Use Permit for the construction of a school, which was approved last Thursday. At this he will present Mr. Miller, who will walk the Board through the site plan at the school.

Mr. Virgil Miller introduced himself and said that when they started this process -- he guesses it was about a month and a half ago when they appeared before the Board of Zoning Appeals. They had some remonstrators at that time who were interested to see exactly what the School Corporation was going to put on this particular site. With that in mind, they developed the plan the Commissioners see in front of them. The small sketch he just passed out is an exact duplicate of this. He then went on to explain the site plan for those not familiar with the site, pointing out the power station, the Park Lawn Cemetery, etc., saying the designated drive would allow vehicles to get in for pick-up and drop-off of students; there is also a separate area for buses, with a turnaround, with the ability to get out quite easily and a parking area that would serve the school, as well as the playing fields. There is an access road to Shoshoni, which would allow for employee parking in the rear and also delivery; a boiler room and kitchen facility, where the cafeteria is, classrooms, office area with a courtyard; a gymnasium with play areas adjacent to it, which would work in conjunction with the school. The east side is growing and they have already put additions onto Hebron, Plaza Park and Caze. Those schools are at capacity at this time. In addition to that, they are in need of playing fields for Harrison High School. The first thing they would do would be to develop two soccer fields in designated area, along with the girl's softball. They'd have girl's soccer, boys' soccer, and girls' softball, which would work in conjunction with Harrison High School. The neighbors had some concerns and the EVSC have attempted to address most of the concerns and he thinks they have.

One concern was they wanted the property fenced along the area between the Indian Woods Subdivision and the EVSC property. They would be putting up a fence along that area, take it down Shoshoni and plant junipers similar to those along Eastland, which would grow to a substantial height and create a visual barrier. One of the other things they were interested in was a gate in designated area and he has no problem with that. There are no immediate plans for lighting these fields at this time, but he is not ready to agree to any written covenants on this parcel of property. In response to query from Commissioner Hunter, Mr. Miller said they will build the soccer fields and softball diamonds before they build the building. They don't anticipate a building for probably at least three years. They are looking at enrollment on a year-by-year basis and know that eventually they will need a building there. But they need soccer field and softball field immediately and they will start construction on those as soon as weather permits if they get approval from the Commissioners this evening. The school could either be a K-5 school or a middle school. It definitely will not be a high school. Depending on how the enrollment goes, it would be possible to close Plaza and turn this into a middle school, with Plaza becoming an elementary school. The other alternative, of course, would be to make this elementary school. They have been before Site Review and they have worked with EUTS. They have gotten 10 yes votes from APC with one abstention and six (6) yes votes from the BZA with one abstention. Bus and pedestrian traffic is not getting back in the area to mix with delivery trucks, etc. Bus traffic will come in, pick up and roll right back out. In response to query from Commissioner Borries, Mr. Miller said probably the next step would be to go out and shoot grades. This is kind of a high area and they would establish some grades -- because what they would want to do is put these fields in, in such a way that they won't have to go in and disturb them. They don't want to construct these things and then have to go back and tear them up again -- because you have to go through a fairly lengthy process to get a good playing field. A lot of people don't realize that -- but it isn't something that happens over night. They want to address the drainage to those fields and shoot some grades on them and, hopefully, they can get those fields established by fall of next year.

Mr. DeLucio said they think it important to note that on the Staff Field Report or the EUTS report that the traffic generated as a result of the school usage is going to be much less significant than the traffic generated as a result of the proposed commercial development and multi-family development. So they don't think it will have a negative impact traffic wise at all. The PUD commercial aspect of this is at 5747 Covert. That is a portion of this property that they are particularly interested in, because it allows them to construct two soccer fields which, as Virgil indicated, are desperately needed. This is tied into the rezoning that is going to follow and he will let Attorney Ted Ziemer speak to that rezoning now.

Attorney Ted Ziemer introduced himself and stated he is representing CHAL Corporation, seeking to rezone property at 6001 Covert Avenue from R-1 to C-2. The property at the southwest corner of Shoshoni and Covert Avenue is presently PUD Commercial. CHAL Corporation is happy to make that property available to the EVSC to serve its soccer field and other needs for the development of this school. But it wants to maintain commercial usage to serve its other PUD residential activities in the area. So it is seeking to rezone this property from R-1 to C-2 and it is trying to insure that the commercial use at the new zoning will be comparable to the PUD Commercial that existed under the 1978 code. Under the 1978 code the PUD Commercial would have been designated Neighbor Commercial and Shopping Center and, as Mr. DeLucio indicated at one point in his presentation, it was contemplated that there would be 30,900 sq. ft. in buildings located on that real estate at the southwest corner of Shoshoni and Covert. So they have filed a Use & Development Commitment, which has limited the C-2 use of this property to eliminate uses which they felt might be particularly objectionable to those living in the area of the proposed rezoning and also, as he said, to make it comparable to the 1978 code PUD Commercial that we now have at the southwest corner. There is a curb cut on the side of the property they are seeking to rezone, there are excel and decel lanes and it is planned that a street would be built along the east side of this property and access then to the newly zoned property would be from that new street. There is property to the west of the property they are seeking to rezone that is residential and they are not asking that that be changed, but the issue regarding that property and access to that property has been raised by the

Plan Commission and while it is not in question since it is not part of any zoning, they have indicated that when that property is sold, they will do everything they can to see that access to that property is available by easement or something from this newly zoned commercial property. What they are essentially doing is trading a C-2 property at the southwest corner of Shoshoni and Covert for another, they hope, C-2 property about 550 ft. east of the other one. He would point out that all of the real estate south and east of the property they are seeking to rezone is owned by the petitioner -- so that when it is developed it can be developed in a way that will go along with the commercial zoning.

Attorney DeLucio asked that those individuals in support of this petition please stand (there were approximately 15 supporters).

President Tuley asked if there are any remonstrators in the audience either for or against this petition. If so, please come forward at this time and identify themselves for the record.

Mr. Andy Ward of 1006 Mohawk Circle asked how many of those supporter who stood live in the subdivision? He lives in the subdivision. He bought a lot in what was zoned PUD. He believes the BZA acted on perhaps a misapprehension and that was that in order for this project to go forward it had to move all that zoning to R-1. He thinks the Commission will note that it needed to do was make a minor change in the PUD which was approved fifteen years ago coincidentally, by one of the petitioners, CHAL Corporation. In all of this, all the Commission needs to do and all the BZA would need to have done is say that a minor change be made to permit the placement of a school. They did not have to change all the zoning. What pertinence that has is that if the School Corporation does not use its Special Use for a school within a year an it ends up reverting to its prior use, he would like to get back what he moved in there with. He'd like to the neighborhood to return to what it was. He doesn't want it to return to something else. For that reason, he also would urge that the rezoning to what is essentially an upzoning down the road for the commercial be denied. It's directly on Covert; there is fairly limited access; there aren't lights between Green River and until you get to the light right at 164. It is a fairly decent roadway when it was extended some eight or nine years ago and it was intended to remain a really nice roadway. Start putting commercial businesses on it and traffic will pick up and accidents will pick up. Mr. Ward said he would also note that for the safety of school children there are no sidewalks anywhere in this development or anywhere along Covert Avenue -- so any children walking in this very heavy traffic area and Shoshoni will become a much heavier traffic area. Their safety is going to be called into some considerable concern.

Ms. Becky Owen of 5345 Kiowa Circle stepped forward and said that her husband and herself have four children and they are very much in favor of this plan. They not only support the idea of a school being in the neighborhood versus what they could possibly have placed in this area, but she also is very familiar with the need for the school and the playing fields.

Sally Becker, President of the Harrison High School Booster Group. She said she just wants to reinforce the desperate need the high school has for additional playing fields. She knows the Commissioners are aware the land is landlocked. They have 700 plus student athletes who believe very much in the extra curricular activity that supports their academic performance and they have looked at many other places and at many other sites and very much respect the wishes of the homeowners, but find that this is or best choice and they are showing favorable consideration.

In response to query from Commissioner Borries concerning sidewalks, Mr. Virgil Miller said they will put sidewalks on their property -- he sees no problem with that, unless they get into grades or something that absolutely can't be done. But he doesn't know why they couldn't. But as far as the subdivision itself goes, when the people bought in that subdivision they got a reduced price on their houses because walks weren't there. And he's suggest that maybe the people get together and perhaps put some sidewalks in on their own. So, yes, they will put sidewalks around their property.

Commissioner Hunter asked if there is any conflict of interest -- since two of the Commissioners work for the EVSC?

Attorney Kissinger said he doesn't think there is.

Commissioner Borries said he will concur with the record. He then asked Attorney Kissinger for his opinion.

Attorney Kissinger said, "I was contacted previously in reference to this and, quite frankly, one of the Commissioners indicated some questions had been asked about that situation. I have prepared a memorandum which I has already delivered to each of the Commissioners (copy attached hereto) but, the relevant portions are that based on the question asked about two of the Commissioners being employed by the Evansville-Vanderburgh School Corporation, if there was some impropriety in their voting on a petition filed by one of the departments of their employer. The present situations are:

- 1) A petition for rezoning is not a contract or a purchase.
- 2) Although both Commissioners in question receive a salary from the petitioner in this case, neither will receive any additional income nor will either suffer a pecuniary loss as a result of their votes, and
- 3) Both will continue to receive the same compensation for their services as County Commissioners and as School Corporation employees regardless of how they vote.

It is my opinion that since the vote of the Commissioners does not involve a contract or a purchase and since neither Commissioner has a direct or indirect financial interest in the property sought to be rezoned or whether the property is or is not rezoned, no adverse or pecuniary conflict of interest exist. Therefore, the Commissioners are not required to disqualify themselves from voting on the petition nor is either required to file any additional disclosure of financial interest."

In response to query from Commissioner Borries, President Tuley said the vote in APC was as follows:

VC-18-94	9 affirmative 0 negative	1 abstention
VC-19-94	10 affirmative 0 negative	
VC-20-94	9 affirmative 0 negative	1 abstention

There being no further comments from either the audience or the Commissioners and no further discussion, a motion was entertained.

Commissioner Borries moved that VC-18-94 be approved on Third Reading; seconded by Commissioner Hunter. So ordered.

President Tuley asked for a roll call vote: Commissioner Hunter, yes; Commissioner Borries, yes and Commissioner Tuley, yes. Petition approved.

Motion was made by Commissioner Hunter that VC-19-94 be approved on Third Reading, with a second from Commissioner Borries.

President Tuley asked for roll call vote: Commissioner Hunter, yes; Commissioner Borries, yes; and Commissioner Tuley, yes.  
Petition approved.

Motion made by Commissioner Hunter with a second from Commissioner Borries that VC-20-94 be approved on Third Reading.

President Tuley asked for roll call vote: Commissioner Hunter, yes; Commissioner Borries, yes; and Commissioner Tuley, yes.  
Petition approved.

There being no further business to come before the Board at this time, President Tuley declared the meeting adjourned at 7:45 p.m.

PRESENT:

Patrick Tuley  
Richard J. Borries  
Don L. Hunter  
Cindy Mayo/Chief Deputy Auditor  
Alan M. Kissinger/County Attorney  
Mark Abell/Supt., County Buildings  
Richard E. Mourdock/Commissioner-Elect  
Lynn Ellis/Purchasing  
Ed Bassemier/Bassemier Transportation  
John Stoll/County Engineer  
Bill Morphew/County Highway  
Barbara Cunningham/APC  
Bev Behme/APC  
Ted Ziemer, Jr., Attorney  
Marco DeLucio, Attorney  
Steven Bohleber/Attorney  
Virgil Miller/Eville.-Vanderburgh School Corp.  
Sally Becker/Harrison High School Booster Group  
Becky Owen/Resident  
Andy Ward/Resident  
Others (Unidentified)  
News Media

RECORDING SECRETARY: Joanne A. Matthews

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Patrick Tuley, President

\_\_\_\_\_  
Richard J. Borries, V. President

\_\_\_\_\_  
Don L. Hunter, Member

(Proceedings Taped by Joanne Matthews;  
Transcribed by J. Matthews in  
January, following scheduled vacation  
and scheduled Xmas/New Years/MLK  
holidays; submitted for approval on 1/17/95.)

MINUTES  
COUNTY COMMISSIONERS MEETING  
DECEMBER 27, 1994

I N D E X

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Burdette Park/Approval of 1995 Rate Schedule .....	4
(Purchase of Family Pass extended to May 26, 1995)	
Sub-Lease Agreement between Baseball Properties and Vanderburgh County .....	5
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Oaklynn Subdivision/Street Plans and Items that need to be addressed or changed (Copies of J. Stoll's recommendation letter to the Commissioners and his letter to Chris Weil of Sitecon, Inc. attached hereto)	
Oaklynn Subdivision/Request for Clarification re Sidewalks (Developer would prefer sidewalk on one side only; Matter to be referred to Evlle. School Corporation for their recommendation prior to Commissioners taking action	
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Old Business .....	8
Auditor's Office/Resignation of Sunny Titzer (Approved 5 weeks comp time and sick days accrued thru 12/94; denied request for 1995 vacation because you cannot	

accrue benefits during period of time that other benefit time is being used by employee at end of period of employment from which she has resigned)

County Personnel Policy/Comp Time/Commission to get guidance from Fair Labor Standards Act so, **in the future**, the County can elect **either** to pay or to have the employee take comp time **before** a **specific** amount of time has passed; County **must** follow the law.

New Business .....  
Resignation of Sheriff Hamner/EMA Board (P. Tuley to contact Sheriff tomorrow re representative from the Sheriff's Department on the EMA Board)

Meeting Adjourned @ 7:15 p.m. .... 10

MINUTES  
COUNTY COMMISSIONERS MEETING  
DECEMBER 27, 1994

The Vanderburgh County Board of Commissioners met in session at 5:45 p.m. on Tuesday, December 27, 1994 in the Commissioners Meeting Room with President Pat Tuley presiding.

RE: INTRODUCTIONS, PLEDGE OF ALLEGIANCE & PRESENTATION OF PLAQUE  
TO COMMISSIONER HUNTER

President Tuley called the meeting to order, welcomed the attendees, introduced members of the County Staff (Mark Abell, Supt./County Buildings -- who will occupy the empty chair later, Attorney Alan Kissinger, Commissioner Rick Borries, himself, Commissioner Don Hunter -- attending his last meeting -- and Joanne Matthews, the Official Recording Secretary for the Board) and asked the group to stand for the Pledge of Allegiance.

In continuing, Commissioner Tuley said the Board will deviate from the printed agenda for a moment. He believes Commissioner Borries has something he would like to do at this time.

President Borries said, "I sure do, Mr. President. We had a little mis-communication, so maybe he will be getting a couple -- but from Pat and me, I want to give you just a small token of our admiration, I guess, is really the proper word for what we put as a job well done. From soil conservation to sidewalks, from the County Courts to -- I tell you -- all the craziness that goes on in the life of a Commissioner with the rezonings -- you have handled yourself in just outstanding fashion. Of course, I've known you for a long time, and I think you are professional in what you do. You ask all the questions, you're an advocate for the citizens of Vanderburgh County, you have served in all capacities really -- as a majority and a minority member -- and done an outstanding job in each one. So this is just a small token of what we feel you deserve on behalf of the citizens in Vanderburgh County."

Commissioner Hunter said, "Well, I thank both of you. Do I get to say something now?"

Messrs. Borries and Tuley simultaneously stated, "You get the last word."

Commissioner Hunter continued, "I can honestly say it has been an interesting four years. It's had its ups and it's had its downs. I think particularly the last two years the three of us have proven that you can have three people from two parties and still accomplish a great deal. And I look back over what we did in 1994, what we did in 1993 -- I'm pleased with it. I think the overpass on the west side was a major accomplishment. I think probably something that goes unnoticed was the drainage ordinance that as far as helping the citizens of Evansville and Vanderburgh County, that may be one of the biggest things that has happened -- since a home is probably one of the most expensive things that anyone is ever involved in. I was pleased because the developers and builders all played a key role in this. We had a lot of public meetings and I think we passed an ordinance that everyone feels comfortable with and can live with and I think that in the future it will have a very positive effect on the building industry, in general. Of course, I want to wish my replacement (Richard Mourdock is here) -- Richard, you're on board next week and I want to wish you a lot of luck. Rick, I want to wish you a lot of luck. What a lot of you don't know is, Rick Borries was my student teacher. I started real young. He is a lot older than I am, but he was what was called a late bloomer. I also want to recognize my daughter back here. My wife is a little under the weather tonight and I'm not sure if my daughter is here to make sure that I behave or just what. But anyhow, I wanted to say that my wife has learned over the last four years to be a Commissioner's widow, because it does take a lot of time and there have been a lot of meetings -- particularly every Monday. And as you people well know -- and Rick is -- I think both of your wives have just simply forgotten about you and gone their own way. Anyway, I want to wish everybody the best during the coming year -- 1995 -- and it's been great, folks, thank you."

Commissioner Borries said, "And we hope to keep you involved. As you know, we are always looking for a good people to serve on a wide variety of boards and, as I said, you are indeed a citizens' advocate. You have, I think, worked hard to create a positive climate in this county - one that we oftentimes lose sight of, that we can be proud of, and that we should be proud of. So we're always looking for a few good people and, hopefully, you will stay involved and we intend to keep you that way."

Commissioner Tuley said, "I always defer to the two good teachers. But, Don, it has truly been a joy to work with you the last two years. There was a particular incident that happened the year I was running in which you came to me to talk to me about something you had heard that I supposedly said and you showed me that day that you truly are a gentleman and that you don't jump to conclusions -- and you really do try to put government first and politics second. I admire you for that and respect you and I've enjoyed working with you."

RE: APPROVAL OF MINUTES (DEFERRED)

Commissioner Tuley said the Board will have approval of minutes at a later date due to the holidays and vacation days that were scheduled. He does have a brief memo from the Secretary, and he does remember now that this is something she did discuss with him prior to taking vacation.

Commissioner Tuley asked if there are any individuals/groups present who wish to address the Commission but do not find their particular item of interest on tonight's agenda. There was no response.

RE: ORDINANCE AMENDING CHAPTER 35.49 OF COUNTY CODE OF ORDINANCES/EARLY RETIREMENT PROVISION FOR COUNTY EMPLOYEES

Mr. Dennis Feldhaus of Helfrich Insurance Agency was recognized and said he is the insurance agent of record for Vanderburgh County. He said he appreciates the opportunity to come before the Board this evening. "We have discussed some of these items previously. It is the result of a lot of meetings with the Vanderburgh County Insurance Committee, of which I am the liaison to you. It is the result of discussions with Legal Counsel, the County Attorney, Mr. Kissinger. And what I would like to do this evening is bring a request to the Commissioners for approval of an Ordinance to Amend Chapter 35.49 of the Code of Ordinances of Vanderburgh County. I will now distribute these copies. To try to summarize the Ordinance I'm asking you to approve and vote for this evening, it basically is enacting an early retirement provision for the employees of Vanderburgh County, referencing I.C. 5-10-8-2.6, which requires public entities and public employers to do so and we're amending that and asking that the Commissioners please take action on this and provide this benefit for the employees of Vanderburgh County. If there are any particular questions from the Commissioners I would address them now and/or legal counsel."

Attorney Kissinger said, "I would like briefly to advise the Commissioners that this Ordinance specifically sets out the section of the Indiana Code which requires the County to make these group health insurance benefits available to retired employees. There is some area of discretion that is allowed in the statute but we are required, as of 1986 as a matter of fact, to make these benefits available. This is the first meeting at which this Ordinance has been introduced. Ultimately, we must come into compliance with the law. However, I don't want any of you to feel coerced. We can adopt this Ordinance. The Commissioners can adopt this Ordinance for the county tonight only if the vote is unanimous. If the vote is not unanimous, then there must be at least a second reading at which time a majority vote only will be required to pass it. But it is my feeling that this is long overdue. We have discussed the circumstances under which our previous ordinance was repealed and I think it was just a matter of someone not understanding what our legal duties were under the law at that time -- or that probably would not have happened. And I do recommend that all of the Commissioners give this favorable consideration."

Commissioner Tuley asked, "Alan, just for a point of discussion. Basically this was in effect in prior years and then, for whatever reason, taken out of the Ordinances. And it is a requirement, by law, that we do provide it or make it available?"

Attorney Kissinger replied, "That is correct. And, quite frankly, it is the type of thing that, since we didn't have an Ordinance addressing it, we were inviting a lawsuit from a retired County employee. And I just don't think Vanderburgh County wants the reputation of making employees sue them for benefits to which they are allowed by State law."

Commissioner Borries said, "I guess the one thing, Alan, that this does is cover those employees who were not already covered under a separate agreement -- and what I'm referring to specifically are public safety officers."

Attorney Kissinger said, "Yes. Public Safety Employees -- the group insurance for Public Safety Employees is addressed in a separate statute. The statute regarding regular retired employees does set specific age limits. The statute for the Public Safety Employees does not set those specific age limits and there are other variations on the benefits available to the Public Safety Employees. But this will not affect specifically the Vanderburgh County Sheriff's Department and the Indiana Statute which refers to that, nor our Ordinance which refers to that."

Mr. Feldhaus interjected, "Excuse me, the only other item of discussion would be that with this ordinance there comes a question of finance and I will be more than happy on behalf of the Commissioners, with their approval, to address County Council with this ordinance and to discuss the financial end of that."

Attorney Kissinger said, "It is my understanding from having talked with you previously that the adoption of this Ordinance will not require any additional or emergency appropriation."

Mr. Feldhaus stated, "That is correct."

Commissioner Borries said, "Initially, we are not talking about a large number of people who would opt to select this particular plan -- eligibility wise. It basically talks about a person who is age 55 and has 20 years of service."

Mr. Feldhaus said, "Yes. At present time the non-safety county employees we have right at 18 that would be eligible and we have three that have confirmed their desire to participate at this point in time, with a little feeler we put out to those individuals who would be eligible. The Insurance Committee unanimously requested that this be brought before the Commissioners and be put in force -- and I do that with their backing and in support of their desire. Are there any other questions of the Commissioners?"

President Tuley said, "Although I don't have a problem doing it, it is something that is required to be done."

Mr. Feldhaus said, "The only 'discretionary' that Mr. Kissinger referred to, obviously, is that as long as we are not discriminatory we can be discretionary, which means to what length do we, as an employer, provide that benefit? The law just requires us to be able to have it available and to that extent we want to improve on that and that involves, as I mentioned, going before Council."

Attorney Kissinger said, "Although I think you had some data in reference to private industry that has indicated that the availability of these types of benefits have been a positive financial thing for private industry."

Mr. Feldhaus said, "Yes. I don't have them with me this evening, but all you have to do is read the paper and look at the enticements that private industry is giving for early retirement. Basically the logistics is that you can entice an employee that has the most tenure and highest salary to retire early and you can replace that with a new employee at base salary and then the

salary difference in itself will be far more than adequate to pay the benefit that you offer. The bottom line is that it is enticing to the county to do so."

Commissioner Tuley entertained a motion. Commissioner Hunter moved (as an almost ex-Commissioner, who is about to become an ex-school teacher June 2nd in the Evansville-Vanderburgh School Corporation, who is taking early retirement) for acceptance of the Ordinance to Amend Chapter 35.49 of the Code of Ordinances of Vanderburgh County. Seconded by Commissioner Borries.

Attorney Kissinger said he would point out that it would be appropriate for the Commission to take a roll call vote for the record.

Commissioner Tuley asked for a roll call vote: Commissioner Hunter, yes; Commissioner Borries, yes; and Commissioner Tuley, yes. Ordinance passed by unanimous affirmative vote. So ordered.

RE: BURDETTE PARK - APPROVAL OF 1995 RATE SCHEDULE

President Tuley said he talked with Mark Tuley about this and he believes the pavilion and chalet -- both recommendations are an increase, whereas the family pass is a decrease to attempt to make it financially feasible for more people to be able to obtain the family pass. They recommended all other rental fees remain the same. And this is being done at the request of the Burdette Park Advisory Board, as it has been signed by Jerry Riney, Roy Mabry, and Marion Deig.

Commissioner Borries said he is not real clear on this and maybe if this is reported through the media -- when they're talking about the family pass, does this have to do with the aquatic center?

President Tuley replied, "Yes."

Commissioner Borries continued, "And if they purchase it early between January and May 1st, then they are going to save."

Following other brief discussion, Mr. Hunter asked when Burdette Park normally opens. Commissioner Tuley said, "Memorial Day".

Commissioner Hunter said, "I wonder if we could change that from May 1st to May 15th. Is May 1st a magic number?"

Commissioner Tuley said, "I would say we could do that if we so desire."

Mr. Hunter said, "I think people will wait until the last minute and it seems a shame to have a cut-off date of May 1st. If we could just extend it a couple of more weeks."

Commissioner Tuley said, "I have no problem with changing it to May 15th."

Commissioner Borries said he has no problems with changing it to May 26th, unless that is going to cause 'him' some hardships. It seems to him they may open, again, weather permitting -- you could have a blustery 40 degree day, but if it is 85 degrees and up, they will probably open on Saturday, May 27th, and get that whole weekend-- May 27, May 28 and May 29.

Commissioner Hunter asked why not extend it to May 26th -- that would be even better.

Commissioner Borries said we can call it a pre-season family pass, because this is in front of the season, which opens on May 27th.

Mr. Tuley said he guesses this helps him for planning purposes, to see how many people will

be enticed by that lower price by purchasing earlier. He doesn't think there is anything wrong with leaving it at May 26th.

Motion was made by Commissioner Borries to approve the recommended changes for the 1995 rental season, with the exception of making the pre-season family pass in effect from January 1 to May 26, 1995. Everything else approved, as submitted. Seconded by Commissioner Hunter. So ordered.

RE: SUB-LEASE AGREEMENT BETWEEN BASEBALL PROPERTIES AND VANDERBURGH COUNTY, INDIANA

Attorney Kissinger said that if the Commissioners will recall, Vanderburgh County entered into the lease with the Evansville-Vanderburgh School Corporation at last week's meeting. That agreement was signed by the Commissioners on December 19th and it is his understanding that immediately thereafter it was signed by the appropriate School Corporation parties. We now have the sub-lease agreement. Since the lease agreement has been entered into it is appropriate for us to consider entering into the sub-lease agreement at this time and he believes it is in order. If, in fact, the Commissioners approve the sub-lease agreement, this should be signed at tonight's meeting. It should then be made available to Mr. Thomas Sullivan, the President of Baseball Properties, for his signature.

Motion to approve the sub-lease agreement was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: PIGEON CREEK APPOINTMENT - MIKE HOLMES

Commissioner Tuley asked Mr. Abell if Mike Holmes is the individual from the accounting firm. They were trying to get a local accounting firm to agree to provide them with someone to do the books.

Mr. Abell said, "That sounds familiar. I remember talking to Sara about that, but she spoke to Shirley James, I believe."

Mr. Tuley said, "They were going to provide us with the name of an individual in the company who agreed to do it -- because I am not familiar with that name."

Mr. Abell said he thinks that is what it is.

Since none of the Commissioners seemed to have any documentation regarding this and it was the consensus that this matter should be deferred until they have further clarification.

RE: COUNTY ATTORNEY - ALAN KISSINGER

Attorney Kissinger said his report was spent earlier in the meeting and he has nothing further to report. He stated, "However, I would like to say to Don that it is rare that anyone is remembered for the positive things that they do -- especially in a government job -- and it's only the negative things that you get the phone calls on. But one thing for sure you won't get a phone call on are those people living in subdivisions who say they don't have sidewalks! And I always wondered when I first started here as Attorney for the Commissioners what's this all about. Because I could tell that each time that came up Commissioner Hunter would ask, 'What about sidewalks?' And I thought about that for two years -- and I have to say that that is one of those things that would come up in the future that won't come up now. And I really believe that was a positive idea on your part and I think your insisting on it may have seemed petty to some, but it certainly didn't to me. And I can see the reasoning behind it. And I definitely enjoyed serving with you. I think my first experience with you was when I sued you -- and I didn't know how you took that. Normally, people don't take it well. But you've certainly been a gentleman and a pleasure to work with the two years I've been here and I hope our relationship continues in the future."

Commissioner Hunter expressed his appreciation for Attorney Kissinger's remarks.

RE: SUPERINTENDENT OF COUNTY BUILDINGS - MARK ABELL

Mr. Abell said he has nothing to report.

RE: COUNTY HIGHWAY - FRED HOWARD

Weekly Work Report: Mr. Howard said he is filling in for Mr. Morphew, who had an accident on Christmas Day. His foot is badly bruised. He tried to come in to work this morning, but it didn't work out. Mr. Howard then distributed copies of the written report for period of December 16, 1994 thru December 22, 1994.....report received and filed.

In response to query from Commissioner Tuley, Mr. Howard said this was the first Christmas Day they haven't worked at the County Highway Garage since he's been there and he loved it.

Commissioner Hunter said they have their trucks ready to go, however. They're lined up and ready to roll.

Commissioner Borries noted we're saving dollars with every pretty day.

Mr. Howard said that Mr. Morphew wanted him to tell Mr. Hunter it has been a pleasure working with him -- and he, too, has enjoyed that pleasure.

Commissioner Hunter said the County Garage has come a long way in last four years. They don't have excess oil filters; they don't lose tires; and we got rid of the equipment that qualified for antique auto licenses. He thinks the equipment really looks nice and the guys have it all polished up. It will last a lot longer that way.

Mr. Howard said, "Maintenance is the key."

RE: COUNTY ENGINEER

President Hunter said that County Engineer John Stoll is listed on the agenda and he thinks that is out of habit. John is on vacation and will not be here tonight to give the Commission a report.

It was noted by Commissioner Hunter that Mr. Stoll did submit a letter of recommendation dated December 21, 1994 concerning Oaklyn Subdivision street plans. Commissioner Hunter then proceeded to read the letter. (Copy attached hereto.)

Mr. Hunter also read Mr. Stoll's letter addressed to Chris Weil, Sitecon, consultants working with the developer, concerning the items that need to be addressed or changed. (Copy attached hereto.)

Mr. Chris Weil approached the podium and stated, "We have incorporated into our plans all of the items listed here. Item #1 is in regards to a ditch which lies in an easement owned by SIGECO. Now, we have been in contact with SIGECO -- probably thirty days ago we submitted to them some details about making some improvements on the existing ditch there. As I understand it, it has made it through several channels of approval, but they have yet to get back to us with anything final on that. So that is in progress. Right now the ditch isn't really maintained by SIGECO -- it has kind of meandered a little bit and Mr. Buck is planning in improving that and what we're going to try to do is have SIGECO, once we make these improvements to it, go ahead and maintain it. At least that is what we are going to put to them.

An unidentified individual in the audience stated, "The banks on the ditch right now are steep and almost unattainable and what we propose to do is cut them down to a less steep grade so they can be maintained. It is on SIGECO's property but it enhances a lot of property on Lynch Road that also drains into this ditch and it runs parallel to their utility easement that goes north and then east across Oak Hill Road. It has been through a couple of their channels of approval; it just hasn't been to the final one yet."

Mr. Weil said they have talked with John Stoll on this and he is aware of where they stand on that.

Commissioner Hunter asked, "If you cut it down, will you also do some re-vegetation so it doesn't wash additionally?"

Mr. Weil responded affirmatively, saying that everything will be done with it so the erosion control program is complete.

Commissioner Borries said, "As I mentioned before, I believe Mr. Buck is the kind of developer who will do what he says he will do in his agreement here and certainly his past record justifies approval here."

Mr. Weil said everything else has been implemented, with the exception of this ditch which is on SIGECO's property. But Items #2 thru #5 have been implemented.

Commissioner Borries said if it is on SIGECO's property the Commissioners can't do anything on that. If it's not a legal drain, the Commissioners really couldn't force him to do anything. But if they agree to the other parts, then he is prepared to give approval to the street plans.

Seconded by Commissioner Hunter. So ordered.

Request for Sidewalk/One Side: Mr. Weil said they would like some clarification on the sidewalks. They would like to propose that they go on one side. He doesn't know what the county ordinance is, whether they have to go on both sides of the street or not. Therefore, they would like some clarification as to what the Commissioners would like for them to do. They would like to have them on one side only, but will go by the recommendation of the Commission.

Commissioner Hunter said what we have been doing is letting the Evansville-Vanderburgh School Corporation draw the side they want the sidewalks on and it is working real well. They have a new person down there; they do out there and then make their recommendation. Mr. Charles Johnson is the head -- or Mr. Mike Mentzel. They want their kids to board the school bus on the sidewalk side. They look at the plans and then make a recommendation to the Commissioners.

RE: CONSENT AGENDA

President Tuley said the next item is the Consent Agenda.

Motion was made by Commissioner Borries to approve the Consent Agenda, with a second from Commissioner Hunter. So ordered.

The Consent Items were:

Travel/Education: Health Department (3); paid from their funds.

Employment Changes (attached): Prosecutor/Victims/Witness Assistance Program; Prosecutor/Court Reporter (Other Pay; Circuit Court; and County Clerk

RE: SCHEDULED MEETINGS

It was noted by Commissioner Tuley that a list of scheduled meetings is attached to the meeting agenda. On Thursday, December 29th, there is a 3:30 p.m. County Council Special Meeting and a Personnel/Finance Meeting. The Commissioners will not meet on Monday, January 2nd (County Holiday) but will meet on Tuesday, January 3rd, at 4:00 p.m. in Executive Session, followed by the regular Commission Meeting at 5:30 p.m. County Council will also have a meeting on Wednesday of next week.

RE: OLD BUSINESS

President Tuley stated, "I think that after last week there needs to be some clarification with regard to a resignation in the County Auditor's office. I have since talked with Sunny Titzer about the request and I've looked at the Personnel Policy and met with Alan (Kissinger). Sunny is not requesting any more than what she has earned in terms of compensatory time or time that has been built up over her employment in the Auditor's office and I think, basically, then we just need to determine (and I don't have the original letter she submitted with me) - but I've talked with her Supervisor, Cindy Mayo, who says that she has been very careful to document overtime hours; she has been careful to document time when Sunny has not been on the job taking that time, and she states for the record that the compensatory time being claimed is accurate; it is earned. I have checked with the Board of Accounts. Cindy has already talked with Mr. Tom Simpson, who said if there is documentation (which Cindy told him there is documentation), he sees no reason for us not to accept it. It is Sunny and/or her Supervisor, if someone wants to dispute the amount of time. Then that would be dealt with accordingly at that time if, for some reason, it was proven. I have no doubts in my mind. I've known Sunny and Cindy both a long time and I have no doubts in my mind that if they said they worked that overtime, they worked it.

With regard to '95 benefits, I've talked to Alan, like I said, and even though our policy currently in existence is a little vague, I think it is clear enough to understand that '95 vacation days are not earned as of January 1 and are not claimable as of January 1."

Attorney Kissinger stated, "That is correct. Vacation days accumulate under the present policy on basically a monthly basis, depending on how long you have been employed. Those vacation days accumulate per month and you cannot prospectively claim vacation time. You cannot accumulate vacation time when you are taking time off at the end of a period of employment from which you have resigned. Although Mrs. Titzer gave totally appropriate notice as to her resignation and it was within the required two week period of time, no vacation benefits will accrue during the period of time that other benefit time is being used up by the employee. And you cannot accumulate vacation time prospectively merely because you have passed into another year. You must have earned that time before it can be credited and you earn that time by working from month to month."

Commissioner Tuley said, "Okay. So I think at this time -- and I don't know the exact number of days credit Mrs. Titzer has coming to her, other than to say she should be entitled (and this is just my opinion) -- but she should be entitled to anything she has accrued through December 31, 1994 in terms of comp time or sick days or whatever she has built up over the years."

Attorney Kissinger interjected, "Yes. Yes."

Mr. Tuley continued, "The only thing that would be adjusted downward would be any time claimed for '95 vacation or whatever."

Attorney Kissinger stated, "Correct."

Commissioner Hunter said, "It is my understanding that the comp time is not just 1994, but built up over a period of....."

Mr. Tuley said, "No, I think that was part of the problem. There were some people who were

under the assumption that the comp time was being claimed for the period she filled in as Secretary to the Council through the Auditor's office. And several people sitting in here are well aware of the fact that Sunny was the Drainage Board Secretary for a year and a half. And in a situation like this where someone leaves office, it does make it difficult for the current officeholder or the incoming officeholder to fill the position. So somehow, through this new Personnel Policy, we are going to have to tighten up whatever, you know, by whatever legal means we have available to us -- tighten up when that comp time can or has to be taken. I think that is part of the problem we have here. It's a position that she's leaving but can't be filled for several weeks now. In some offices they make them take it. And, in all fairness, in some offices you can do that. In other offices, maybe because of some of the seasonality, maybe you just can't make them take it. If they earn it in December, it would be a little hard to make them take it at the end of December when that is when they are working overtime to begin with. So I think we need to find some way -- through the new Personnel Policy -- to address that issue and tighten it up somehow."

Commissioner Borries stated, "I would certainly agree. I don't think there has ever been any intent not to provide the persons who have worked and who are entitled to what is known as 'comp time' to receive that, if it has been performed. Where we are getting into a situation is, if we have different offices interpreting all of this in a different way, it really causes, I think, a lot of confusion and, in certain cases, depending upon the office, some real shorthanded personnel problems. And, again, you always have to make this little caveat here that law enforcement is certainly a different animal, because they work on a shift that is 24 hours a day seven days a week and it has been well documented with the difficulties of what they do. But when you consider employees who basically are on the job in a 8:00 a.m. to 4:30 p.m. configuration, there are some who if it is for extra work such as attending these meetings or whatever, are entitled to compensatory time. We all need to be on the same page. In this animal of County government it appears that we are not always on the same page, so that might be something as we are working on this personnel policy that we really need to look at."

Attorney Kissinger interjected, "We could probably get some guidance from the Fair Labor Standards Act, because it basically dictates to the employer, not the employee. And our responsibilities, as employer, are set out pretty clearly. So in the future we can elect either to pay or to have the employee take the comp time before a specific amount of time has passed. Although that may be a little rough to handle at first, I think once everyone gets in the swing of it they will understand that we've got to pay to play and we have to follow the law and situations such as this will not arise. And this is certainly not Mrs. Titzer's problem, at least to the extent that she hasn't caused it. It's just that, as you say, some offices have administered this policy differently and we do need to have everyone on the same page."

RE: NEW BUSINESS

Resignation of Sheriff Hamner/EMA Board: Commissioner Tuley said he has a letter from the Sheriff of Vanderburgh County addressed to all three Commissioners:

December 22, 1994

'Due to the many pressing matters in the Sheriff's Department I find it necessary to resign as a member of the Emergency Management Advisory Board effective January 1, 1995.

Thanks for having appointed me as a member of that Board and I do appreciate the opportunity to have served in that capacity.

Sincerely,

Ray Hamner

Commissioner Borries asked if there are other members of the Sheriff's Department on that board? He believes it very important that the Sheriff's Department be represented on that board. He asked if the other Commissioners want him to write a letter to that effect to the Sheriff, asking that he appoint a designee in his behalf.

Commissioner Tuley said he will contact him by phone tomorrow and follow up with a letter, if necessary. But he thinks Mr. Borries' point is well taken.

Mr. Tuley entertained further matters of new business to come before the Board. There were none.

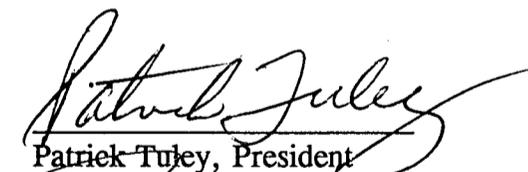
There being no further business to come before the Board, Commissioner Borries said there is a Drainage Board meeting following the Commission Meeting.

President Tuley declared the Commission Meeting adjourned at 7:15 p.m.

PRESENT:

Patrick Tuley  
Richard J. Borries  
Don L. Hunter  
Alan Kissinger/County Attorney  
Mark Abell/Supt., County Buildings  
Dennis Feldhaus/Helfrich Insurance Co.  
Les Shively, Attorney  
Chris Weil, Sitecon  
Richard Mourdock/Citizen  
Fred Howard/County Highway  
Keith Poff  
Sunny Titzer  
Others (Unidentified)  
Steve Burger/WIKY  
Alan Julian/Evansville Courier  
Chris Rickett/Evansville Press

SECRETARY: Joanne A. Matthews

  
Patrick Tuley, President

  
Richard J. Borries, V. President

\_\_\_\_\_  
Don L. Hunter

TRANSCRIPT  
COUNTY COMMISSIONERS MEETING  
JANUARY 3, 1995

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ABC Commission/Curt John (Reappointed)  
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MINUTES  
COUNTY COMMISSIONERS MEETING  
JANUARY 3, 1995

The Vanderburgh County Board of Commissioners met in session at 5:47 p.m. on Tuesday, January 3, 1995 in the Commissioners Hearing room with President Pat Tuley presiding.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley called the meeting to order, welcomed the attendees and introduced the following members of the County Staff:

Cindy Mayo/Supt., County Bldgs.  
Alan M. Kissinger/County Attorney  
Commissioner Rick Borries  
Commissioner Richard Mourdock  
Suzanne Crouch/County Auditor  
Joanne Matthews, Official Recording Secretary

Having introduced himself, President Tuley asked the group to stand for the Pledge of Allegiance.

RE: RE-ORGANIZATION OF THE BOARD OF COMMISSIONERS

Commissioner Tuley stated he does not wish to serve as President during 1995 and would nominate Commissioner Rick Borries as President for 1995. Seconded by Commissioner Mourdock. Mr. Tuley then asked for a roll call vote: Commissioner Mourdock, yes; Commissioner Borries, yes; and Commissioner Tuley, yes. So ordered.

Commissioner Tuley entertained nominations for Vice President.

Commissioner Borries moved that Commissioner Pat Tuley be elected to serve as Vice President for 1995. Seconded by Commissioner Mourdock. Mr. Borries then asked for a roll call vote: Commissioner Mourdock, yes; Commissioner Borries, yes; and Commissioner Tuley, yes.

RE: APPROVAL OF MINUTES

President Tuley said the Board has the minutes from the December 27, 1994 meeting and he would move for approval of said minutes, as engrossed by the County Auditor, and waive reading of same. Seconded by Commissioner Borries. So ordered.

Commissioner Tuley said he would ask that Commissioner Borries, the new Board President, take over at this time.

RE: WELCOME TO NEW OFFICEHOLDERS

President Borries said he certainly wants to extend a welcome to Commissioner Mourdock and Auditor Suzanne Crouch and wishes them all the best. Mrs. Cindy Mayo is the Superintendent of County Buildings and the Commissioners are excited to have each of these individuals aboard and the Commissioners will try to be as brief as they can tonight, noting that if we could just have some term limits on lawsuits, the Board might be able to conduct business a little more expeditiously. Again, he is very pleased to serve with all of the newcomers.

Commissioner Borries asked if there are any individuals/groups in the audience who wish to

speak to the Commission but do not find their particular item of interest on the agenda. There was no response from the audience.

RE: AUDITORIUM/MAINTENANCE CONTRACTS - SANDRA TOTON

Ms. Sandra Toton, Manager/Vanderburgh Auditorium, was recognized and stated that, for the record, she would like to spell her last name which is T-o-t-o-n; sometimes it doesn't come out that way.

In continuing, Ms. Toton said she has presented the Commissioners with the original contracts, which expires at the end of January for their hearing and air conditioning maintenance agreement. On the boilers, the 250 ton chillers and, also, the Johnson Controls contract, which operates the computer network for the chillers, the boilers in heating-cooling the auditorium.

Ms. Toton noted that by renegotiating these contracts with Johnson Controls this year, we've deleted one visit during the term of the contract -- which has saved us about \$80.00 per month. The reason we can do that is because of the Auditorium maintenance person being very much in tune to the system, itself. Last year they had Schmitt Heating & Air Conditioning Service -- their chillers -- they asked them for another bid for this new contract year and came in extremely high due to the age of the chillers. They asked them to re-bid it with different stipulations within the contract, with the Auditorium furnishing the first compressor -- when, and if, it goes out. And that is what the Commissioners will see in reading this contract -- that we are responsible for the first compressor. Under those terms, Shekell still came in very low on it. As a matter of fact, we're looking at about \$120.00 per month less than even last year's contract. So for the two contracts, we're paying about \$200.00 less, which almost pays for the Shekell contract per month. In response to query from Commissioner Mourdock, Ms. Toton explained the main switching components for the computer system. That whole system has been in place now for about seven years. On a year basis -- each visit they update the programs and correct any little flaws, etc., in the system.

Commissioner Mourdock said he sees this is negotiated on a monthly basis. Would the county get any discount if we paid this on a lump sum basis?

Ms. Toton said that is a good question. As manager, she doesn't know that she would be satisfied with that -- paying in advance. When you get into a monthly thing you sort of have a control over making sure that they show up and they do the jobs. The way it is set up right now, they have to report to her office when they enter the building and give her a work sheet of what they've done and how many hours they spent -- and then signed off by the technician, so she'll know they were there. We had a contract with another company on a different type of service and she requested that procedure from them, which they slipped up for about three months and didn't do it which, to her, meant she did not owe them three months payments. So we ended up getting a nice credit for the end of the year. So that is sort of a way she can control those guys when they come in.

Commissioner Tuley asked County Auditor Crouch if monthly visits are required or whatever, do we get into trouble if we pay them prior to services being rendered? He emphasized he doesn't want to put her on the spot, it's a touchy situation -- but, as Auditor, he doesn't want to ignore her either.

Ms. Crouch responded, "I wouldn't know -- but wouldn't that be in the contract? If that was stipulated, wouldn't they have to honor that?"

Mr. Tuley replied, "I would think so; but the county gets into the situation where, i government, you are paying for services in advance of receiving the services -- and you just can't do that."

Ms. Toton stated, "On the monthly visit, they send me an invoice after the visit -- then it is sent through the system for payment. So they're not paid up front, which would be the situation if we paid them all at once."

Mr. Tuley said, "It sounds like a good way to get a discount, but we may have a legal problem. And Alan is not here."

Commissioner Borries asked if Ms. Toton's recommendation is to stay with these two vendors at this point.

Ms. Toton replied, "Right. Apparently, Shekell had several contracts in past years."

Mr. Borries said, "Right. They've not always had it, but apparently they are very competitive this time."

Ms. Toton said, "Yes. And I think they are the service reps for the Carrier chillers -- even Schmitt did do an excellent job. When you compare apples to apples, I think it important that we go with the dollars that make sense."

Attorney Kissinger returned to the meeting and Commissioner Tuley asked him if we were to pay the service contractors up front if we would be eligible for a discount -- and the question he asked was that if it requires any monthly visitation, can we do that -- by paying for services that actually are in advance of when they are performed?

Attorney Kissinger replied, "Yes, we can -- if we have a contract which states specifically what the services are supposed to include."

Mr. Tuley said, "So we wouldn't be breaking the law. But the only thing, as Sandy noted, that is the one way for us to exercise control over them without having to go to court."

Ms. Toton stated, "And there may be some repairs for changes in the computer programs, whatever -- that are generically spoken about in the contracts, but are not spelled out in detail."

Commissioner Tuley said that based upon the recommendation of Ms. Toton, he would move to approve the Johnson Controls contract for 1995, as presented. Seconded by Commissioner Mourdock. So ordered.

Commissioner Tuley then moved that in accordance with the recommendation of Ms. Toton that the contract with J. E. Shekell, Inc. for 1995 be approved, as presented. Seconded by Commissioner Mourdock. So ordered. (Ms. Toton asked the Commissioners to be certain she gets both of the **original** signed contracts back.)

Commissioner Borries said that, for the record, there is an authorized signature on the contract and if members of the Board wish to sign below his name, please do so. He would prefer that other members of the Board sign the contracts, as well.

Ms. Toton said that she will make sure that whoever we go with next year that they have three (3) lines for signatures on the contracts.

Bookings: Commissioner Borries asked if the 1995 bookings look pretty strong.

Ms. Toton said that January is quiet, which it normally is. But they should have a banner year again in 1995. They have a lot of repeat business and new business coming in. She believes the Auditorium side will be used a little more for concerts, country singers, etc.

Commissioner Borries said he hopes we can make this year of the Auditorium in a lot of ways. So that would be a goal he would like for the Board to consider -- to do some work and move forward over there.

Commissioner Tuley said he knows the Auditorium just closed their books -- but normally Ms. Toton gives a report on how everything was in either January or February.

Ms. Toton said it will probably be the end of January -- as soon as December is closed out by the County and G&S. She knows they are working on the Annual Report right now. But she would think the Commissioners will have a report toward the end of January.1

RE: EUTS - MONTHLY UPDATE/ROSE ZIGENFUS

Ms. Rose Zigenfus, the Director of EUTS was recognized. She stated her name is spelled R-o-s-e, although she does respond to "Rose Z" or "Rose".

Franklin Street Bridge: Ms. Zigenfus said that the Commissioners all know that the construction activities out there have begun.

Ohio Street Bridge: EUTS has requested that INDOT program bridge funds for this project. It's the way we are able to fund the Franklin Street Bridge and we're also looking for Federal money for the Ohio Street Bridge. The 401 Permit has been granted for that project.

USI Interchange: This structure is fully operational at this point. (Mr. Borries interjected that he was through there this past weekend and it really looks great out there. Ms. Zigenfus said she hasn't received any complaints, so she is assuming everything is okay.)

Railroad Projects for Vanderburgh County: Boonville-New Harmony Road construction activities to install automatic signals and gates and crossing surface improvements are complete and have been approved by INDOT through final inspection. Pavement markings will be placed in the spring. That is a requirement of the County and that will be done at that time.

Ms. Zigenfus then entertained questions.

Commissioner Mourdock asked, "You mentioned the 401 Permit has been granted on the Ohio Street Bridge. How long did it take to get that?"

Ms. Zigenfus said she really doesn't know. She doesn't know when it started, so she doesn't know how long it took.

Commissioner Mourdock said he never ceases to be amazed at the length of time it takes to get something from the Corps of Engineers, so.....

Report on the Boonville-New Harmony Road Intersection: Ms. Zigenfus said the Commissioners had asked EUTS to look at this intersection. What they've done is get some approach counts and traffic counts of all four approaches and, in looking at that, approximately 2,495 vehicles per day approach the intersection on Boonville-New Harmony Road with 1,345 eastbound and 1,150 westbound and approximately 2,400 vehicles approach that intersection on Green River Rd. (1,515 northbound, 885 southbound). The Vanderburgh County Sheriff's Department information shows that there were four reported accidents at this intersection in 1994 (see attached accident summary). Because there were only four, it is hard to find a trend or a specific cause -- but what we're suggesting is that maybe some of these things we've listed here might help to alert the motorists and we're looking possibly at rumble strips and that they could be installed on Boonville-New Harmony Rd. on the approaches to alert the driver -- much like what appear on Highway 41. Maybe a flashing light beacon could be installed in conjunction with the stop ahead sign. Perhaps a flashing intersection control beacon -- and they're used where traffic control signals are not justified and there is not enough traffic at that intersection to warrant a traffic signal. And maybe install some roadway illumination just to light the intersection. Although all four accidents occurred during the day, lighting wouldn't have prevented those, but it would just make it a lot safer in the evening. It's pretty dark in that area. So those are some things they thought the Commissioners might wish to consider as they proceed.

In response to query from Commissioner Borries, Ms. Zigenfus said someone on Boonville-New Harmony ran the stop sign at Green River Rd. The second -- failure to yield right-of-way.

Mr. Borries said that in other words, every accident listed has been a failure along Boonville-New Harmony Rd. and not on Green River Rd. Is that correct?"

Ms. Zigenfus said that is correct. Failure to yield right-of-way through the highway; and disregard for the regulatory sign. Yes. Because there is no control sign on Green River.

Mr. Borries said, "It was not any high speeds on Green River Rd. at this point, then?"

Ms. Zigenfus confirmed this is correct, according to the police summary and what the police accident records showed.

Commissioner Mourdock noted we had a fatality out there (November 18th) and, obviously, people are looking to get something done in a short period of time. What does Ms. Zigenfus see as a time frame for getting a decision made to say this is what we want?

Ms. Zigenfus said that it is up to the County Commissioners, the County Engineer, to make that decision.

Commissioner Mourdock said that perhaps John Stoll, the County Engineer, would want to jump into the discussion at this point.

Mr. Stoll said he has talked with some people on Ms. Zigenfus' staff about it, but he hasn't received a copy of the study yet. He will get some standard design details on the flashing yellow lights attached to the warning signs and try to get some details on the actual installation of the rumble strips. They looked through the traffic standard details they received in the past month and they were not included; so they are trying to find out exactly what is required when they put those down -- since they've never been involved in rumble strips or flashing lights before.

Commissioner Mourdock asked, "If they're not included in their standards, does that prohibit you from putting them out there then?"

Mr. Stoll said they have a set of standard drawings that are included for any one of their projects -- and they weren't in there. But he is assuming they've got some sort of standards they have used in the past -- such as the flashing yellow lights out there at Boonville-New Harmony and U. S. Highway 41. So it may be something that is too new to be included in that set of standard drawings they sent down to us. So that is kind of where we are on that right now. One of the people on his staff checked with INDOT last week and they have not yet heard anything back from them. But if they strike out there, they will check elsewhere to see what it takes. That way they can get a good idea of what either of those options cost.

Commissioner Tuley said that in looking at these recommendations, it would seem a good idea that these rumble strips would be the most logical, because if they get used to driving down the road and they disregard the beacon because there is no traffic there, it is going to be hard to disregard that rumble strip, no matter how much they are not paying attention.

Mr. Stoll said that is one thing they need to find out, too, because of the thickness of the rumble strips since they've never installed them anywhere. He's not seen any specifications on that -- so that is really what they need to find out.

Commissioner Tuley suggested Mr. Stoll bring that information back to the Board as soon as he gets it. With regard to snow removal, etc., they won't know what effect they will have until they have information as to height, distance between and all of that stuff.

Mr. Morphew offered comments -- but they were inaudible because he was speaking from the audience and not at the microphone.

Mr. Stoll said judging from the installations on Highway 41, he is assuming that is the way it

is done. That intersection needs to be striped anyway, so they might be able to do it all at once. But there are temperature restrictions on all of that so it might be March before we could meet those guidelines in terms of installation.

Commissioner Mourdock said he guesses he has a personal interest. He was coming through there a couple of weeks ago and he doesn't know what there is about that road coming from east to west, but as you come around Boonville-New Harmony it is a very wide road. He was driving along and thinking of business and while he hates to admit this, he almost ran through that light -- and he's been through there a hundred times. So he thinks we definitely need some rumble strips or something.

Commissioner Borries said he would go for that.

Boonville-New Harmony & S. R. 57 Intersection: Ms. Zigenfus said that last month the Commissioners wanted to know what was going on out at this intersection. The information she has is that there was a request -- the deficiency request was for the installation of a traffic signal but, according to the field investigation through INDOT and a physical field observation, there wasn't enough traffic to warrant a traffic signal and it didn't meet those warrants. What they are looking to do is construct a right turn lane for northbound traffic and they can get that on the basis of the volume warrant for a right turn lane on S. R. 57 at Boonville-New Harmony Rd. The observation of the physical evidence shows heavy skid markings and 20% of the traffic volume northbound to eastbound.

There are no primary or supplementary warrants met for traffic signals, so that is really their only recourse to try to improve the geometric of the intersection and get that traffic through there. They don't give her any information as far as how long that right turn would be -- the decel lane would be -- or any of that. Just that the recommendation is being forwarded to the District Development Department. So they are still looking at that.

President Borries said he appreciates this report. He read in a free lance column that his whole theme was that we don't plan; there are all of these barricades. No, we did not plan to have the Waterworks Rd. cave in. I can certainly answer his comment there. That was not planned. And we did complete that project in 114 days and with John Stoll's leadership. Although there were three business that -- frankly, I think we did remarkably well. The other thrust of this article was that it said we did not have a plan. Well, we do have a plan -- so if there are ways in which we can work together to communicate what this plan is and how we go with this plan and what we do with it -- I'd appreciate any suggestions from you and also from this Board. Because we do plan and every citizen needs to know more about it. We do have a lot of barricades. But, frankly, you have to do a lot of work in the summer. You can't do it when the snow is sliding in the winter. So, again, he guesses he is thick-skinned enough not to worry about all of that and understand that all comes as a part of the game. But the reality of it is that the help Ms. Zigenfus can provide by reporting to this Board certainly drives home the aspect to the public, to the people, that we do have a plan and we do try to stick with. And eve Lynch Rd., which has been on the plan since the early 1980's or earlier is now finally becoming reality. But in order to have a plan it also cost a lot of money to pay for that plan and implement it.

Ms. Zigenfus said she appreciates the comments and thinks it is important, too, that the plan as required by Federal Highway Administration and the IST regulations require that that plan be fiscally constrained. So while a lot of people (and she, too) would like to see interchanges at other locations, but it just not fiscally possible, because there is not enough money to do it. She thinks we need to communicate that to the public, as well.

Commissioner Borries said, "I know now that your IST money, particularly in terms of the Greenway, there could be some changes to that plan or at least some quicker implementation to it. So maybe if she could give the Board an update as to how that can transpire, he would appreciate it. There is some good news there that there is going to be some money available - and how we could move forward on that would be good."

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RE: COUNTY ATTORNEY - ALAN KISSINGER

Resolution re Purchase of Certain Real Estate: Attorney Kissinger said that as the Commissioners will recall, this was addressed previously. This is the real estate that is being purchased for the purpose of providing ingress and egress to the Azteca property. John Stoll and Bernardin-Lochmueller have provided us with a legal description and a drawing of the property itself. The County Council has passed their required Resolution indicating that Vanderburgh County does have an interest in the purchase of this real estate. This resolution is basically for the purpose of having the County Commissioners, pursuant to statute, appoint two appraisers to appraise this real estate. And then, report back to the Commissioners, so we can purchase the real estate for no more than the average for the two appraisals. This Resolution is being introduced for the first time tonight. But he would inform the Commissioners that since there are no penalty or forfeiture provisions -- if there is a unanimous vote to adopt the Resolution, then it can be done tonight. Quite frankly, he recommends the Commissioners give favorable consideration to voting on this tonight and if they have question he can answer in assisting them in making a favorable vote, he will be glad to answer them.

Commissioner Tuley said this is for purposes of tying that thing all together, so we can get the project done without any delays or complications.

Attorney Kissinger stated, "Yes. And it is also based on professional opinions that we need to do a considerable amount of work there in order to make a safe ingress and egress space -- because we do anticipate additional traffic, etc."

Mr. Tuley noted, "So all we're doing is improving that intersection."

Mr. Stoll said the original alignment intersected Baseline Rd. about 200 ft. west of Highway 41 and due to all the truck traffic that is anticipated out there, the alignment of the frontage road was shifted farther to the west, where we'd intersect about 55 ft

RE: SUPERINTENDENT OF COUNTY BUILDINGS - CINDY MAYO

Complaint re Drainage Plan: Ms. Mayo said she just has a couple of short items. Mr. Richard Howell came into the office today and she realizes that if this comes up it will come up under the Drainage Board, but she told him she would make the Commissioners aware of the fact that a portion of the drainage plan at Copperfield Subdivision Section II was not followed -- or he felt it was not followed. She sent him down to Bill Jeffers, so that might come up at a later date.

Claim: It was noted Ms. Mayo has a claim from the Southwest Indiana Mental Health Foundation for the First Quarter of 1995 for services at Hillcrest Washington. B. J. Ferrell wanted her to verify that the Commissioners do want that paid just for the month of January. A letter is attached from Alan Kissinger to Mr. Evans that we would be paying on a month-to-month basis.

Attorney Kissinger said we are in the process of hopefully re-entering that contract and he has notified Jerry Evans. Based on the approval of the Commissioners at an open meeting that their contract would be continued on a month-to-month basis until such time as we have had an opportunity to enter into another contract.

Commissioner Tuley moved that the claim be adjusted down to include only the month of January. He said Ms. Mayo should call them, as well, to let them know that we are changing those figures.

Attorney Kissinger said that when he talked to Jerry Evans about this, he indicated that they would be happy to oblige us. And, quite frankly, what we were looking for bidding on this contract -- to try to make a determination why we engaged in competitive bidding the last time. Quite frankly, based on the performance of this corporation, he thinks that he would probably recommend to the Commissioners that we continue with the present contract. But if we are required to bid, which he is still trying to make a determination, then obviously we have told them we would invite them to bid and give them as much advance notice as possible in consideration of their interest in continuing the contract. How long it will take him to do this, he may have an answer tomorrow; he may have an answer next week -- but he hopes to do it very soon, because he knows the Commissioners do not like to continue these contracts on a month-to-month basis.

Commissioner Borries said he does serve on the Mental Health Board and also on the Mental Health Foundation Board, which administers the Hillcrest-Washington Children's Home. Just for the benefit of this board, he can give a very brief history as to why there was a rather dramatic change in the whole operation of that facility about 1986 or 1987. The reason for that was that changing standards in regards to care for children in the State of Indiana put that facility into a situation wherein the Board at that time felt that if you could secure a professional operation; in effect, he guesses it's a form of privatization -- but if you look at the number of trade personnel who deal with children in a trained way (either through the School Corporation or the Mental Health Association). At the time there were other groups that expressed interest. There were some who didn't deal with girls. That would have caused somewhat of a problem, since there are both boys and girls at the facility -- and that is how they were chosen at that time to run the facility. He doesn't want to prejudice this Board, but he must say that if we have to bid it, we bid it. But they have done an outstanding job and he thinks they are interested in doing it in the future. But that is what we have to determine.

Commissioner Mourdock said his recollection is that there wasn't any provision in the current contract for an extension. But there is no real negotiation going on as far as a great difference.

Mr. Borries said it has already been extended one time. We extended it for two years. What they did, through the Foundation, was to make certain capital improvements and they paid a certain amount of money back to the county which the county had never really received before - - when we had our own employees, staff an everything else running that place. So it's a

dramatically different operation. The contract has been extended once and he guesses the question is can we extend it again.

RE: COUNTY ATTORNEY - ALAN KISSINGER

Attorney Kissinger noted he has nothing further to report.

RE: COUNTY HIGHWAY - BILL MORPHEW

Weekly Work Report: Mr. Morpew submitted the Weekly Work Report for period of December 23, 1995 thru December 29, 1994.....report received and filed.

Mr. Morpew noted there is a minor mistake on the report. Monday was a holiday and the following Friday was a holiday. The days worked were Tuesday, Wednesday and Thursday.

Mr. Borries entertained questions of Mr. Morpew.

Commissioner Tuley noted we survived the year 1994. Now that we have new money, he assumes in case it snows.....

Mr. Morpew interjected, "We're ready. Possibly tonight."

Mr. Tuley said he thinks they talked this morning about the possibility of less than an inch of snow.

Mr. Morpew said what he thinks will happen is -- if it freezes on the bridges tonight they'll probably have to get them. But that might be it.

RE: COUNTY ENGINEER - JOHN STOLL

President Borries welcomed Mr. Stoll, who has been on vacation.

Boonville-New Harmony Green River Rd.: President Borries said that if Mr. Stoll will consider what we can on the Boonville-New Harmony -Green River Rd. area, that would certainly be one we want to monitor.

Mr. Stoll said he talked to Tom Goodman about that earlier today. He hasn't received any response from anybody at INDOT yet. But once we do we can get some idea of what the cost would be, the time frames, etc.

Browning Road (hole): Mr. Borries said a gentleman (Marsch VanDussen) walking out of the Levee Board Meeting this morning told him there is a big hole on Browning Road near where he lives. This is probably more in Bill Morpew's area, however. It's not on the road -- so it must be a shoulder problem. He doesn't know his address. But if we could check that, he'd appreciate it.

Auditor Crouch stated that it is just north of Boonville-New Harmony Rd.

RE: CONSENT ITEMS

President Borries entertained a motion for approval of the Consent Agenda.

Motion to approve the Consent Agenda, as printed -- with one exception -- was made by Commissioner Tuley -- that those expenses be taken out of the Commissioners' budget. In all fairness to her, she wouldn't know this -- but because that is apparently a State-called meeting,

those expenses can be charged to unappropriated funds as opposed to the Commissioners' travel budget. He would recommend approval, with it coming out of unappropriated funds. Second from Commissioner Mourdock. So ordered.

Consent Items were:

- A) Travel/Education (County Assessor - 3)
- B) Employment Changes in following departments:

RE: OLD BUSINESS

President Borries entertained matters of Old Business to come before the Board.

Emergency Management Advisory Board/Sheriff: Commissioner Borries said that last week we discussed the Sheriff being on or having his designee on the Emergency Management Advisory Board. He agrees that someone represent the Sheriff's Department. He cannot. Therefore, we're in the process of researching to see if he can appoint a designee.

Commissioner Tuley said he did convey those thoughts to Ray -- so that is what we are trying to do.

Pigeon Creek Greenway Committee/Appointment: Mr. Tuley said that last week the Commissioners had a request to appoint an individual to this committee. Unfortunately, he does not have the individual's name with him. (Ms. Matthews said she believes it was Mike Holmes.) Mr. Tuley said that sounds familiar. Sara Happe checked that out through Shirley James today. He is the accountant with George S. Olive that they have requested we do appoint. They feel it important to have an accountant on the Board for their financial records, etc. If there is a way to clarify his name, he would move that he be appointed as per the request received at last week's meeting.

Ms. Matthews confirmed that discussion re this matter is on Page 5 of the December 27th minutes and the individual's name is listed as Mike Holmes under Item 'F' on the Consent Agenda, attached to last week's minutes.

Seconded by Commissioner Mourdock. So ordered.

RE: NEW BUSINESS

President Borries entertained matters of New Business to come before the Board.

Appointments: Commissioner Tuley said there are several appointments that need to be made tonight. Others can wait, primarily because the Board has had some letters of recommendation and Commissioner Mourdock has not been privy to those until tonight and would like some input. Other appointments cannot wait, such as Area Plan -- which has a meeting tomorrow night.

President Borries said he believes those appointments on which we have enough information should be made tonight.

Area Plan Commission: Mr. Tuley indicated he would be more than willing to serve on this Board. Motion to appoint Mr. Tuley was made by Commissioner Mourdock, with a second from Commissioner Borries. So ordered.

EUTS Board: Mr. Tuley moved that Commissioner Mourdock be appointed to serve on the EUTS Board. Seconded by Commissioner Borries. So ordered.

E.A.R.C. Board: Commissioner Borries said he served on this Board last year as the

Commission representative and would be happy to do so again, unless someone else wants to do that. Mr. Tuley said he has already served on that Board and would be willing to do so again. But if Mr. Borries is willing to serve again, he would move that he be appointed to serve. Seconded by Commissioner Mourdock. So ordered.

Board of Zoning Appeals: President Borries said a person who has served on the Board of Zoning Appeals and would be willing to serve again is Mr. Jeff Hatfield. Commissioner Tuley said he talked to Jeff -- and that is a tough job. But, for whatever reason, he seems to enjoy it and would be willing to serve. Therefore, he would move Mr. Jeff Hatfield be reappointed to the BZA. Seconded by Commissioner Mourdock. So ordered.

ABC Commission: President Borries said we do have a member of the ABC Commission who has indicated a willingness to serve again, that being Mr. Curt John. Commissioner Tuley said Curt John has done a good job, having been a lawyer and worked as County Auditor. If appointed again, he has agreed to serve. He would move for the reappointment of Mr. Curt John to the ABC Board. Seconded by Commissioner Mourdock. So ordered.

President Borries said he believes this concludes the appointments that need to be made at this time.

Veteran's Service Officer/Notice of Appointment: Commissioner Borries said he believes the President of the Board of Commissioners and the Auditor need to sign this State form. This simply states that the current Veteran's Service Officer, Mark Acker, is serving in that capacity.

Motion to reappoint Mr. Mark Acker as Veteran's Service Officer was made by Commissioner Tuley and seconded by Commissioner Mourdock. So ordered.

President Borries entertained further matters of New Business to come before the Board. There being none, he said that he again wants to welcome Commissioner Mourdock aboard. His wish to everyone for 1995 is to have a meeting that is as short as this one. (He humorously noted that even the media is clapping on that one!)

There being no further business to come before the Board, he entertained a motion for adjournment.

RE: RESOLUTION RE COMMISSION MEETING DATES

Commissioner Tuley said Joanne Matthews has just reminded him that the Board has a Resolution to adopt in terms of the meeting dates/times for the Board in 1995.

President Borries apologized and noted he does have that in his meeting file. There is no change in the meeting time, etc. However, the Resolution reads:

\* \* \* \*

RESOLUTION  
RE  
BOARD OF COMMISSIONERS MEETING DATES  
1995

IN ACCORDANCE with Indiana Code 36-2-2-6, as amended by Acts 1982, P.L. 17, Section 8, is amended in Section 6, in that the Executive shall hold a regular meeting at least once a month and at other times as needed to conduct all necessary business and dates of regular meetings shall be established by resolution at the first meeting in January of each year.

NOW THEREFORE, let it be known that the meetings of the Vanderburgh County Board of Commissioners shall be held on the first, second, third, fourth and fifth Monday of each

month at 5:30 p.m.

REZONING PETITIONS will be heard on the third Monday of each month beginning at 7:00 p.m.

If a holiday falls on Monday, then the meeting will be held on the following business day, unless otherwise stated by the Commissioners in an open meeting.

APPROVED this 3rd day of January, 1995.

BOARD OF COMMISSIONERS OF  
VANDERBURGH COUNTY

Richard J. Borries, President  
Patrick Tuley, Vice President  
Richard E. Mourdock, Member

\* \* \* \*

Motion to approve and sign the Resolution was made by Commissioner Tuley, with a second from Commissioner Mourdock. So ordered.

President Borries said that while not a part of the Resolution, he would think the Solid Waste Management Board would continue to meet on the second Monday at 4:30 p.m.

Commissioner Tuley said he thinks the Solid Waste Board had already adopted that at their last meeting.

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 6:47 p.m.

PRESENT:

Richard J. Borries  
Patrick Tuley  
Richard E. Mourdock  
Suzanne Crouch/Auditor  
Alan M. Kissinger/County Attorney  
Rose Zigenfus, Director/EUTS  
Sandra Toton/Auditorium  
Cindy Mayo, Supt./County Buildings  
John Stoll/County Engineer  
Bill Morphew/County Highway Supt.  
Jack Waldroup/United Consulting Engineering  
William Flutey/Chief Deputy Auditor  
Others (Unidentified)  
News Media  
Chris Rickett/Evansville Press  
Alan Julian/Evansville Courier  
Steve Burger/WIKY  
Charlie Sininger/WFIE

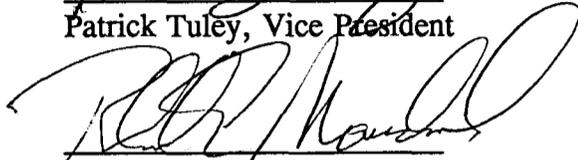
SECRETARY: Joanne A. Matthews



Richard J. Borries  
Richard J. Borries, President



Patrick Tuley  
Patrick Tuley, Vice President



Richard E. Mourdock  
Richard E. Mourdock, Member



BOARD of  
COMMISSIONERS  
of the County of Vanderburgh

RICHARD J. BORRIES  
RICHARD E. MOURDOCK  
PATRICK TULEY

AGENDA

VANDERBURGH COUNTY COMMISSIONERS  
JANUARY 3, 1995

5:30 P.M.

**FINAL**

1. CALL TO ORDER — *5:47 P.M.*
2. INTRODUCTIONS
3. PLEDGE OF ALLEGIANCE
4. ACTION ITEMS

\*\*\*\*ELECTION OF 1995 OFFICERS\*\*\*\*

- A. Approval of minutes — *12/27/94 — PT/RS*
- B. Any group-individual wishing to address the commission — *None*
- C. Sandra Toton/General Manager, Auditorium  
re: Approval of Johnson Control 1995 contract and — *app. J. RS*  
approval of J.E. Shekell, Inc. 1995 contract — *"*
- Rose* D. Roze Zigenfus, EUTS Director  
\*monthly update and report

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  
\*County Assessor (3)
- B. Employment Changes (see attached lists)

7. Scheduled Meetings - List attached

8. OLD BUSINESS — *EMA Board*

9. NEW BUSINESS

10. MEETING ADJOURNED — *6:47 P.M.*

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Perry Township Assessor *sh*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1150 1140	Susan M. Kempf	2626 Meadow Lark Ln.	Real Estate/ Transfer Deed	16,557.00	1-1-95

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1150 1140	Susan M. Kempf	2626 Meadow Lark Ln.	Real Estate/ Transfer Deed	16,075.00	1-1-95

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY *Glen Fornatta-Koob* DATE 1-1-95

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Perry Township Assessor *sh*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1140- 1990	Allen L. Wentzel	1925 E. Mulberry	Fieldman	5.00 hourly	1-1-95

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY *Glen Fornatta-Koob* DATE 1-1-95

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department Perry Township Assessor *ad*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1110 1140	Glen Tornatta-Koob	805 Harmony Way	Assessor	29,331.00	1-1-95

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1120 1140	Glen E. Koob	805 Harmony Way	Chief Deputy	27,506.00	1-1-95

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY Glen Tornatta-Koob DATE 1-1-95

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department Perry Township Assessor *ad*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1120 1140	Nancy L. Locke	421 N. Barker Ave	Chief Deputy	26,514.00	1-1-95

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1140 1140	Nancy L. Locke	421 N. Barker Ave	First Deputy	20,344.00	1-1-95

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY Glen Tornatta-Koob DATE 1-1-95

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department VANDERBURGH COUNTY AUDITOR 1020 *re*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1020-1110	SUZANNE CROUCH	12345 BROWNING RD.	COUNTY AUDITOR	42,379.00	01/01/95
1020-1120	WILLIAM J. FLUTY, JR	300 W. EVERGREEN	CHIEF DEPUTY	30,647.00	01/01/95

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1020-1110	SAM HUMPHREY		COUNTY AUDITOR	41,145.00	12/31/94
1020-1120	CINDY MAYO		CHIEF DEPUTY	29,754.00	12/31/94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY *[Signature]* DATE 1/3/95

## EQUIPMENT MAINTENANCE AGREEMENT

1. Johnson Controls, Inc.: Johnson Controls, Inc., located at 430 E. Sycamore, Evansville, Indiana. Johnson Controls, Inc. (hereinafter referred to as "Johnson") is a corporation which is engaged in the business of servicing, selling, and maintaining equipment and machinery.
2. Vanderburgh County: Vanderburgh County is the local governmental entity which owns and operates the Vanderburgh County Auditorium located at 715 Locust, Evansville, Indiana.
3. Service and Materials: Johnson is to provide labor, material, and parts for the maintenance of the DSC-8500 system which is located and operated in the Vanderburgh County Auditorium. The labor, material, and parts provided by Johnson shall include the following:
  - A. Johnson shall examine, adjust, clean, calibrate, and perform all recommended maintenance tasks necessary for the operation and functioning of the DSC-8500 system;
  - B. Johnson shall perform a scheduled service visit once per quarter for a total of four (4) scheduled service visits and one (1) floating visit during the contract period of one (1) year. The scheduled service visits shall be performed during the period of 8:00 o'clock a.m. and 5:00 o'clock p.m., Monday through Friday. Repairs shall be made during regular working hours. The Owner may request repairing during overtime hours at no additional charge beyond the \$200.00 which is included in and a part of the total payment, herein described in Paragraph 6;
  - C. Johnson shall be on call to provide repair, labor, and material at no additional cost to Vanderburgh County for the additional items listed below:
    - 1) IBM 6310 CRT located in Manager's office;
    - 2) Esprit printer located in Manager's office;
    - 3) DSC-8500 master and remote FIC's located in Manager's office;
    - 4) Two (2) DSC-8500 remote FIC's located in Mechanical Equipment Mezzanine;
    - 5) MUX cards;

payments. Each monthly payment shall be made by the 30th of each month in the sum of \$319.50 (Three Hundred Nineteen Dollars and 50/100 Cents).

7. Final Agreement: This Contract is intended by Johnson and Vanderburgh County to be a final expression of their agreement. No course of prior dealings between Johnson and Vanderburgh County, and no use of trade shall be relevant to supplement, explain or vary any of the terms set out herein. No representations, understandings or agreements have been made or relied upon other than these specifically set forth herein. This Contract shall inure to the benefit of and be binding upon both Johnson and Vanderburgh County, their legal representatives, successors, and assigns.
8. Law: This Contract shall be governed by the laws of the State of Indiana.
9. Assignment: This Contract can neither be assigned nor performance of the duties hereinunder delegated without the express written consent of Vanderburgh County or its duly authorized agent or agents.
10. Modifications to Contract: Any and all modifications or changes of this agreement must be made in writing with the signature and approval of both Johnson and Vanderburgh County.
11. Indemnification: To the extent caused by the negligence or willful misconduct of Johnson Controls, its agents or employees, Johnson hereby agrees to indemnify and hold Vanderburgh County harmless from and against any liability, expense, damage, action, cause of action, or any other loss of any kind, including but not limited to attorneys fees, with respect to any injuries, death or illness experienced by the employees of Johnson during the performance of any repairs maintenance inspection or service in regards to the DSC-8500 and the other items listed by and included in this Contract, or with respect to any other injury, death or illness or any other person or damage to any property caused by Johnson, its employees or agents.
12. Term: This Contract shall be for a period of one (1) year from February 1, 1995 to January 31, 1996.
13. Notice of Termination: Either party may terminate this agreement by giving thirty (30) days written notice to the other party of this Contract. Such notice shall be deemed properly served if sent by certified mail to the Vanderburgh County Commissioners, City-County Building, 1 Martin Luther King Blvd., Evansville, Indiana 47708 and/or to Johnson Controls, Inc., 430 E. Sycamore, Evansville, Indiana 47713-2776. In the event that such Contract is terminated by either party, Vanderburgh County shall receive pro rated refund of \$319.50 (Three Hundred Nineteen Dollars and 50/100 Cents) per month for each month that Johnson does

THE PEOPLE WHO KNOW!

**J.E. SHEKELL**  
**INC.**

December 8, 1994

Vanderburgh Auditorium  
715 Locust  
Evansville, IN 47708

Attention: Sandra Toton

Proposal #74-1327 (Revision 2)

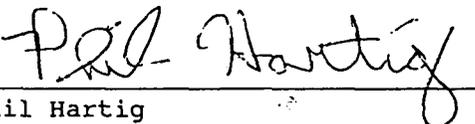
FULL SERVICE EQUIPMENT MAINTENANCE AGREEMENT

1. J.E. Shekell, Inc.: J.E. Shekell, Inc. is located at 424 W. Tennessee St., Evansville, Indiana. J.E. Shekell, Inc. (hereinafter referred to as "Shekell") is a corporation which is engaged in the business of installing, servicing and maintaining HVAC equipment and machinery.
2. Vanderburgh County: Vanderburgh County is the local governmental entity which owns and operates the Vanderburgh County Auditorium located at 715 Locust, Evansville, Indiana.
3. Service: Shekell is to provide labor, material, and parts (except a compressor) for the maintenance of two (2) Carrier 150 ton flotronc chillers located and operated in the Vanderburgh County Auditorium. The labor, material, and parts provided by Shekell shall include but are not limited to the following:
  - A. Shekell shall examine, adjust, lubricate, clean, repair or replace any and all parts necessary for the operation and functioning of the two (2) Carrier 150 ton flotronc chillers.
  - B. Shekell shall service, repair, maintain, inspect and clean the two (2) Carrier 150 ton flotronc chillers every two (2) months for a total of six (6) checks for a period of one (1) year.
  - C. Shekell shall be on call to provide maintenance, service and labor during the interim time between the checks as is required due to an emergency or other situation whereby either one or both of the two (2) Carrier 150 ton flotronc chillers breaks down or fails to preform its necessary function.

REFRIGERATION • AIR CONDITIONING • HEATING • ELECTRICAL • PLUMBING

11. Disclaimer: Vanderburgh County shall not be liable for any injuries or illness experienced by the trained employees of Shekell during the performance of any repairs, maintenance inspections, cleaning or replacement of parts of the two (2) Carrier 150 ton flotronic chillers.
12. Term: This Contract shall be for a period of one (1) year. February 1, 1995 - January 31, 1996.
13. Notice of Termination: Either party may terminate this agreement by giving sixty (60) days written notice to other party of this Contract. Such notice shall be deemed properly served if sent by certified mail to the Vanderburgh County Commissioners, City-County Building, 1 N.W. 11th Ave., Evansville, IN 47712. In the event that such Contract is terminated by either party, Vanderburgh County shall receive a pro-rated refund of Two Hundred Seventy-Seven Dollars & 50 Cents (277.50) per month, for each month that Shekell does not perform under the Contract.

Authorized  
Signature \_\_\_\_\_

  
Phil Hartig  
Service Manager

Acceptance of Proposal:

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be as outlined.

Date of  
Acceptance \_\_\_\_\_

Authorized  
Signature \_\_\_\_\_

PH:dlc

Vanderburgh County Commissioners

Page 2

January 3, 1995

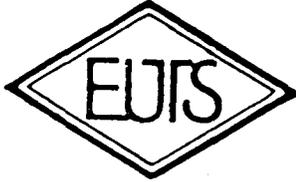
As outlined in the April 2, 1993 memo from County Engineer, John Stoll to the County Commissioners, an evaluation of the intersection determined that the installation of flashing intersection control beacons was not warranted at that time. There have been no significant changes in the conditions at the referenced intersection, therefore, it is doubtful that flashing intersection control beacons would be justified.

Install Roadway Illumination at the intersection to provide increased night-time visibility. Although this will allow motorist to proceed through the intersection with greater safety, comfort and convenience at night, all of the accidents in 1994 occurred during daylight hours and would not have been preventable through the use of intersection illumination.

The above options have been presented for your consideration. Should you require any additional information or assistance, please contact me at 426-5230.

RMZ/PLS/jw

cc: John Stoll, County Engineer  
Jerry Hays, Traffic Superintendent



# EVANSVILLE URBAN TRANSPORTATION STUDY

Civic Center Complex, Room 316, 1 N.W. Martin Luther King, Jr. Blvd. Evansville, IN 47708-1833 (812) 426-5230  
FAX-(812) 426-5399 Hearing Impaired/TDD (812) 426-5483

ROSE M. ZIGENFUS, M.P.A.  
EXECUTIVE DIRECTOR

TO: Rose M. Zigenfus, Executive Director  
FROM: *PLS* Pamela L. Schaeffer, Transportation Engineer  
SUBJECT: December Project Update  
DATE: December 20, 1994

## CITY OF EVANSVILLE PROJECTS:

- \* Fulton Avenue: Several condemnations remain to be settled. The first phase of construction involves the sewer work. The sewers project has been awarded to Blankenberger Bros. Inc. for \$4,789,280. Notice to proceed was issued to Blankenberger on December 6. Notice to proceed for construction engineering was issued to Veach, Nicholson, Griggs & Associates on December 12, 1994. The second phase of the project involves the roadway work. An October, 1995 letting is planned for Phase II.
- \* Green River Road/Virginia Street Intersection: This CMAQ funded intersection improvement project will include an additional left turn lane on Green River Road to provide a northbound double left, an eastbound left turn lane, and the lengthening of the westbound intersection approach lanes on Virginia Street. The grade check plans are 90% complete and will be submitted to INDOT for review. EUTS has initiated the environmental process.

## VANDERBURGH COUNTY PROJECTS:

- \* Franklin Street Bridge: The final tracings for this rehabilitation/improvement project have been approved by INDOT. The project was let on August 16th and awarded to Gohman Asphalt and Construction for approximately \$2,940,000. A preconstruction meeting was held on September 27. Construction activities have begun.
- \* Ohio Street Bridge: Hearing plans were approved by the INDOT Hearings Department and the notice to request a corridor-design public hearing was issued. No requests for a public hearing were received. Design approval has been granted by INDOT. The consultant is preparing the check prints. The DNR permit has been approved. The notice to proceed for right-of-way services has been received and the appraising process has begun. EUTS has requested that INDOT program bridge funds for this project. The 401 permit has been granted.

December Project Update

Page 3

December 20, 1994

VANDEBURGH COUNTY RAILROAD PROJECTS:

\* Boonville-New Harmony (ISRR STP-RRP-7682 (1)): Construction activities to install automatic signals and gates and crossing surface improvements are complete and have been approved by INDOT through final inspection. Pavement markings will be placed in the spring.

\* Indicates Progress

\*\* Indicates New Projects

— Description of Progress

PLS/PB/jw

VANDEBURGH COUNTY BRIDGE CREW  
PROGRESS REPORT  
FRIDAY, DECEMBER 23, 1994 THRU THURSDAY, DECEMBER 29, 1994

FRIDAY, DECEMBER 23, 1994

HOLIDAY

MONDAY, DECEMBER 26, 1994

HOLIDAY

TUESDAY, DECEMBER 27, 1994

Crew #1 - Lay block on pad by gas shack.

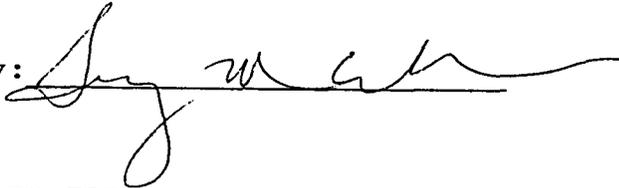
WEDNESDAY, DECEMBER 28, 1994

Crew #1 - lay block at gas pumps.  
Backhoe - worked on Mann Road.

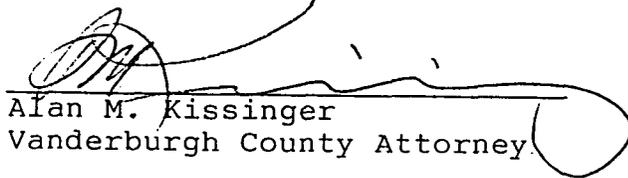
THURSDAY, DECEMBER 29, 1994

Crew #1 - finished laying block at gas shack.

ATTEST: Suzanne Crouch  
Vanderburgh County Auditor

By: 

APPROVED AS TO FORM:

  
Alan M. Kissinger  
Vanderburgh County Attorney

ORDINANCE TO AMEND TITLE VII,  
CHAPTER 72, SCHEDULE V, OF THE  
VANDERBURGH COUNTY, INDIANA,  
CODE OF ORDINANCES

(A) All bridges within Vanderburgh County having a gross weight limit shall be posted with appropriate signs. When signs are erected giving notice thereof, no person shall operate any vehicle having a gross weight which exceeds that specified on any of the following bridges:

<u>ROAD NAME</u>	<u>STREAM CROSSING</u>	<u>GROSS WEIGHT LIMIT (TONS)</u>	<u>BRIDGE NUMBER</u>
BENDER ROAD	MAIDLOW DITCH	15	220
BIXLER ROAD	BIG CREEK	6	230
BOYLE LANE	POND FLAT DITCH	12	260
E. COUNTY LINE ROAD	BLUEGRASS CREEK	5	320
EICKHOFF ROAD	FORK/WOLF CREEK	5	500
FIFTH AVENUE	PIGEON CREEK	14	600
HECKEL ROAD	BLUEGRASS CREEK	4	810
MAASBERG ROAD	BUENTE CREEK	10	1300
MCCUTCHAN ROAD	BRANCH/BLUEGRASS CREEK	5	1340
MT. PLEASANT ROAD	LITTLE PIGEON CREEK	10	1390
OHIO STREET	PIGEON CREEK	15	1520
OLD BOONVILLE HWY.	STOCKFLEITH DITCH	10	1530
OLD HENDERSON ROAD	OHIO RIVER DRAIN	10	1542
OLD HENDERSON ROAD	OHIO RIVER DRAIN	15	1545
OLD STATE ROAD	BRANCH OF LITTLE PIGEON CREEK	15	1582
ST. WENDEL ROAD	MARX CREEK	10	1930
SCHISLER ROAD	SANDERS CREEK	5	1940
SEMINARY ROAD	LOGSDON SLOUGH	8	1961

(B) All gross weight limits on bridges previously listed in this schedule are hereby specifically amended or repealed.

(C) Any person violating the restrictions established in this schedule is subject to a fine not to exceed \$2,500.00.

R E S O L U T I O N  
RE  
BOARD OF COMMISSIONERS MEETING DATES  
1995

IN ACCORDANCE with Indiana Code 36-2-2-6, as amended by Acts 1982, P.L. 17, Section 8, is amended in Section 6, in that the Executive shall hold a regular meeting at least once a month and at other times as needed to conduct all necessary business and dates of regular meetings shall be established by resolution at the first meeting in January of each year.

NOW THEREFORE, let it be known that the meetings of the Vanderburgh County Board of Commissioners shall be held on the first, second, third, fourth and fifth Monday of each month at 5:30 p.m.

REZONING PETITIONS will be heard on the third Monday of each month beginning at 7:00 p.m.

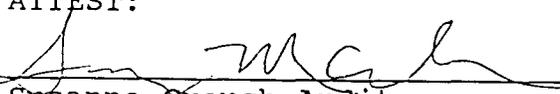
If a holiday falls on Monday, then the meeting will be held on the following business day, unless otherwise stated by the Commissioners in an open meeting.

APPROVED this 3rd day of January, 1995.

BOARD OF COMMISSIONERS OF  
VANDERBURGH COUNTY

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

ATTEST:

  
\_\_\_\_\_  
Suzanne Crouch Auditor  
Vanderburgh County

APPROVED:

\_\_\_\_\_  
Alan M. Kissinger  
County Attorney

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 12-13-94 DEPARTMENT: County Assessor

EMPLOYEE(S): Cheryl Musgrave and two deputies (names unknown  
at present)

DATE(S) OF TRAVEL: January 21 to Jan 25, 1995

DESTINATION: Indianapolis, Indiana

PURPOSE: Annual State Board of Tax Commissioners Conference

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

LODGING REQUIRED: yes

MEANS  
OF  
TRAVEL

COUNTY VEHICLE NUMBER: \_\_\_\_\_

OTHER: Yes

REIMBURSEMENT CLAIMED

<input checked="" type="checkbox"/>	Mileage	<input checked="" type="checkbox"/>	Parking
<input checked="" type="checkbox"/>	Per diem	_____	Registration
_____	Air fare	_____	Other

*Unappropriate  
funds*

APPROVED: \_\_\_\_\_  
Department Head

APPROVED: \_\_\_\_\_  
Office Holder

APPROVED BY:  
VANDERBURGH COUNTY COMMISSIONERS this 3<sup>rd</sup> day of January '95

*Richard J. Borries*

RICHARD J. BORRIES, PRESIDENT

*Patricia Tuhey*  
PATRICIA TUHEY, VICE PRESIDENT

DON L. HUNTER, MEMBER

SIGN-IN SHEET

COUNTY COMMISSIONERS MEETING

DATE: January 3, 1995

Name	Affiliation
Rose Ziegenfuss	
Bill Phelps	
Sandra Toton	Auld.
Bill MORPHEW	VAND. CO HWY. DEPT
Gail Waldron	United Consulting Eng.
William J. Dealy	Auditors' Off
Chris Rickert	Evansville Press
ALAN JULIAN	EVANSVILLE COURIER
Steve Burger	WKY
CHARLIE SIMINGER	WFIE - TV 14

MINUTES  
COUNTY COMMISSIONERS MEETING  
JANUARY 9, 1995

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened @ 5:40 p.m. ....	1
Introductions & Pledge of Allegiance .....	1
Approval of Minutes .....	1
(December 12, 1994 (Secretary was on vacation subsequent (                    to the meeting) (January 3, 1995	
Traffic Summit/West Side Improvement Association .....	1
Kramer Road/Sewer Line/Ms. Jean Carter .....	4
Purchasing/Traffic Paint Bid (Deferred) .....	4
Complaint from Goosetown Neighborhood Association - James Moore re County-Owned Properties at 400 Madison Avenue and 403 Jefferson Avenue .....	5
(C. Mayo to contact Roger Lehman re solicitation of quotes for demolition, etc.)	
Burdette Park/Mark Tuley .....	7
Park Concessions/Bids to be sought on equipment Lease Proposal/Softball Fields/Mike McClarney; to come back to the Board in 1-2 weeks with additional information Go-Karts (M. Tuley to obtain letter from D. Feldhaus and bring back to the Board)	
Community Corrections/Grant Application .....	9
Amendment to Grant Agreement (\$70,000 additional) Agreement re Maintenance of Oak Hill Cemetery (\$114,000) Request for Four (4) Additional Telephone Lines (approved; C. Mayo to place order)	
County Attorney/Alan Kissinger .....	10
Executive Session; Ms. C. Musgrave to be included; Action on Employment Status Change to be deferred until next week Cumulative Bridge Fund Ordinance (A. Kissinger is researching the procedure, etc., will get back to the Commissioners with draft of Ordinance) EMA Advisory Board (P. Tuley has requested names of two representatives from Sheriff's Department and hopes to have same for next week) Claim/Stipends for County Attorneys per contract	
Superintendent of County Buildings/C. Mayo .....	11
Request to Declare Van Surplus/Surveyor's Office Inventory of County Equipment to be performed; C.M. authorized to contact R. Cappelletti Request for Drainage Meeting re Azteca on 1/17/95; does not need to be advertised; C.M. to contact B. Jeffers; Media being notified in this meeting	
County Highway/Bill Morpew .....	13
Weekly Work Report Inventory of trucks, cars and equipment has been prepared by B. Morpew and given to C. Mayo	

County Engineer/John Stoll .....	13
Change Order/VC94-08-01 (+ \$ 751.78)	
Change Order/VC94-04-01 (+ \$ 2,891.76)	
Change Order/VC94-07-03 (+ \$ 14,379.73)	
Change Order/VC94-07-03 (- \$ 2,364.07)	
Change Order/VC94-07-01 (- \$ 3,687.36)	
 Request for Road Specs	
Azteca (Baseline Rd. improvements to be accomplished first; then, the Frontage Rd.)	
 Consent Agenda ... (Approved, as amended).....	14
Travel Requests (County Auditor & County Treasurer to use Unappropriated Funds, rather than coming out of Commissioners Budget)	
Employment Status Change/County Assessor's Office (Not to be signed this week; to be removed from Consent Agenda; already a matter of record earlier in the meeting)	
County Clerk Collections Report	
 Scheduled Meetings .....	15
 Old Businss .....	15
Kenneth Grimes (A. Kissinger will discuss with the Board @ next week's Executive Session, because he believes this is threatened litigation)	
 New Business .....	15
Appointment of Cynthia Spear-Duncan/Commission Office (Pink slip to come back on next week's Consent Agenda)	
Vanderburgh County Historic Structures Inventory	
A.I.C. Bulletin	
County Government Day (March 7, 1995)	
 Meeting adjourned @ 7:55 p.m. ....	16

MINUTES  
COUNTY COMMISSIONERS MEETING  
JANUARY 9, 1995

The Vanderburgh County Board of Commissioners met in session at 5:40 p.m. in the Commissioners Hearing Room with President Rick Borries presiding.

PRESENT: Commissioners Rick Borries, Pat Tuley, and Richard Mourdock; Cindy Mayo, Supt. of County Buildings; Alan Kissinger, County Attorney; Auditor Suzanne Crouch; and Joanne Matthews, Recording Secretary.

President Borries called the meeting to order, welcomed the attendees and asked the group to stand for the Pledge of Allegiance.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner Tuley and seconded by Commissioner Borries, the minutes of December 12, 1994 were approved as engrossed by the County Auditor. So ordered.

Motion to amend the minutes of January 3, 1995 to reflect employment change for B. J. Farrell effective 1/4/95 from the Commission Office to the Auditor's Office was made by Commissioner Tuley, with a second from Commissioner Mourdock. So ordered.

Motion to amend the date on the employment status change from December 28, 1994 to December 27, 1994 (Tuesday night) to reflect the employment change on that date. So ordered.

RE: WEST SIDE IMPROVEMENT ASSOCIATION - SHIRLEY JAMES

Mrs. Shirley James, President of the West Side Improvement Association, was recognized and said their Transportation Committee is here tonight to make a request of the Commissioners. She then introduced Mr. Richard James, Bill Tye, Sherianne Standley, and Steve McCallister (Chairman of the Committee), and said she will turn her time over to him.

Mr. McCallister said the purpose of the West Side Improvement Association is to enhance the natural environment, to serve the common good and to enhance quality of life. That mission statement, they think, extends to roads and transportation. Their concern on roads and transportation is that they both be adequate and convenient, that they further commerce and business and that they, most importantly, promote public safety. Specifically, they want to talk about the Lloyd Expressway Bridge reconstruction over Pigeon Creek -- over 9th Avenue over the CSX Railroad. That is slated to begin in Fiscal Year 1997 at a cost of \$9.9 million, he thinks, and it is supposed to run from two to three years, depending on how construction goes. Everyone may remember the gridlock we had last May when CSX closed the ends of the streets for railroad repair. When Lloyd Expressway Bridge is narrowed, they anticipate gridlock again. The trains are increasing in number. They know that is going to happen. They know there is a new steel carbide transfer facility being built and that is going to add to the train traffic to be blocked a lot. What they'd specifically like to ask -- and request -- is that that project be shortened. The only way they can see to shorten it is to approach the project with around-the-clock construction idea. That is not done often in Indiana, but they think it is worthwhile looking at. And coupled with that is the most obstructive work, because even though four lanes are going to be open, they are going to be narrow. A lot of that really obstructive work that sometimes will happen needs to happen after the rush hour. It needs to happen in the evening hours or at night. West Side Improvement then would like to have as their goal to arrange for kind of a massive community support/campaign to convince the Indiana Department of Transportation to do it that way. What they are asking the Commissioners tonight is, would they support them? They would hope that they would and they would be appreciative of any support the Commission can give them in this regard. They are open to any suggestions the

Commissioners may have.

Commissioner Mourdock offered comments, but they were inaudible due to sound problems.

Mr. McCallister said that at this point they don't know what the cost will be. The \$9.9 million was taken from the T.I.P. report that EUTS puts out and that does include some funding for the intersection at Fulton and Lloyd. There is going to be some improvement that originally was not part of the project and now may be. Again, he is not aware of what additional costs will be. It is going to be related to him through the Mayor's office that one of the engineers seems to think that the cost is going to....

Mr. Tuley interjected "You know, the State has been cooperative on this project in terms of being open minded to suggestions and input from down here, so I think we can narrow down the costs and at least define what those costs are going to be. It would be very easy for me to support your theory in terms of that West "Side is growing as fast as anything can grow and I know they are trying to coordinate projects like the Ohio Street Bridge, the Franklin Street Bridge and getting all of those done so that the side streets that are going to pick up all the extra traffic will be better capable of doing that. So I think the State would be open, but I think you need to be smart to come back and get some kind of input on these figures. He has no problems with going with WIA to the State to see if we can get that done -- just bearing in mind that cost is such a critical factor, because everybody has a project they want done. It is going to be a challenge to get it done. But I think your thought process is good. Apparently, and I wasn't a Commissioner at the time -- but it seemed to work very well for the First Avenue Bridge. But just bear in mind that cost is a critical factor.

Commissioner Borries said that First Avenue Bridge was completed in about 90 calendar days. Of course, it was very hot -- well, that particular summer was very hot. They did finish it. The cost of that was -- he'd have to go back and review the figures) but he'd tend to think it was 10% to 15% more than it would have been had they stretched it out. But where the wash really gets into is the public safety aspect of it. There were some great concerns about emergency vehicles, school vehicles, all other kinds of routes that were going to cost all kinds of dollars in terms of individual transportation needs. In the long run we certainly saved individual taxpayers a lot of money the way that bridge was built.

He thinks the other members have certainly expressed his concerns and he would certainly support this. After the Legislature is finished in Indianapolis, perhaps we could invite the new Commissioner of INDOT down, as well as communicate with our local legislators regarding this particular thing. All things seem to stop when Indianapolis goes into a legislative session. And, frankly, he doesn't think we're going to get a lot of response until after this legislative session is finished. And he doesn't know if we can approach it in a confrontational manner. The only time it ever worked or where he has had any luck was on the Boonville-New Harmony where he kept criticizing until they finally put the 'Boonville' back up on the sign. But there were also some hard feelings. He subsequently got a few phone calls that he would like to forget. But because they call the shots and it is their highway, he thinks we have to approach this in a non-confrontational matter and one in which we want to work together with them. But he will say that they are difficult to work with unless we can get them down here, because they pretty well operate on their own timetable. He is not saying it is arrogance, but he guesses they have a lot more miles throughout Indiana to administer and care for than we do in one county and when they get ready to do something they pretty well do it. They will also tell you it is not any of our business the way they are going to do it, unless we are willing to kick in some dollars -- and then they are always willing to listen, as in the case of the U.S.I. Overpass. Speaking in behalf of this Board, the Commissioners would support that. Maybe we could have some kind of traffic summit after the legislature is over.

Mr. McCallister said they understand that the decision on how they re going to let bids is going to be done within six months -- so that is why they are approaching it now.

President Borries said we are taking steps with regard to the Ohio Street Bridge. We hope to

January 9, 1995

have a new bridge in place there. Right now, as we speak, we are going the work on Franklin Street. We completed the Columbia-Delaware, all of which are going to have to be alternatives to go into the west side. And he thinks they at least have heard our message that they are not going to drop the whole bridge, which was also one of the original plans. So it is going to cause us some inconvenience; it is going to take a longer time; but at least people are going to be able to get through. And it is critical for east-west traffic to have it open at some point.

Commissioner Mourdock said that if we do go to a traffic type summit, as suggested, which he thinks is a good idea, he would urge that the presentation be made in such a way as to be very inclusive. In other words, this is not a stand-alone project; but with all the things going with the river boat, with Ohio Street Bridge, with all these other things -- it is a big picture, he thinks, that has to be painted before those people will understand what truly looks to be a one neighborhood association problem. Obviously, that is not the case. We need to make sure they understand that.

Mr. Borries said he also thinks we need to communicate with our technical personnel with the City of Evansville (and we do, on a regular basis) because parts of Fulton Avenue could well be under construction at this same time. So we need projections as to how that time schedule is going to happen.

Mrs. James said they have been in touch with some of the media regarding this and they said they would work with us very well on this and help us program a couple of releases, etc., but we must remain non-political and it must be city-county wide. And those were the stipulations they laid on us for helping us from a 'free' standpoint.

Commissioner Borries said it will take that and, again, time is money. He just can't emphasize that enough. When you go into a second shift and maybe even looking at 16-18 hour days, we do have a lot of long days in July and August. But what we're basically asking for probably on some of these projects would be time and a half -- so it is going to bump up the cost. Again, we have to place a convincing argument and, hopefully, they will listen.

Dr. Ray Hoops, President of U. S.I., said that obviously this is an issue that is important to everyone. The Commission knows the appreciation U.S.I. has for their help in the past and they are supportive of the concept that anything that shortens the time on this project is going to be beneficial to this entire region in a broad number of areas and as a part of their general position in this community as a policy convener, they'd be happy to be active in the calling of this summit and coordinate it if the Commission decides it is an important thing to do -- because they are certainly supportive and looking at this within reason.

Commissioner Mourdock asked if there is any way they could do a survey to determine if there were students from the east side -- from Warrick County perhaps -- who would forego an education for a semester or, Lord forbid, for a year, because of traffic problems. He would think a number like that would have a great influence to a governor who wants to emphasize education.

Dr. Hoops said they can do that and can do it with some facility. Quite honestly, it is a little like the old story of a farmer shooting carp in a barrel. We already know that if transportation is hampered to and from the university, that one very important category of student will delay their education. And that is the part time student already employed in the region who is trying to upgrade their own skills -- either at their own behest or the behest of their employers. And they are driven by convenience -- understandably so. They are prone to delay their educations and that delay has a very real economic impact. He thinks they could produce reasonably accurate ballpark figures in that regard if that were considered an important part of the discussion. They would be happy to participate in that.

Commissioner Mourdock said we will make it an important part of the discussion.

Commissioner Borries said we will begin to organize the traffic summit and invite them all down

after the air clears in Indianapolis.

RE: KRAMER ROAD - MS. JEAN CARTER

Ms. Jean Carter, a resident of Kramer Road in German Township, was recognized. She said, "Our area needs help in getting an 8-inch sewer line for residents to hook on to. The School Corporation has to meet a Federal mandate to put Cynthia Heights Elementary School (located on Highway 65 in German Township) on the sewer. They have proposed a 4-inch pressure sewer line. It will hook on to a sewer line at St. Joe Avenue, continue down Mill Road to Mesker Park, down Mesker Park Drive to Staub Lane and Mesker Park, across farmland to the school. I happen to own this farmland. The Sewer Department is working on plans on this project and I have talked to Engineer Williams of the Sewer Department and the Sewer Department has just received these drawings. Mr. Williams advised me to contact the County Commissioners for help in developing the project and in setting up a hearing meeting of area residents to discuss needs of the area and pursue. There are 49 homes to Mill Rd. and Day Rd. From that point, to the right-of-way to the school, another 40 homes. Kramer Rd. at Mill Rd. and Mesker Park Drive has 32 homes, on which she lives, and all of these homes mostly are 20 years plus -- and all have experienced septic tank problems. Would you help to get a line to serve 89 residents plus on sewer, and not just one? Thank you."

Commissioner Mourdock asked if there has been any engineering to know if a gravity feed type line would work.

Ms. Carter said it can probably work without many pumps to a point at Day Rd., which would serve 49 residents. From that point on, they are wanting to go the pressure to the school. But then, again, there are that many people on the other side of the line. In other words, those other people would not be considered.

Commissioner Mourdock said having lived in Darmstadt a few years ago, they went through a pressurized line argument -- those who were on field beds. And it was amazing to him how many people were arguing against any service. They preferred to keep their field beds and do it that way. Does Ms. Carter have any feel for how many pros and how many cons?

Ms. Carter said this was just brought to her attention about a week before Christmas -- and she knows the School Corporation has probably worked on this for a considerable period of time. She would have to say that none of the residents in the area really knew about it. There might have been something in the paper, but many of these projects are years down the road. But to her knowledge, there has been no contact with the residents in the area at all, and that is what she is wanting -- help to see how they really do feel about this and how many are interested. And, of course, there is always the cost factor.

Mr. Tuley asked if that was basically Mr. Williams' recommendation -- that through this Board a meeting be organized to find out?

Ms. Carter confirmed that is correct. He said that would be one way to go to find out how to address this.

Commissioner Borries said we might find a site down here; or perhaps Cynthia Heights School could be a meeting site. He may be wrong, but he believes that Cynthia Heights was the last school site in the Evansville-Vanderburgh School Corporation not on the sewer.

Ms. Carter said that is correct. There were two (one in Scott) and then they put in an 8-inch main.

Mr. Borries said he doesn't believe there is anything anymore important to the economic development in this county than the extension of sewer lines and it's incredible to him that there are people out there who continue to want to exist on these field beds.

Ms. Carter said, "But you really don't know."

Commissioner Borries said the way the Barrett Law works -- you've got to have everybody or at least a majority of them participating. If you don't, then it doesn't become cost effective for the utility department to extend those lines and they won't do it unless somebody puts up some money somewhere -- and that is the way it works. That is the only way sometimes you can get public improvements done -- that is if the public themselves get together and decide and enough people will participate and do it.

Ms. Carter said, "They have to be aware of it."

Commissioner Borries said it sounds as though Ms. Carter has already done a lot of her research. If she could share that with our engineering department, he is sure we ought to be able to put together a letter, call a meeting, and see what the opinion is of the majority of the residents. If we could get the majority to go with this, the Commissioners would certainly be supportive of that. But it is a delicate situation -- because you can't force people to do it if they don't want to do it. Government is very limited -- because we cannot force them to get on that sewer. The only way you can now is we have smaller lots and there are restrictions through the Area Plan Commission master code, etc. Lots one acre or larger have to be on a sewer, basically for public health purposes. He asked if Ms. Carter has the addresses of all of these people. If not, how did she get the information on the number of homes.

Ms. Carter said she does not. All you have to do is drive down the road. But it wouldn't be hard to get a list from the people who live on those roads -- and there are a lot of other roads besides Kramer Road who perhaps need something like this. It's just that there are no sewers out there at all. Kramer Rd. runs from Mesker Park Drive to Kleitz Rd. Although a short road, it has over 40 homes. The home she lives in was built in 1969; the other homes were built both prior and subsequent to that time.

Commissioner Borries said that out off Old State Rd. we had a sizable group of people put together. But the residents pretty well have to hire their own engineering firm to do that. We can't design for the utilities department. He asked County Engineer John Stoll how we could get a cost estimate, through engineer Williams in the city utility.

Ms. Carter said the main thing was making sure the residents in the area were even aware that this proposed line is going to go in and whether there is or isn't any interest. We have to start somewhere.

Commissioner Borries asked that Mrs. Carter talk to John Stoll and give him a list of the roads, so he can coordinate this.

RE: PURCHASING

In response to comment from Commissioner Borries, Commissioner Tuley said he talked with Lynn Ellis today. This was a traffic paint bid and basically the person who ends up buying the paint is Jerry Hays (City Garage) and then whenever we need it we buy it from Jerry. So they want to review it before it comes to the Commissioners. So this will come back to us at a later date.

RE:; GOOSETOWN NEIGHBORHOOD ASSOCIATION - JAMES MOORE

Mr. James Moore was recognized and stated he is here to address two pieces of property located in the Goosetown neighborhood which the Commissioners have custody of. One is at 400 Madison and the other is at 403 Jefferson. It is his understanding that the Commissioners received these properties due to non-payment of taxes. Both locations have been dilapidating since the Commissioners received them and they are a danger to the community. Unfortunately, one of them is a business and they don't keep the records on code violations as strictly as they do on residents. He has records from Code Enforcement for the 403 Jefferson parcel and it says on 7/12/94 that the porch is a safety hazard, as well as numerous other violations. The one at 400 Madison -- someone authorized work to be done on the building and whoever did the work

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ripped off the back end of the building and just left it open. So anyone can go in and do whatever they want in that area. As the Commissioners know, they are having a vast number of problems with fires, arsons, kids hanging out in empty buildings. So he wanted to bring it to the Commissioners' attention, so maybe they can do something about these buildings.

Commissioner Borries said we had secured the properties.

Ms. Mayo said she learned today from Mr. Moore that they had sealed the property at 403 Jefferson and they had taken some of the boards down. The one at 400 Madison, she doesn't know who tore the back off. There is not any record of anything going on with that property.

Mr. Moore said it is his understanding that the Dugout Bar is doing the work at 400 Madison and they are using the property as a parking area for their clients.

Mr. Borries asked if these are county-owned properties.

Mr. Moore said that is his understanding.

Ms. May confirmed they are county property -- she did check the addresses today.

Commissioner Tuley asked if there is a funding mechanism so we can have those torn down.

Mr. Borries said the Board could declare it an emergency. But we don't have a demolition fund to do this. He is very familiar with a longstanding problem in one township in this community where the taxpayers paid to improve the property -- and then this individual owner was going to be billed back for the expense of that. Whether or not he chooses to pay it or whether it goes on tax sale, he doesn't know. That may be a problem. The Commissioners can declare an emergency if it is determined here that the County of Vanderburgh does own the property. We just have to come up with the money to raze them.

Commissioner Tuley said he doesn't know how we do this, but he doesn't want to be penny wise and pound foolish if we have a real problem here.

Commissioner Mourdock asked if it would be possible to put it out to bid for some kind of salvage value.

Mr. Moore said it is his understanding that some salvaging could be done to some of the items in the house at 403 Jefferson -- as far as copper and stuff like that. And then some of the plumbing fixtures. It hasn't been broken into and stripped down the way the one at 400 Madison has.

Mr. Mourdock said perhaps if there were enough value on those salvageable items, maybe someone would do it for cost.

Attorney Kissinger said if what Mr. Moore says is accurate, that may work on one of those properties -- but it may not work on the other one. It does sound as though we might have some serious problems. He'd like to give more advice than that, but what it comes down to is finding the money.

Commissioner Tuley said, "Shame on us if we don't do something if we're creating a hazard here. We have to take some action."

Mr. Moore said the porch at 403 Jefferson is literally falling down and kids use that area to play. They go up onto both of the properties and play in them or around them.

Commissioner Borries said that past tradition has been that the Commission doesn't have to bid items of \$25,000 or less. We normally have done this at \$10,000 or less. But if Ms. Mayo could look during the next week or so at securing -- the question came up as to whether Mr.

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Roger Lehman, the Building Commissioner, has probably indicated that there have been some code violations.

Mr. Moore said he evaluated the residential property. It is his understanding that a different person takes care of the business property. And the records aren't kept as strictly in that department and they could find no records whatsoever on it.

Commissioner Mourdock asked, "Once the county took these properties over, what goal does the county officially have? Is there something in the county policy to try to sell them as soon as possible?"

Commissioner Tuley said that is the goal. The problem we have is that normally if it's gone two consecutive tax sales before they come to us and someone out there hasn't bought it, there has to be a special niche for somebody who wanted those properties, a neighbor maybe, who wants to tear it down and use the ground. These are probably 25 ft. wide properties and nobody is going to build on them, so it is difficult for us to get rid of. But selling them is the goal.

Mr. Moore said it is his understanding the only interest in the property is on the part of the Dugout Bar. They don't want the buildings, so they are not going to pay the expense of having them demolished.

Attorney Kissinger asked Mr. Moore if he did say that the Dugout Bar is currently using this lot for parking space for its patrons.

Mr. Moore confirmed that is correct.

Attorney Kissinger said signs should be posted.

Following further lengthy discussion, Commissioner Borries asked Ms. Mayo to contact Roger Lehman to see if we can get some invitational cost estimates to raze the property.

Mr. Tuley said we could also let the City raze them and bill us for it.

Attorney Kissinger said we could use Judgments & Refunds to pay for it in this case.

RE: BURDETTE PARK - MARK TULEY

Mark Tuley, Manager of Burdette Park, was recognized. He said he is waiting for Mike McClarney of the Evansville Rural Colt League. Evansville Palomino, Inc. is also with us tonight and we also have Jerry Riney, President of the Burdette Park Advisory Board.

Park Concessions: The Park will be taking over their own food concessions and they hope to be bringing a request to go out for bids for all the equipment throughout the next several weeks. The estimated cost value of the equipment is somewhere around \$20,000. They do have money in the non-reverting fund to cover that. As far as the construction work on the concessions, it is moving along very fast; in fact, he thinks they are ahead of schedule.

Lease Proposal for Two Softball Fields/Evansville Rural COLT League and the Evansville PALOMINO, INC. Baseball Organizations: Mr. Tuley said these two fields have been sitting inactive pretty much for two years, with the exception of fall use by USI. The City came to us years ago and asked us to build those fields. They were utilized for years, which helped pay for those fields -- and they did pay for themselves. And then the City started consolidating their operations out at the Evansville Sports Park and there wasn't a lot of need. Obviously, the field at Burdette was one of the first ones dropped from the list, because it did cost the City quite a bit of money to use them. He believes this proposal has quite a bit of merit and the Advisory Board was very excited about it -- and they are glad to bring it to the Commissioners tonight. They have approved it and asked the Commissioners to take a good look at it. Obviously, they realize the initial part of this is the funding -- converting the softball fields over to baseball

fields. This is going to be expensive, but in working with various booster clubs, etc., they think they can cut that cost considerably. They also have plans for the fields that they're going to pay for at their expense. In their proposal, they will pay for all utilities and lights; they will provide their own insurance and the County will be named second on that policy. They will be doing all the maintenance. We'll basically just be cutting the grass -- the same thing we do for the City parks.

Mr. Mike McClarney was recognized, approached the podium, made a lengthy presentation -- copy of which, for the most part, is attached hereto. The two baseball organizations propose leasing the two ballfields located south of Nurrenbern Rd. at Burdette Park for a 10 year period. Games would be scheduled between June 1 and August 10. A minimum of 10 games per week will be scheduled and a maximum of 28 games could be scheduled.

Following Mr. McClarney's presentation and discussion between Mr. McClarney and the Board, it was determined that while the Commissioners think this is a great idea, the County does not have the money to fund this project. Mr. Borries said he would be prepared to consider the lease right-of-way. It was the consensus of the Board that Mr. McClarney should do some research to see if there are other groups that could help; try to secure some of these things through donations, and come back to the Board perhaps next week. It was noted by Commissioner Borries that if they can assist the Commissioners by saying they are going to have some of this donated to the point where the County is not going to have to go through some contractual advertisement and send out requests for proposals, then the cost is probably going to be a lot cheaper.

Mr. McClarney said basically he is looking for a commitment tonight or in two weeks that the field is theirs so they can start. It is hard for him to go out and say he needs a corporate sponsor for \$5,000, but he doesn't have a field. He needs a commitment from the Board that the field is theirs, no on the money for now, think about it for a week or two -- because any assistance is going to be better than none. They take what they can get and go from their and try to raise money as best they can. If they have a commitment on the field, they will do their best to raise what funds they can raise.

The Board decided to take this matter under advisement for a week. Mr. Borries said he thinks the Commissioners can give Mr. McClarney a verbal commitment that we're interested, but they do not have any magic to dispense tonight in terms of some funding -- since this is probably the first time they've considered this.

Attorney Kissinger advised Mr. McClarney that he might tell the people he is dealing with that the County does feel that legally we can enter into this kind of lease and that, basically, his job is to reassure the Commissioners that it is going to be a financial success. When he's talking to the Press, talk to the Courier and the radio people, as well.

Go-Karts: Mr. Tuley said that several years ago (1989 and 1991) in the report from Haralson they recommended we lease out part of the park ground for the batting cages and the miniature golf course. In the 1989 report, he recommended we lease out some ground just east of where the miniature golf sits for a go-kart track. At that time, he believes the County was contemplating putting the go-karts in ourself and we ended up expanding the aquatics center. He's glad we did, but would still like to have the go-karts. A couple of individuals have called them (since the east side go-kart place is no longer in operation) wanting to know if we are interested in leasing out some ground for that type of operation. Haralson recommends and, certainly, the Advisory Park Board is excited about it. They are just in the beginning phases of this and wanted to see what the Commissioners' thoughts are. Shall they proceed? The only up front cost is they would have to have some surveying done -- just as we did with the batting cages and the golf course for the legal lease. The other cost would be the utility operation -- just as we have the utilities for the other two. It would be structured on a designated term and then the ownership would revert back to the County, just as the other two are structured. If they get the Board's permission tonight to draft the RFP, they would bring that back for the Board's approval prior to advertising, etc. The RFP would include the minimum insurance specifications

set by our carrier and they name Vanderburgh County as a second. There has been indication by one party that if the Board grants this, there is a possibility we will get a bid out of it this spring and that may enable us to have a new attraction this summer -- which would be very welcome.

Commissioner Mourdock reminded Mr. Tuley that the one on the east side failed. To Mr. Tuley's knowledge, is that the only operating track in town? So he's not competing against any private venture out there?

Mr. Tuley said he can't speculate on what happened out there. He only knows what he read in the news media -- and that was tied into several other businesses. So he is not sure what happened. In response to query from Commissioner Tuley regarding insurance and the safety area, he said he will get a letter from Dennis Feldhaus and bring it back to the Board. But go-karts are relatively safe.

Commissioner Mourdock said that there was an interesting story in the paper this week of a fellow who was decapitated by an elevator. He will guarantee Mr. Tuley that the people who made the elevator would have said that there is much less risk in that business as in the go-kart business.

RE: COMMUNITY CORRECTIONS/GRANT APPLICATION

Amendment to Grant Agreement: Mr. Harris Howerton was recognized and stated that last year he talked to the Commissioners personally and in Community Corrections Advisory Board meetings about a shortfall in their budget. That shortfall being not enough money to pay their help. Each year the Indiana Department of Corrections gives them a grant -- that is a portion of their funding -- and that grant totals about \$260,000.00. As a result of their shortfall, they had a dialogue with them and they have agreed to give them the money it would take to pay their employees between now and the end of June (they are on a Fiscal Year, as opposed to a calendar year). They will give us \$70,000. Then, the upcoming grant which he is in the process of writing now, he will add another \$70,000 on top of the \$260,000 and that will get us through the second half of the year. The Department of Corrections has approved that grant and he has a copy of the grant for the Commissioners' signatures.

Motion to sign the agreement was made by Commissioner Tuley, with a second from Commissioner Mourdock. So ordered.

In response to query from Commissioner Borries, Mr. Howerton said that last year they gave us an additional \$35,000 for some equipment, etc., and this brings us to a new base of what he calls about \$332,000 and he thinks that will climb. They recognize that we've paid our fair share down here and they need to help us out.

Commissioner Borries said this is one -- if not the -- largest community corrections facilities in the state and it has grown considerably beyond that initial outlay.

Agreement re Maintenance of Oak Hill Cemetery: Mr. Howerton said that each year one of the education components manicures, mows and cleans the Oak Hill Cemetery. They've been doing that for about 10 years. This last year at the end of December we culminated another year of working out there. They have a contract with the City of Evansville (\$111,000 last year). They want to renew that contract and they've upped the ante \$3,000 on the renewal for a total of \$114,000. He is requesting approval of that agreement today. In response to query from Attorney Kissinger as to whether there are any other modifications in the contract, Mr. Howerton said there are not.

Motion to approve and sign the agreement was made by Commissioner Tuley with a second from Commissioner Mourdock. So ordered.

Request for Four (4) Additional Telephone Lines: Mr. Howerton said he believes he wrote this item on this request. Until this year, they always had the telephone lines in their budget and he thinks this year it is in the Commissioners' budget. They have new offices and one of the things he is doing -- they're saving some money with their alcohol and drug testing supervision area. He will be glad to help with the monthly payment, but he thinks he needs the Commission's permission to get the telephones.

Motion to approve the request was made by Commissioner Tuley, with a second from Commissioner Mourdock. So ordered.

Ms. Mayo said this is probably one of those items that should not have gone into the Commissioners' budget. She thinks when some of these items were done away with it should only really have been done with departments under the County General Fund and if this is coming out of the 505 account....

Mr. Howerton interrupted, "No, this is County General. We pay for it..."

Ms. Mayo said it was supposed to just be anything out of County General, so if that is what it was, that's the way it's supposed to be then. She will place the call for the four new lines.

RE: COUNTY ATTORNEY - ALAN KISSINGER

Employment Change: Attorney Kissinger said the first item he has tonight is an employment change that has been submitted by the Vanderburgh County Assessor. He has communicated with the Commissioners and the Vanderburgh County Assessor in reference to this and he asks that the Commissioners defer taking any action on this employment status change at the present time. He would like to be able to advise the Commissioners in Executive Session as to what he believes the Commission's legal position is, as well as that of the County Assessor. He talked with the County Assessor today and Mrs. Musgrave has indicated that she would like to attend the Executive Session -- and this will be at 4:00 p.m. on Tuesday, January 17th. He would recommend that the Commissioners include Mrs. Musgrave on the Executive Session agenda -- although there isn't one -- and then, hopefully, he will be able to make a report to the Commissioners next week and fully advise the Commissioners as to what position they should take and, hopefully, offer further advice to Mrs. Musgrave, as well. He understands there are a lot of people competing for space at that Executive Session.

Cumulative Bridge Fund Ordinance: Attorney Kissinger said he is in the process of seeking advice from the State Board of Accounts, specifically our local representative here in the Auditor's office -- he is going to be submitting for the Commissioners' consideration the Cumulative Bridge Fund Ordinance. We are going to be required to renew that this year in order to maintain the tax rate for maintenance to our county bridges. It is presently set in at fifteen (\$.15) he believes and he thinks the possibility exists that we may be able to increase that. He knows we can decrease that or leave it the same. But he should have further information on that. Also, the statute isn't clear as to the procedure for renewing or readopting. There is quite a complicated procedure for initiating it and he will have to make a determination on that, as well. But he is just reporting to the Commissioners at this time that it is something they can be thinking about so when he finally gets the ordinance prepared and ready to go with the exception of filling in some blanks (the rate being one of those blanks) they will know what he is talking about.

Commissioner Mourdock asked if Attorney Kissinger will also provide any historical background information as far as the last couple of years.

Attorney Kissinger said he will be glad to -- and John Stoll can probably provide information, as well, as to how that funding works and what we use that funding for in the county.

Commissioner Mourdock said that is specifically the kind of information he would like to have.

EMA Advisory Board: Attorney Kissinger reported he has consulted with Keith Kahre, the local director of the local EMA Advisory Board in reference to membership on that local board. We had received notification from the Sheriff's office indicating that the Sheriff, himself, would not be able to serve on that Board. There is state statute, there is federal statute, and there is also a state commission, which is by the local board. And although Mr. Kahre indicated the federal statutes (the state statutes give us no guidance at all, but the commission has developed administrative rules and those administrative rules do require (although it is not a matter of law) as a member on this board the Sheriff of the county. Now, obviously, the Sheriff or his representative -- he thinks it would be appropriate to notify the Sheriff that if he chooses not to serve, then certainly we would appreciate his naming a representative who can serve in his behalf and also Mr. Kahre asked him to emphasize -- especially the Sheriff's Department -- that if the Sheriff is going to recommend the name of a representative, then that representative should also perhaps have an alternate. Because since they have very few meetings per year and they must do their business at those meetings, they feel it important that either the Sheriff or his representative or some alternate for that representative be present at all of those meetings. The answer to the question is that it does not have to be the Sheriff, but they certainly feel it is extremely important that some member of the Sheriff's Department be present.

Commissioner Tuley said he has asked the Sheriff for perhaps two names by next Monday night.

Claim/Stipends for County Attorneys: Attorney Kissinger said that, for the Auditor's benefit, he will say that this is the subject of a contract that was signed with the Commissioners and approved by the County Council on February 3, 1993, which provides for a \$3,000 stipend per County Attorney and the Assistant County Attorney per year. He is submitting those claims at this time.

Motion to approve the claims was made by Commissioner Tuley, with a second from Commissioner Mourdock. So ordered.

RE: SUPERINTENDENT OF COUNTY BUILDINGS - CINDY MAYO

Request re Van/Surveyor's Office: Ms. Mayo said the Surveyor's office has a van they would like declared surplus. She believes it is a 1974 model with about 162,000 miles on it. It has not been in service for several months and it is parked out in the back lot. The City Clerk had volunteered her assistance in removing the van to the County Garage. But since we now take these surplus vehicles to Wolf's Auto Auction, we might have to go a different route with that. But it does need to be declared surplus.

While they're doing that, Ms. Mayo said that Benny Gossar's truck, which he hasn't been using since he got his new one, is also parked in the back lot. It has two flat tires on it. She doesn't think anyone has declared any interest in it -- it's not in very good condition -- and rather than put two new tires on it, we'll probably want to declare that surplus, also, and have both of these taken to the auction.

Motion to this effect was made by Commissioner Tuley.

Commissioner Borries said that brings up a point Commissioner Tuley is aware of and he knows that Commissioner Mourdock will enjoy some day -- a meeting with the State Board of Accounts. We need to make sure we take this off the inventory and, once we begin to kind of settle in for this year -- and it's been an ongoing priority with the State Board of Accounts for a long time -- is to again examine how we can have and how we can urge all of our various county departments to create an inventory of county property and, once we've done that -- to keep it current. That is a massive thing to do.

Ms. Mayo said that is one other thing on her agenda that she needs to ask the Commissioners about. She would like to get an inventory of what we have at the different facilities. In order to do that, she would like to see about getting a P.C. put in her office. There are different software programs set up for inventory and she would like to use it for that. She also would like

for this to be connected to the mainframe, where she would have access to the different real estate inquiry records only. It seems she gets calls daily on surplus property and she has no way of looking at anything. So she would like to talk to Richard Cappelletti to see about getting a P.C. put in the office.

Following further brief comments, it was noted there was a program that the City wrote in house and they are willing to work with the county on this. In response to query from Commissioner Mourdock, Ms. Mayo said the city has had it in place for quite some time -- the City, because they only have two elected officials -- the department heads do what the Mayor wants them to do. In the case of the county, there are many elected officials and they do as they please. So that has been the big problem with the fixed asset inventory.

Motion to authorize Ms. Mayo to contact Mr. Cappelletti in Computer Services was made by Commissioner Tuley, with a second from Commissioner Mourdock. So ordered.

Request for Special Drainage Meeting: Ms. Mayo said Bill Jeffers in the Surveyor's office called today and Azteca has been in touch with him. They are interested in proceeding with the drainage plans and instead of waiting for the Drainage Board to meet and going out for bids, they would like, at their cost, to talk to Blankenberger Construction about doing this. Bill seemed to think this would take a special drainage meeting, which Azteca would like to have scheduled for next Tuesday.

Commissioner Borries noted we have rezoning hearings next week. There are certain advertisement requirements on that

Ms. Mayo said he felt this would be a very short meeting -- about ten minutes.

Mr. Borries said his may be -- but he's trying to get a handle on what the rezonings look like? Were some deferred?

Ms. Matthews said two went back to APC for Use & Development Commitments before coming back to the Commissioners.

Mr. Tuley said Combs property has been deferred again -- there was a notification problem. There was a rezoning on North St. Joe which came out of APC with all positive votes.

Research by Attorney Kissinger revealed that in the case of a special meeting of the drainage board, the statute indicates that ..'A special meeting may be called by the Chairman or any two members or the County Surveyor by mailing a written notice setting forth the time, date and place for the meeting to each member not less than five (5) days before the date of the meeting.' But it also says a member may waive the mailing of notice of a special meeting by filing a written waiver with the Secretary or by his presence at the meeting. So if all three Commissioners anticipate that they will be at the meeting next week, it will be a simple matter now of marking it a part of the record that there will be a special meeting here in the Commissioners' chambers next week at a specific time to consider only that one matter. All of the Commissioners will be present, which will waive any filing of notice.

Commissioner Borries said this will be the first meeting the Drainage Board has had in 1995. So actually there will be two items, won't there? They will have to briefly reorganize the Board?

Attorney Kissinger said he doesn't think so -- in consideration of the fact this is a Special meeting to consider only that one matter; we can exclude those things.

Commissioner Borries said at this time he will informally determine if the Commissioners plan to be here next Tuesday: Commissioner Mourdock, yes; Commissioner Tuley, yes; and Commissioner Borries, yes.

advertise the Special Drainage Board Meeting.

Attorney Kissinger and Commissioner Tuley simultaneously stated it does not have to be advertised.

Ms. Mayo said she will notify Mr. Jeffers.

Mr. Borries said the Commissioners are so notifying the media at this time.

Commissioner Tuley said Ms. Crouch needs to notify Julie Hinton or whoever is going to be there -- that this will not take place until after the rezoning hearings.

RE: COUNTY HIGHWAY - BILL MORPHEW

Weekly Work Report: Mr. Morpew submitted Weekly Work Report for period of December 30, 1994 thru January 5, 1995.....report received and filed.

In response to query from Commissioner Tuley, Mr. Morpew said ice is always difficult to work with. The City and the State had a little more trouble this time than normal. The State had two plows and the city had two accidents in town. We were fortunate, we never had any problems other than sliding through a few intersections.

Browning Rd.: Mr. Borries asked if Mr. Morpew was able to address the complaint we had last week regarding the hole out on Browning Rd.

Mr. Morpew said he did. He looked at it and prepared a work order on it.

Larch Lane: Mr. Morpew said that he also looked at the problem at 8107 Larch Lane, as Mr. Borries had requested. There was a hole there that went approximately 24 inches below the pavement and it opened up and there was probably 1/4 yard voice missing there --an that's in the middle of a hill. So that water is going somewhere; it's undermining concrete. There is a 28 inch pipe going across Larch Lane at that location and the southeast side of that intersection is a drainage ditch -- there's a storm drain inlet right at the corner. So we'll have to tear into that sometime this spring. It's asphalt overlay on top of concrete.

Mr. Borries said perhaps the Auditor will be able to provide some figures in a short while -- but the County should be in a better financial position than we were this time last year. What was Council's disposition with regard to Mr. Morpew's budget in terms of what he is going to be able to have for road resurfacing this summer.

Mr. Morpew said Council did not act upon the budget. They looked at it and let it go through the way it was written. For bituminous, we asked for another \$1/2 million and engineering has \$1/2 million.

Mr. Borries said we usually try to have the Public Road Hearing in March and inform the public and county residents -- so we can put together a list of priorities with regard to roads.

Inventory: Mr. Morpew said that to help Cindy out, he put together a list of all the trucks, cars, and equipment for the highway and the engineer's office. The list is recent and he gave a copy to Dennis Feldhaus last week.

RE: COUNTY ENGINEER - JOHN STOLL

At the recommendation of the County Engineer, the following change orders were approved:

Change Order/VC94-08-1 (Koressel Rd. Bridge Rehabilitation): This results in an increase of \$751.78.

Upon motion made by Commissioner Tuley and seconded by Commissioner Mourdock, the change order was approved, as submitted. So ordered.

(End of Sides "A" & "B" - Tape #1)

Change Order/VC94-04-01/Old Petersburg Rd./ Box Culvert: This results in an increase of \$2,891.76.

Upon motion made by Commissioner Tuley and seconded by Commissioner Mourdock, the change order was approved, as submitted. So ordered.

Change Order/VC94-07-03/Paving of Old Cynthiana Road: This results in increase of \$14,379.73. We did this project in conjunction with the paving of New Harmony Rd. At one of the meetings last fall he brought this to the Commission's attention. That is when they instructed him to proceed with the change order to pave the whole road out there -- all of Cynthiana Rd. and seal all the cracks, etc.

Upon motion made by Commissioner Tuley and seconded by Commissioner Mourdock, the change was approved, as submitted. So ordered.

Change Order/VC94-07-03/Paving of New Harmony Rd.: This results in decrease of \$2,364.07. We needed less shoulder stone, underruns on quantities on initial estimates on the paving on New Harmony Rd.

Motion made by Commissioner Mourdock and seconded by Commissioner Tuley to approve the change order, as submitted. So ordered.

Change Order/VC94-07-01/Mann Rd. Bridge: This results in decrease of \$3,687.36. We needed less aggregate, less excavation and less piling on that bridge and that is where the decreases came about.

Motion made by Commissioner Mourdock and seconded by Commissioner Tuley to approve the change order. So ordered.

Request for Road Specs: Commissioner Mourdock said a fellow out in his neighborhood was looking for a copy of the road specs. He asked if Mr. Stoll is working with this?

Mr. Stoll said the road standard sheet is just a 24" x 36" blueprint sheet. They ran off a copy and mailed that to him.

Azteca: Commissioner Borries said that apparently the Azteca project is moving forward rapidly. We are all funded and he supposes the Commission has no immediate responsibilities for what they are doing at this point.

Mr. Stoll said that Tim and Valerie are still working on the plans for the road widening and the bridge widening. The time table is that they hope to have it ready to be bid in early March. That way it will be ready for construction by early April. He doesn't have any exact cost estimates at this time - because the plans aren't far enough along to where they have accurate quantities as of yet. We are going to do the Baseline Rd. improvements separately from the Frontage Road. Since Azteca won't be accessing the Frontage Rd., they figured they'd bid that after the Baseline Rd. improvements -- to make sure we get all of Baseline addressed, since that is what their critical need is. Then they'll design Frontage Rd. and get that bid out.

RE: CONSENT AGENDA

Travel: Mr. Tuley said there are a lot of requests for travel. Some are paying for it out of their own budget; some out of the Commissioners. He has four which he thinks should be paid out of Unappropriated funds. First, the travel request in reference to the meeting put on by the Tax

Commissioners. Even though not spelled out that the Auditor and the Treasurer ought to go to these things, he thinks because they are both members of the Board of Review they should be allowed to attend that conference and let it come out of Unappropriated Funds, if that is possible.

Ms. Mayo said how to do this was questionable; the letter spells out the Township Assessors, County Assessors, Assessors and Deputies will be certified, which means that will come out of Unappropriated Funds. It did not spell out Auditor and Treasurer -- but they have been requested to attend -- since it was questionable, that is why she put it that way. She thinks it could come out of Unappropriated Funds.

Following further brief discussion, Commissioner Tuley moved that the travel for the Treasurer and the Auditor should come out of the Commissioners' budget and put them under Unappropriated Funds, along with the German Assessor and Pigeon Assessor.

Employment Changes/County Clerk Collections: Commissioner Tuley said that, because of the Attorney's recommendation, action should be deferred until next week with regard to employment status change. He asked whether to sign or not sign the pink slip.

Attorney Kissinger said do not sign. It has already been made a matter of record as to why it has not been signed. The Employment Status Form should be included in next week's packet.

County Clerk's collections report accepted, as submitted.

Motion entertained to remove the one employment status change described by Commissioner Tuley and approve the remainder of the employment changes and the rest of the Consent Agenda, as amended. Motion to this effect made by Commissioner Tuley, with a second from Commissioner Mourdock. So ordered.

RE: SCHEDULED MEETINGS

President Borries said a list of scheduled meetings is attached to the meeting agenda.

RE: OLD BUSINESS

Kenneth Grimes: Commissioner Mourdock said he would like to bring up an item that Attorney Kissinger brought up at one of their discussions -- his discussion with Kenneth Grimes, he believes regarding the Talifero heirs property. He would like to make a point that Mr. Grimes came to his home on Sunday and delivered a copy of a letter to him that he had sent registered. Somehow he felt he did not get the copy, even though he had properly received it. But he wanted to make the point. He delivered it to his wife, since he wasn't there. But to make the point that he is looking for some sort of response. He certainly presumes, given his visit to his house, that he hadn't gotten any response and he would like to make the point we do need to get back to him.

Attorney Kissinger said he understands. He will go so far in the open meeting as to say that he has discussed this matter with Mr. Grimes and he has given him some rather pointed instructions. He will discuss them with the Commissioners at the Executive Session next week -- because he believes that this is threatened litigation.

Commissioner Mourdock said that is his understanding, as well.

RE: NEW BUSINESS

Commissioner Tuley said he has met with and talked to an individual he would like to recommend to the Commissioners for their approval -- the hiring of a Cynthia Spear-Duncan of 1320 S. E. Riverside Drive into the position vacated by B. J. Farrell effective 1/11/95 at the

starting pay for that position. He has interviewed her; she has a degree in broadcasting out of Missouri State; she's worked for Congressman McCloskey; she's worked for WNIN; at one time she was the news director for WYNG. She has a good background in public relations, media relations and she has the ability to do all the secretarial duties and bookkeeping duties, etc.

Commissioner Mourdock asked if Mr. Tuley confirmed computer skills.

Mr. Tuley said he will let Commissioner Borries address this, because he talked with her at a later date.

Commissioner Borries said he did understand she does have those skills.

Commissioner Mourdock asked if there is anything that needs to be done differently as far as the job description that is currently out there? It is his understanding that position would actually report back to Cindy Mayo, the Superintendent of County Buildings.

Mr. Tuley said that was the hierarchy before. He guesses it doesn't matter. If Commissioner Mourdock has no problem with her having worked for Frank McCloskey, he has no problem with her having Carolyn McClintock down as her second reference.

Mr. Tuley moved to hire Ms. Cindy Spear-Duncan, effective 1/11/95, with a second from Commissioner Mourdock. So ordered.

In response to query from Commissioner Tuley, Attorney Kissinger said that since the Commissioners have taken action, they can prepare the pink slip subsequent to tonight's meeting. However, they are to make sure it comes in under Consent Items for next week's meeting.

Vanderburgh County Historic Structures Sites & Survey Inventory: Commissioner Borries said he received this in December. The Indiana Historic Landmarks Foundation has done these in many counties now throughout the State and Vanderburgh County had not been done. This was submitted by Dr. Darryl Bigham, President of the Vanderburgh County Historical Society and he says that these are also going to be sold. Perhaps this copy can be kept on file in the Commission office.

A.I.C. Bulletin: Commissioner Borries submitted copy of A.I.C. Bulletin to Commissioner Mourdock which said "County Issues Look for the 1995 Session". That does sound like some good news. They also give a County Legislative or Info Program or Clip. He said that County Auditor Suzanne Crouch may be receiving this, as well. It also contains capsule information as to some of the goals the County has, list of State Representatives and State Senators. There is also information to be completed so the Commissioners can all get information from the State House.

County Government Day: This event will be held on Tuesday, March 7th, at the Legislature. That may be a day we will want to lobby our legislators. He will call this to their attention and if they're not already on the mailing list, hopefully, they will be soon. He will also keep this bulletin on file in the Commission office so they can go through and read that. With the Board's permission, at some point he will ask Mrs. Mayo to prepare a list of people who wish to attend County Government Day. Also, maybe submit this County Info Program to see what is involved so we could also get that information.

President Borries said this concludes the new business he had. He then entertained further matters of business to come before the Board. There being none, he entertained further business to come before the Board. There being none, he declared the meeting adjourned at 7:55 p.m.

PRESENT:

Richard J. Borries  
Patrick Tuley

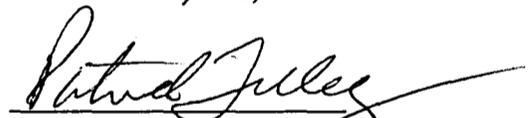
COMMISSIONERS MEETING  
January 9, 1995

17

Richard E. Mourdock  
Suzanne Crouch/County Auditor  
Alan M. Kissinger/County Attorney  
Cindy Mayo/Supt., County Buildings  
John Stoll/County Engineer  
Bill Morphew/County Hwy. Superintendent  
Shirley James, West Side Improvement Assn.  
Richard James, W.I.A.  
Bill Tye/W.I.A.  
Dr. Ray Hoops/U.S.I.  
Steve McCallister/W.I.A.  
Harris Howerton/Correction Department  
Bill Flutey/Chief Deputy Auditor  
Sherrienne Standley/U.S.I.  
Mark Tuley/Burdette Park  
Jerry Riney/Burdette Park  
Mike McClarney/Evansville Rural COLT League  
Cheryl Musgrave/County Assessor  
James Moore/Goosetown Neighborhood Association  
Jean Carter/Citizen/Kramer Rd.  
News Media (Chris Rickett/Press, Alan Julian/Courier,  
Steve Burger/WIKY, Jacqui Jeras/WEHT  
Others (Unidentified)

RECORDING SECRETARY: Joanne A. Matthews

  
Richard J. Borries, President

  
Patrick Tuley, Vice President

  
Richard E. Mourdock, Member



INDIANA DEPARTMENT OF CORRECTION

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

February 9, 1994

Mr. Harris Howerton, Director  
Vanderburgh County Community Corrections  
Civic Center Complex  
210 Courts Building  
Evansville, Indiana 47708

Dear Harris:

Enclosed please find a copy of your grant amendment agreement in the amount of \$70,000. Please share this with your county auditor and advisory board.

If you have any questions, please contact me at 317/233-3417.

Sincerely,

Michael D. Brown, Director  
Community Corrections/Adult

MDB/jp

cc: Robert J. Ohlemiller, Jr.  
Deputy Commissioner/Community Services Division

Honorable Richard L. Young  
Community Corrections Advisory Board President

COMMUNITY CORRECTIONS GRANT ACT AMENDMENT

This AMENDMENT modifies the attached AGREEMENT between the Vanderburgh County Board of Commissioners and County Auditor, hereinafter referred to as "County" and the State of Indiana, acting through the Department of Administration for and on behalf of the Department of Correction, hereinafter referred to as "Department". The AGREEMENT was entered into on July 1, 1994 for the period continuing through June 30, 1995 for the operation of a community corrections program with the following components: alcohol & drug intensive supervision, community service restitution, training & education, electronic monitoring/house arrest, and work release.

By mutual agreement of the parties thereto, the original AGREEMENT is hereby amended as follows:

This AMENDMENT provides funding to continue the aforementioned services to Vanderburgh county in the amount of \$70,000 (see Attachment "A") for the period January 1, 1995 through June 30, 1995. This amount is over and above the \$262,469 involved in the basic AGREEMENT, (see attachment "B") for a total amount not to exceed \$332,469.

This AGREEMENT shall be effective upon signature by all required parties.

The above listed modifications shall constitute the entire changes to the original AGREEMENT. All other terms and conditions of the original agreement shall remain the same and in full force and effect.

IN WITNESS HEREOF, Vanderburgh County Board of County Commissioners and the Department of Correction have executed this Agreement as of the date above written.

INDIANA DEPARTMENT OF CORRECTION

THE BOARD OF COUNTY COMMISSIONERS

Joseph Testano  
H. Christian DeBruyn, Commissioner

Vanderburgh  
COUNTY (~~ies~~)

Date: 1/23/95

Date: 1-9-95

INDIANA DEPARTMENT OF ADMINISTRATION

Richard J. Bonies  
COUNTY COMMISSIONER

William Shrewsbury  
William Shrewsbury, Commissioner

Date: 1-9-95

Date: January 20, 1995

INDIANA STATE BUDGET AGENCY

Robert Juley  
COUNTY COMMISSIONER

Jean S. Blackwell  
Jean S. Blackwell, Director

Date: 1-9-95

Date: 1/30/95

[Signature]  
COUNTY COMMISSIONER

Approved to form and legality by: Date: 1-9-95

Pamela Carter  
Pamela Carter, Attorney General

AUDITOR OF COUNTY

Date: 1-7-95

[Signature]  
Vanderburgh

COUNTY (~~ies~~)

Date: January 9, 1995

TRANSCRIPT  
COUNTY COMMISSIONERS MEETING  
JANUARY 17, 1995

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MINUTES  
COUNTY COMMISSIONERS MEETING  
JANUARY 17, 1995

The Vanderburgh County Board of Commissioners met in session at 5:47 p.m. on Tuesday, January 17, 1995.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries called the meeting to order, welcomed the attendees and introduced the following members of the County Staff:

Commissioner Patrick Tuley  
Commissioner Richard Mourdock  
Alan M. Kissiner, County Attorney  
Cindy Mayo, Superintendent, County Buildings  
Suzanne Crouch, Auditor  
Joanne Matthews, Official Recording Secretary

Having introduced himself, President Borries asked the group to stand for the Pledge of Allegiance.

RE: PROPOSAL AT BURDETTE PARK

Mr. Carl Johnson came to the podium. He's with Tri-State Palomino Baseball. I was here late last week but Mr. McCarty was here last week and discussed that the proposal which I assume you are all familiar with. We did have some meetings since then and we have gotten some commitments from some of the labor unions and some other individuals that are going to cut the costs down considerably at this point and we hope to get more of the same as times goes on. Right now, what we really need if at all possible would be a firm commitment on if we can get the lease to where we can go forward with the project. Assuming the funding will come either privately or from the public, if it can, or if not, privately, then okay.

Commissioner Mourdock: How much did you say, I know you all have been busy this week?

Mr. Johnson: It's down to \$20,000 from the \$40,000 figure.

M. Tuley: Alright.

Mr. Johnson: We haven't touched everything we can. Well, a lot of it is the labor side of it. The figures we had originally were based on prevailing wage labor and we talked to some of the unions along with the suppliers for materials and they have agreed to forego a lot of the labor charges in supplying the materials at a discounted cost and with some of the labor unions and others volunteering their labor. Basically at this point it did. We're still working on trying to get the funding for the actual materials and those are going to cost 'x' amount of dollars and when we get to that point, we're going to have to have dollars for that. On the insurance side of it, I checked with Dennis Feldhaus with Helfrich who apparently covers the County insurance. Our current policy, we are going to have to have one change. Our current policy has a \$500,000 limit for each occurrence and Dennis says that you guys will require a \$1,000,000 figure which is not a problem. I talked to Jim Will and we'll just adjust our policy to reflect that so that portion of that won't be a problem and the Board of Commissioners will be named as an additional named insured on the policy once everything is okayed on that side of it.

Commissioner Borries: Pat.

Commissioner Tuley: We've got about a 25,000 marker. I'm sorry, are we proposing still CCD money make up the difference where we . . .

M. Tuley: Actually, Jerry Riney is here from our Board tonight and several ideas have come up in trying to bid. If the Commissioners would like for us to proceed and try to get this done with private funding instead of trying to come back for any of the County money to do this, one of the ideas that

came up with the Board was, would the County entertain maybe waiving lease payments to these guys for two or three years to allow them - to make it a little bit easier for them to raise the money and get everything done. For an example, it may make it easier for some of these vendors to carry the lead until it can generate some revenue and help pay for some of these things. Our Board, Jerry's Board, didn't have much problem with that at all and they recommended that that would be alright with them if it's alright with you.

Commissioner Tuley: Is it conceivable that the other \$25,000 can be raised from the private sector if we can somehow commit to say okay, we're willing to commit to the lease of the ground to you and waive as you suggested maybe for the first several years to make sure that you're going to be able to sustain yourselves without using capital. I mean, is it reasonable to expect that you guys can raise the rest of that money under those conditions?

Mr. Johnson: Very possibly. Basically, what we may have to do from the standpoint of you know getting it up and running, would be to make some sort of financial arrangement with the suppliers on the materials. Or we can stretch out the payments over one, two or three years.

Commissioner Tuley: It's a great idea and I want to see you guys get it done but I also had a chief from the Sheriff's Department up here asking for money for sheriff's cars that I had to sit there and say I just couldn't do it. It sounds like it's something we need and I'm all for doing anything to get the kids off the streets and I'm willing, and I'm speaking for myself here, if there's a way that we can legally enter into some lease arrangement based on the premise that you think that you can raise most of the other \$25,000 that you need, then I would personally be willing to forego the first two, three, whatever is workable in terms of a lease arrangement until you guys could go and get this thing sustained. So you can then - it's been a community project and the community will get the benefit of it so I'm speaking for myself there.

Commissioner Mourdock: Would you just refresh my memory, Mr. Tuley, what the lease amount was going to be yearly if we do go with it?

M. Tuley: It was going to range anywhere from \$2,000 to \$6,000, in that range and again depending on that was the percentage of the concessions and . . .

Commissioner Mourdock: And there was a lot of if in that based on the concessions and when. . .

M. Tuley: Sure because that obviously that's per caps for sales and that depends on your attendance, right?

Commissioner Mourdock: And I understood your comment a moment ago to be that if that was waived you thought there were other people who would come forward with the funding if they saw something in writing that says those terms were going to be waived to help.

M. Tuley: Well, it's just easier for these guys, for an example, one of the companies that was out there, we didn't give them the original bid on the sodding but Charlie Stocker was working with us last week and basically said he could do it for half the cost of the proposal. There's a possibility now that if they don't have to pay the rent that they can maybe, the sodding has to go down immediately, maybe they can go to Charlie and say, Charlie, and I'm not trying to tell them how to run their business, but maybe go back and say can you carry us for a little while or they can do it for cost, which they are willing to do, but can we pay you as we start to bring in some money and he may be willing to work with them on that.

Commissioner Mourdock: Is the half that Charlie Stocker is talking about, though, is that already reflected in that \$15,000 that's been reduced?

M. Tuley: Yes. Yes.

Commissioner Mourdock: Okay, so there's more than just labor.

M. Tuley: I tell you what, they did really well. Oh yeh, you have several corporations offering to help, Tri-State Fencing really got the fencing costs

down to \$17,000. Now again, that was with the offer of labor being donated by Jack McNeely's group, the Carpenter's Union, these guys are all offering their people out there to help take fencing down and to help with the manpower of it. Yeh, I think we did really well in one week. I think the possibilities are out there. There are a lot of people that seem to back this program. You know if it's going to affect that many kids. From what Mike was telling me, they almost need something in their hands to get money from people, from companies and stuff, because if they are saying well, you definitely have the fields locked up, well, no, not at this time. It would be a little easier I guess if they'd say, here's a piece of paper with the Commissioners saying we can raise the money if we get the ground.

That's a Catch-22.

I know.

You have the Commissioner sitting there saying . . .

I realize that.

Attorney Kissinger: If I may, maybe to break the log jam, as far as the lease is concerned, we can lease to them for a \$1 a year in consideration of the fact that they are going to make improvements on the property which will become fixtures and cannot be removed by them so technically that's an in-kind lease payment, certainly is legal and is done all the time.

Let's do it.

Commissioner Mourdock: I would move that we issue a document to the group which says that we wouldn't have a three year moratorium on normal lease payments to them so that they can use that document to help raise private funds for this project.

Attorney Kissinger: I think it's probably sufficient if you indicate that you are supporting it, that you are willing to do that and it is a matter of public record, our record, that it is the intention of the Commissioners that that intention is binding on us basically assuming that they meet their end of the deal.

Commissioner Tuley: And that the period of that lease would be ten years subject to Alan's provisions.

Commissioner Mourdock: We're not waiving the lease for the ten years?

M. Tuley: No, just for the first, what would you say, three years?

Commissioner Mourdock: Which I think is what I heard Commissioner Tuley say. Two or three, whatever you guys agree with.

Commissioner Tuley: At this point, should their proposal, Alan, should a contract be drafted up or something?

Attorney Kissinger: Yes, eventually.

With everything else that needs to be done. Okay, well, I'll get with you later.

Commissioner Tuley: I will second the motion as made by Commissioner Mourdock with Alan's notes.

President Borries: You have an agreement for us that will be an official transcription of this meeting and that certainly puts us on record as supporting of what you do so you certainly can request this. We'll get the lease to you as outlined by action of this Board and so we commend you for what you have done in the fundraising so far and I hope that you can see from our position that we are trying to work with you on it but we are also very limited in terms of what we can do funding in so many different activities and so I think this gives you a clear initiative here to go forward with your plans.

Mr. Johnson: Thank you kindly.

President Borries: Are there other persons who would wish to address the Board at this time before we move through our regular agenda? Anyone else who wishes to speak at this time? Councilman Rick Jones regarding Safety Director for the County.

RE: SAFETY DIRECTOR FOR THE COUNTY

Thank you President Borries. Thanks for the opportunity to speak to you this evening. I have recently noticed an ad in the newspaper in the want ads and contacted Todd Garrison, City Personnel Manager, and Todd informed me that his Safety Director has just left and he has consequently run an ad in the newspaper. Mr. Tackett has left for other employment. When I posed this question to Mr. Garrison, my thought process behind it was that I wanted that person who was going to fill that vacant spot to also cover the City but also cover the County as far as OSHA and training matters were concerned. Todd informed me that the Safety Director for the City has a full plate and then some so I got to thinking a little bit more about a lot of the jointly funded departments that we have that are a 45/55 split and was wondering if the Commissioners would consider a new position of a Safety Coordinator, Safety Director, whatever title is certainly appropriate, to take care of the 40 different departments that we have in the County because as it stand right now, with the exception of a handful, there is very little training done. It's hit and miss, at best, and I'm trying to look out, since the Council is a fiscal body, and I don't want Mr. Kissinger or the Council's attorney to be involved in any more litigation than they need to be, hopefully to stop this before it actually happens and get ongoing programs for training, OSHA compliance, and also worker's comp could fall under this person's realm as well. And I'm not exactly sure, I'm just throwing it out to you right now, I'm not exactly sure what would be the best position. Should it be a joint city/county department, should it be a new position that would answer directly to the Commissioners? So it's just food for thought.

Commissioner Mourdock: I'd like to say I have a learner's permit here because this is all still very new to me so I get to ask what may be some dumb questions, bear with me. At the very start of your remarks, you were talking about who had come and who had left, would you say that again, as far as who they were and where they came from?

Councilman Jones: Okay, well, there was an individual who filled the position for the City of Evansville as Safety Director, his name was Mr. Tackett. He has since left and they have a vacant position.

Commissioner Mourdock: How recent was that?

Councilman Jones: Within the last couple of weeks.

Commissioner Mourdock: Okay, continue on.

Councilman Jones: Mr. Garrison who is the City Personnel Manager, I had talked to him first because I wanted to be careful that I followed the proper procedure and I didn't step on anybody's toes. I talked to Todd a little bit about how he would feel about that. He didn't necessarily have a problem with it so I thought I would start with him and then come to the Commissioners and of course anything that we would come up with will have to be approved by the Job Study and ultimately the County Council.

Commissioner Mourdock: Who said their plate was full there with the City?

Councilman Jones: Mr. Garrison did. I think you are probably dealing with probably 1,200 employees in the City, in excess of that and that Safety Director is responsible for a lot of the City departments. Now I'm not exactly sure about the police and fire departments, but the rest of the City offices, that person would be responsible for safety activities.

Commissioner Mourdock: One person said they didn't have a problem with it?

Councilman Jones: Which is Mr. Garrison and the way I understand it the

Safety Director answers to Mr. Garrison who is the City Personnel Manager.

Commissioner Mourdock: Okay, Mr. Garrison didn't have a problem with it. Who said their plate was full?

Councilman Jones: Mr. Garrison told me that the vacant position right now, that person's plate would be full. So there would not be an opportunity for that person to, for one person, to cover the City and the County so if the County wants to be covered, and we want the County to be covered, it is going to require the County to hire a full time person. So there will be two individuals actually reporting out of that office or at the pleasure of the Commissioners.

Commissioner Tuley: Is there room? Do you know, Rick, if we want to try to go, I'm seeing a head shake real quick, if there's not room within to vacate an office, if we were to just say, okay, we'll combine these two and split the money, that would be two individuals in that office space . . . I see Lynn Ellis shake her head, there's not room?

Councilman Jones: We may very well have to find another space for it. I think it's a perfect opportunity . . .

Commissioner Tuley: How much space is there right now, Lynn, do you know?

Lynn Ellis: Spoke regarding office space at the city garage . . . inaudible.

Commissioner Tuley: Do they have a secretary or anything like that?

Ms. Ellis: Lisa, the assistant, has been doing the secretarial stuff and assisting in . . .

Councilman Jones: And these are just many things that we'll have to address but I just wanted to get the ball rolling to recognize that there is a need for a Safety Director as far as the County is concerned and to try to get this thing going.

President Borries: Let me share some thoughts with you that I might have on that and I appreciate you coming here and bringing that up and to start the ball rolling. As per our contractual agreement with the Teamsters, we do, the County does, pay a, what is it, Alan, referring to Attorney Alan Kissinger, we have a safety program that does work directly with the Teamsters Union for the County highway employees and Jack Crawford is taking great pride, one of the employees out there, is kind of being a real czar of safety at the garage and Bill, they receive training through, what is it, a Teamsters program that this is part of the contractual negotiations that we did last time.

Bill Morpew: Yes, it's priced as 3¢ per man hour.

President Borries: Okay, and they receive a periodical training and they do this through the Teamsters Union, this was a negotiated item that we did. Through, I believe, Jerry Schenk, he may still work some with some of the other employees, specifically the Burdette Park group, and through our County agent of record, Dennis Feldhaus, we do safety programs at Burdette Park and of course, knock on wood, with 100,000 people going through that pool, we've never had a fatality at this point and we have some excellent training there. But what you say in many other areas, I mean I've only mentioned two, the Highway and Burdette Park, which are both high risk areas, but we do have many other areas in which what you are advocating, a person could be used through weights and measures, through auditorium, through just any one of a number of areas. I'm just giving the specifics as I would know them at this point. So I would certainly support what you're saying. Let me throw something else out at you. Maybe it's a bit prompted because we've had some recent changes in employment but also because we are often times facing some of the very complexities of running a probably 400 person operation here with somewhere around a \$60 million budget when you consider all sources that are involved in the operation of County government, and because it is such an unusual animal and because you are essentially looking here at three part-time persons who work as a county executive, I also feel very strongly and I know you've advocated this, and I guess what I'm trying to say is to tie these together, maybe

we need to look at also combining some personnel, in perhaps with this type of office if we would look at a joint city/county operation, okay? We, meaning this Board, are facing a number of different personnel issues. We are considering a new personnel policy. We have to obey, as you know, and this is your position in the private sector, a myriad of personnel and overly standards and things that need to be addressed. And it's tough, I'll tell you. It's tough in this animal of County government because we all try to work together but sometimes we're just not on the same page all the time with this employee situation. And I would like to consider, we don't have to make that decision today, but if we're looking at safety maybe personnel, at least some way, I'm not trying to lay this out tomorrow, that all these office holders are going to come in and say now they're trying to take our employees and hire them, we're not trying to hire or fire anybody. We're trying to get some kind of standardization here so that everybody again knows what the standards are, knows what this policy is, we're going to come out with a policy but it won't be cast in stone. We're going to have to have amendments to it and I guess I would like to have maybe your support. I know there's another person from the Council here, to at least consider what we can do to enhance this personnel in a way of standardizing hourly, comp time issues, benefits, looking at all this because that ends up on our plate. Frankly, we have a plate full right now in personnel.

Councilman Jones: Well, I didn't want to push my luck tonight.

Discussion among Commissioners.

President Borries: No, I agree with you wholeheartedly.

Councilman Jones: If we could discuss this at some point. I'm not asking for a whole bunch of new employees and I don't know how the other Commissioners feel but I know we have ongoing personnel concerns as well as ongoing safety concerns that we're going to have to face.

Commissioner Mourdock: I'm just going to say certainly along with the personnel policy issues that are out there, that President Borries just talked about, I'll make the statement right now to this issue or any others that deal with employment, I know we have a policy that says before a person is hired, there needs to be a job description saying very specifically what that person is doing, because if we're taking this issue under advisement at a time like we are and that's fine, I would encourage you to put such a job description together so it's something we can look at in front of us and perhaps just the idea and the thought of looking at that piece of paper might help to serve as a catalyst that we can combine some other things.

Councilman Jones: I certainly will. Thank you for your time.

President Borries: Lynn Ellis has a couple of items for us this evening.

RE: PURCHASING

Ms. Ellis: Good evening. The first item is to approve the award of the annual price agreement for traffic paint. This was presented to the Board of Public Works last week on Wednesday and they approved it as recommended. It is very unlikely that the County would make a direct purchase off this contract. Typically, you'll approve Traffic Engineering, right for paint? But if the circumstances warranted a direct purchase, if Bill or John needed to get these services or the paint, they could purchase off this contract. Although, like I said, it typically does go through Traffic Engineering.

President Borries: So your recommendation then is to approve the bid?

Ms. Ellis: Yes, sir. Approve an estimated annual usage to Mike Green, Inc. of \$28,947; to SWARCO Industries, Inc. for \$3,694 and to Pave-Mark Corporation of \$8,720. And the note on the agenda item indicates that Mike Green bid all or none on the traffic paint and if you will compare all the traffic paint being awarded to him compared with the next low bidder for the traffic paint, he is a little bit lower, not by much but a little bit. A cost savings of \$42 during the year, estimated savings.

President Borries: Any questions at all of Ms. Ellis before we move on these bids?

Commissioner Tuley: This meets with the City you said?

Ms. Ellis: Yes, sir, they approved it Wednesday last week.

President Borries: May I have a motion, please?

Commissioner Tuley: Mr. President, I move then that the bid No. APA014-95 be approved as follows: Mike Green, Inc. - \$28,947; SWARCO Industries, Inc. - \$3,694; Pave-Mark Corporation - \$8,720 as recommended by Lynn Ellis.

Commissioner Mourdock: I'll second that.

President Borries: So ordered.

Ms. Ellis: Thank you. The next item is to approve the advertising for bids for the printing of the tax bills. The estimated purchase price exceeds the legal constraints of \$25,000 and I would like to request that we be allowed to advertise for bids for this.

President Borries: Motion?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Ms. Ellis: Then the next item is to approve the opening of bids for bid number VC94-11-01.

Commissioner Tuley: Mr. President, I move at this time the attorney be allowed to open up bid No. VC94-11-01.

Commissioner Mourdock: Second.

President Borries: So ordered. Let the County Attorney proceed.

President Borries: Next, we have an item mentioned, Councilwoman Betty Lou Jerrel is here with us but I'm going to join her momentarily here if the members of the Board will permit me and I'll turn the panel over to Commissioner Tuley.

RE: RENOVATION OF THE VANDERBURGH AUDITORIUM

Thank you very much. My name is Betty Lou Jerrel and I'm a member of the County Council and I'm here this evening with Commissioner Borries because we're seeking your support of the extension of the Food and Beverage Tax for the purpose of renovating the Vanderburgh Auditorium. Originally, this one cent tax was established to retire bonds that financed the construction of a new airport terminal. These bonds will be retired several years ahead of schedule and the one cent tax will be discontinued if not reauthorized by the State Legislature. Our local legislatures have indicated they will help move this through the session if it has broad based, bi-partisan support. A bill sponsored by Representative Vaneta Becker and co-sponsored by Representatives Avery, Hayes and Lutz has been filed. Senators Server and O'Day also wish to see broad based community support. As most of you, the County has been struggling to find a revenue source to do the Auditorium project right instead of piecemealing it over many years. During this past year and a half a community based task force examined all aspects of the Auditorium and pointed out the value of modernizing the centrally located facility. The County Council has been forced to make several emergency appropriations for repairs. The bottom line is that this building was constructed in 1967 and has served us well. Its location and good parking provides a perfect setting for large and small events. With the proper repairs and remodeling, it should continue to be a premiere public building for many, many years. We have included a list of possible renovations and the other things that we have

personally done which Commissioner Borries will reflect upon which will be reviewed and costed out. Given the current revenue from the Food and Beverage Tax, plus a potential increase because of many new restaurants, this project could be paid off in five or less years. Non-county residents would share in this method of payment and the burden would not be placed upon the property owners in Vanderburgh County.

President Borries: Members, I guess I take this step to join Councilwoman Jerrel as a bit of an advocate here for improvements to this building. I could give a litany and I think she has said it very well, of the problems we face in trying to piecemeal this facility that is located right in the heart of Evansville. It was built as a statement to the cultural and I think community enjoyment. It hosts things from flea markets to it's going to also be the site for the State Gaming Commission's deliberations about the Riverboat here in the County in just a few weeks and so it's time that we move forward on this and I would like this Board to consider this simple resolution whereas the Vanderburgh Auditorium and Convention Center located in the center of the City of Evansville has hosted a wide variety of community events for more than 27 years. And whereas the Vanderburgh Auditorium and Convention Center needs renovation to serve the community needs of the 21st century. And whereas the one cent food and beverage tax could be redirected to finance these renovations without any increase to local property taxpayers. Be it resolved that the Vanderburgh County Commission and Vanderburgh County Council, should they chose to do so, supports the proposal to finance improvements to the Vanderburgh Auditorium and Convention Center through the one cent food and beverage tax. Any questions?

Can I chair the meeting?

You can chair the meeting and ask questions.

If you have any questions from the audience, we will get to you in a moment.

Commissioner Mourdock: If I may ask, at least one very basic question. The analysis that was done here that refers to the five year pay-off, was that based on any increased business? We see several new restaurants coming to Evansville, obviously they are fairly optimistic, whether that's tied to the Riverboat or whatever, but is this five year pay-off based on the current trend or is there a bulk in that assuming there will be more business once this Riverboat comes?

Ms. Jerrel: Actually, it would probably pay out with the current. We realize it is going to go up. So it could be, we said five years or less with that in mind.

Commissioner Tuley: I'm just going to say, I don't have any questions for you because I know how limited we've been on funds. I know how valuable that Auditorium is to this community as a whole, and that with everything everybody is talking about in terms of the Riverboat is coming here, there's going to be more and greater need for the use of that building but it can't be under the circumstances that now exist. So I wholeheartedly support your interest to get this done.

President Borries: If I might then rejoin you, perhaps we could listen to other comments. Thank you Mrs. Jerrel for being here this evening and maybe there might be other persons in the audience here that wish to speak at this time. Yes, ma'am.

I'm Rose Parks and I don't have any objections to extending the one cent Beverage Tax but I wonder why that you want to put \$10 to \$15 million, why would you want to spend that much money on something that was proven to be a white elephant and do you have any kind of guarantee that this is going to, after the Riverboat comes in, do you have any guarantee that this will ever be self-supporting and I wonder, several different things that have been given to me to ask and they wonder why when there are so many other things that are more important to the City that you would want to pump more money into this thing. Some of the things that were given to me, I can't remember all of them, anyhow, one of them was a juvenile detention center. I know somebody said, well, we won't need one. But you don't know that

we don't need one but we do need one just as much as we need that Auditorium rebuilt. Another one was a shelter for battered women. Last spring I believe it was, people that were living with relatives, one of them and some of their relatives were killed. If we have better facilities for battered women, perhaps some people could go there and save lives. Another one was you have a park on the northwest side that needs to be cleaned up to be made into a park because it's not a park. And the City was supposed to have made a park out of it, 15 years ago, but it's not a park, it's a stinking dump and that's what it will always be until somebody cleans it up. The other thing that I think is very, very important, and why like you Rick and Betty have not mentioned this is why do you put something like this ahead of the children. Until every school in Vanderburgh County is air conditioned, you shouldn't be wasting money. I have been down here in the spring and I saw women sitting at their desks with their sweaters on and I stopped to pick up my granddaughter at school and kids were coming out of their school with their head wet from sweat and I think before anything is done, you should make sure that the schools are air conditioned for our children. The prisoners are in air conditioned jails. Now the kids go to school because they have to; the prisoners are there by choice. Evidently they wanted to be there or they wouldn't have committed crimes. Maybe if you have air conditioning units in those schools, there would be a few kids that wouldn't drop out because if they had a place where they could go and like four months out of the year it's going to be air conditioned rather than sit in their hot house, maybe they would stay in school. But I really believe and I think every parent would agree with me, that before you do anything else, you should make sure that our schools are air-conditioned for our children because that is the most important thing.

President Borries: Thank you, Ms. Parks. Are there other persons here who wish to speak at this time? Anybody have a response here to Ms. Parks?

Commissioner Tuley: The only thing I would say, there are certain things that everybody is going to have a different point of view on as to what is important to this community. I don't disagree with some of the things she said in terms of kids and the schools. I think the tax rate, I haven't checked it for a while, but it seems like if you live in the county, it's something like 60 some percent of the tax rate goes to the School Corporation. I think if you live in the city, it's probably closer to 50%. I'm not saying that her point is not well taken, that it has to be done. But as far as some of the other projects, you can get ten people in a room in terms of a juvenile center and you're going to have five people tell you we need, what are the five people going to tell you? You know, I don't know who to believe. And I don't want to take your point base by base but the Auditorium is something that is an asset, I'm not sure it's a white elephant, there have been times I've questioned that but I think a lot of that has to do with the way that we've either not maintained it or the way we've not utilized it to the best of our ability. I think we've tried to address that to the Commissioners before I got here, addressed that through the use of private management. This is one area where I think private management in government is a good idea. I don't know of any program in government that is ever going to be a self-supporting program, it's going to be a profit making venture. Other than that, that's about enough of what I've got to say.

Commissioner Mourdock: I think my comments would be similar to Commissioner Tuley's and there's certainly always going to be proposals that are out there of things that are needed in this community. This community has needs just like every other community and unfortunately like every other community we have very little as far as what we can do funding-wise. Clearly, coming on this Board, one thing I do understand or understood at the time, was one of the primary considerations of this Board is to look after public county buildings and that building is certainly one of those. As a businessperson, you have to look at everything on a cost-benefit analysis if you will and it would seem to me we're in the shape with that building that if we do nothing, we let an asset depreciate and that gives us the hard choice of trying to make additional commitments to make the best of what we have. And certainly I have been to any number of events there and I do see that as the asset. Regarding Ms. Parks' comments, that's pretty well my response. I do have one

other comment regarding the resolution that President Borries presented and that is I do not feel comfortable with going forward with our resolution unless we specifically direct the idea that we do want to see the sunset provisions that are out there still apply to this new statute if it will be extended. Maybe it's the Republican in me but I hate to see new taxes and I certainly don't want to see them out there forever and I think based on the language that was there initially which is there needs to be broad based public support for capital projects, this fits under that category, I think we do need to define that with that sunset provision.

Republican, Democrat, whatever, it does need to be in there.

Ms. Parks: If you decide to go ahead and spend this money, I would like for you to make a public statement as to why that you feel like that \$10 million spent on that Vanderburgh Auditorium is more important than air conditioning in the schools, because they do not have the money to air condition the schools. They are doing it a little bit at a time. And if you can take a one cent tax like this, there's no reason why we can't take that and put it on the air conditioning of the schools and get those schools air conditioned and I would like for you to make a statement, if you decide not to, as to why this is more important than the air conditioning of the schools.

President Borries: Well, I think they are both important, Mrs. Parks, and I would only say that the School Board who has direct authority over the schools and the funding that comes to the schools that has been pointed out is taking steps right now to do exactly as you are saying, to air condition the schools on a very timely basis.

Ms. Parks: . . .that they have no intention of air conditioning.

President Borries: Again, I can't speak for the School Board at this time. I can speak for this job which in this case and in my position, because this Board is the Administrator for County buildings such as the building across the street. Most folks really think it's part of the City of Evansville and you've talked about the City and you've talked about the schools and you've talked about the County. It really doesn't matter and I commend you for that, you know, you're here and you are very sincere about all this and I guess it does sometimes seem logical to just mix all this stuff in a big stew and a big pot, all this money and think that something will come out but the State Board and the Council won't let us do that. And this money which was dedicated for I think activities that had to do in terms of community facilities with visitors, tourism, conventions, enhancing the cultural aspects of the community, is what we said we would support at this time. In the future, if the School Board or others wish to do that from their prospective in terms of advocating the air conditioning of the schools, that may well be a wise use of it. And I think you also hit on an important point, we can't as Commissioner Mourdock has said, we can't just as administrators of the County just sit by and think that building is going to get better by itself. It was a community building, it never had a price tag on it to begin with in terms of saying it was going to make money. If people who enjoy flea markets or people who want to go to the Gaming Commission or we've held prison hearings over there, I've heard candidates speak over there, I've been to proms, dances, you name it, I'd like to see for a penny, Phantom of the Opera performed over there, big time entertainment that I think that this community would enjoy and it's not without some mention that as successful as the stadium is with other events, certainly the Vanderburgh Auditorium for a whole aspect of cultural performances could do that same thing and it has done that well for 27 years and it's time to make improvements. Just as you are talking about air conditioning the schools, and probably everybody up here sweated through, including you, probably their experiences of the schools, we were all hot, we made it, we survived. I think times have changed. There are computers, electrical updates and there's all kinds of things that they are trying to do in the schools and we have to do the same thing in the Auditorium or otherwise we're back to the horse and buggy days with it, it won't get better by magic. So I'm not saying one is more important than the other, I guess I'm saying from this prospective and this position, with this building, that we're responsible for, I'd like to take these steps and have urged

my fellow-Commissioners to do the same. And I would certainly support the sunset provision, I would maybe entertain a motion now that we would approve this resolution.

Commissioner Tuley: I will so move  
Commissioner Mourdock: Second.  
President Borries: So ordered.

President Borries: And Mrs. Parks, thank you and Councilwoman Jerrel for coming and sharing your thoughts this evening.

RE: APPROVAL OF MINUTES

President Borries: I made a mistake here earlier. I forgot to ask for approval of the transcribed minutes here. There are two sets of minutes that need to be approved tonight. December 19, 1994 are now available this evening. I think Commissioner Tuley and I are able to approve those minutes and the minutes of last week which were January 9, 1995. May I have first approval of the Commissioner Meeting of minutes of December 19, 1994?

Commissioner Tuley: So moved.  
Commissioner Mourdock: Second.  
President Borries: So ordered.

May I have approval of the minutes of our last meeting which was held on January 9, 1995?

Commissioner Tuley: So moved.  
Commissioner Mourdock: Second.  
President Borries: So ordered.

President Borries: Mr. James Moore has waited patiently here. Mr. Moore is the Vice President of the Goosetown Neighborhood Association and is here to speak this evening.

RE: GOOSETOWN NEIGHBORHOOD ASSOCIATION

Mr. Moore: Gentlemen, I'm here again about the properties that we spoke about last week. Properties located at 403 Jefferson and 400 Madison. From my understanding the property is no longer in your hands, you all sold it to Reitz Baseball Booster Club and after doing a paper chase for the past week, it seems that they may have given you all a 501 number that they aren't authorized to use when they bought the property. From what the Treasurer of the Baseball Club's, past Treasurer, told me was he used Reitz's baseball team's 501 when they purchased the property which would have been the School Corporation's. I spoke to the person in the head of Purchasing at the School Corporation and the Engineer at the School Corporation as well as Mr. Madriaga and none of them knew anything about the purchasing of the property and none of them gave authorization for their 501 to be used. Talking to the IRS, the Indiana Internal Revenue Department and the Secretary of State, the Reitz Baseball Booster Club isn't a 501.

You've been doing your research there, haven't you?

Mr. Moore: Presently, the property at 400 Jefferson is still being listed under the County Council's tax code.

Ms. Mayo: That means it has not been sold.

Mr. Moore: Right, to be sheltered. The same with the property at Madison. It's being sheltered by the County Council's tax code.

Commissioner Mourdock: Excuse me you said 400 Jefferson.

Mr. Moore: I mean 403 Jefferson, 400 Madison and 403 Jefferson.

Ms. Mayo: At 400 Madison, there has been a deed recorded and there has been a transfer put in. To put it in the name of Michael Taylor. I

don't have my information. I did supply everyone with . . .

Mr. Moore: Mr. Taylor did call up the President of our Association and from what he's telling us, him and the Booster Club made a deal before they purchased the property that if they purchased the property for him, he would buy new baseball uniforms for the baseball team. So I'm not sure of the legalities as to the sale. The law firm that I deal with tells me that them using that 501, that they weren't authorized to use, that you all have the authority to go back on the sale of the property.

President Borries: Well, any comments Commissioners?

Commissioner Mourdock: I salute you for you doing your detective work here. I guess the first obvious question, Attorney Kissinger, deep in the materials down there, is there any way, assuming this statement of facts is accurate, I'm not questioning you, just assume they are, that the sale would be set aside given the fraudulent, maybe that's too strong a word, maybe it's not, use of the 50136?

Attorney Kissinger: No, in answer to that question, no. The requirement of our ordinance, Mr. Moore, is that an individual satisfy Vanderburgh County that they are in fact a non-profit corporation as recognized by the Internal Revenue Service. Before we will enter into this transaction with them, the critical question in this case probably is, whether or not the rights of the Baseball Booster Club in fact is an entity that could own real estate. Whether it had the ability, the legal ability or authority to even own real estate.

Mr. Moore: According to Mr. Madriaga over at the School Corporation, the Booster Clubs aren't allowed to own real estate.

Attorney Kissinger: Then it is entirely possible that no title passed but these are all preliminary suggestions that I'm making based on information that I've received from several sources and I have to do my own independent research to make that determination.

Commissioner Tuley: Mr. Moore, let me ask this correctly, what is your end goal, I mean have the buildings torn down, repaired?

Mr. Moore: I just want the properties made safe for the community. If that means tearing them down, then I'd want them leveled, if it means bringing them up to code, that's my goal. If somebody purchases the property and they want to bring it up to code within a reasonable amount of time, I have no problem with that. But if they're just going to set there and be a hazard to kids getting on the properties and people walking by them, something fall off and hit somebody, then I have a problem with that.

Commissioner Tuley: Right, okay. Well, we had some other problems with some properties earlier and I've since talked to Ms. Mayo here. What I want to see us do and she's going to create a file and whenever someone comes in, they're not going to come in and say, we are and we qualify, there's going to be a list given them of things they must do. I'm also going to ask the Board of Commissioners to go back and review that ordinance and make a part of that ordinance that a written plan of what anybody plans to do with that property be submitted along with that and that be taken into consideration. I don't know the particulars on this one here. Then we'll have to be able to hear what you've been able to do a lot of homework on and spent a lot of time on and obviously you've done your homework very well. It's one of these things, this is a new process we're trying to go through. I don't know what legally and I guess Attorney Kissinger doesn't know off the top of his head what we may or may not be able to do. Our idea was the same as yours. Is if we can take these properties off of our hands, transfer those to some not-for-profit corporation who can in turn make the community as a whole in their particular area specifically a better place and a safer place, that's what we're trying to accomplish. Obviously, it sounds like we've got some problems here we need to tighten up.

Attorney Kissinger: I will say that there should be a legitimate concern on the part of the individual who was conveyed this real estate by the

Reitz Baseball Booster Club because if in fact they had no authority to own the real estate and were not an entity that could in fact own real estate, then they also could not pass title to that real estate and that individual who thinks he owns that real estate may not in fact be the owner and probably in order to get this whole thing settled, is going to have to come to the County and ask the County to issue a deed to him in order to have a valid deed if he ever wants to sell this real estate to use it for investment purposes, take a lien against it, whatever. So it seems that we have a whole lot of people who have interest in getting this thing clarified.

Commissioner Mourdock: Toward Mr. Moore's end which is certainly honorable too, we want to see the property well maintained, we want to see it safe, we want to see hazards removed, if that is in fact the outcome of this legal situation before the County were to clear up this title and convey the property to that individual, I think it is only reasonable that we would ask of that individual, I think it's only reasonable that we would ask of that individual the same thing that this paperwork says we ask to the Reitz Baseball Booster Club which is the last line - we will assume title obligations and code violations at the present - so we tried, this Board, at whatever date, September, 1994, tried to do that but rather or not that same language was conveyed, I don't see it here in his document but if not, it needs to be. And again, that meets your goal and it meets ours. But it does as Commissioner Tuley says, indicates a problem we need to make sure it doesn't happen again as far as 50136.

President Borries: And the silliness of this is that apparently, I mean, any group, any private individual can buy some of this property. We meaning the Board, in order to get it used as the Commissioners have described here, set forth in an ordinance a way in which not-for-profit organizations and by that we mean such groups as Habitat, others that have wanted to return it to productive use could get it for reasonable amount of property. Who is, have you done any research on who is Michael Eugene Taylor?

Mr. Moore: He works for Baylor Heating and Air Conditioning. He is also in with the bar that's across the street from the property.

President Borries: And what is the bar's name?

Mr. Moore: Shorty's Dug Out.

President Borries: So, what's the connection?

Mr. Moore: From my understanding, what he's planning on doing with the property, the one at 400 Madison, he's planning on turning it into a laundry mat and the building can't be used for that purpose. It's too dilapidated, it's falling down. There's no electrical left in the building, it's all been stripped out as well as plumbing. But that's what he's telling the Association. He's also supposedly bought a piece of property across the street from that that he's going to turn into a pizza place.

President Borries: Who did he buy this from, the County?

Mr. Moore: No, when I checked into the deed on it, it's still listed to a lady living in Indianapolis. It isn't registered back to him either.

President Borries: Well again, the ironic thing about it is I don't know whose motives were what in this whole thing, but if they wanted the property, all they had to do was come in and bid on it, didn't they, Attorney Kissinger?

Attorney Kissinger: After a certain period of time.

President Borries: After a certain period of time, they could have gotten it for one dollar.

Mr. Moore: That's what I didn't understand why he made the deal with the Booster Club.

President Borries: We, meaning the Board, took steps to allow certain not-for-profits to get certain pieces of property early that were important to them that they felt they could manage and that's churches, that's Habitat, and I think there's one labor union and there's the Mental Health Association and so I mean we had a host of groups, RTP, Recruitment and Training Program, so we had a host of groups that were all well intentioned and you know if this one hadn't been picked, the guy could have come in and he could have gotten a dollar or whatever and he could have gotten it anyway. I mean that's the silliness of the whole thing but I think that there's something running amuck in this whole deal.

Mr. Moore: And that's what everybody at the School Corporation tells me there is something seriously wrong with the group that bought the properties because they wouldn't have a use for the properties over there in the first place.

President Borries: Well, it was a little unusual that they would submit something, I thought a little unusual . . . not a westside property anywhere near Reitz High School but people are always doing creative things and this apparently is one of them.

Mr. Moore: Commissioner Tuley, they did get four pieces of property.

Commissioner Tuley: Well, that's what I was asking, they did get four?

Mr. Moore: They got 400 Madison, 403 Jefferson, 1206 Clover Drive . . .

Ms. Mayo: But they did not, they did not. The list that I had was marked that that was done at the same time. The minutes reflect that they only purchased 400 Madison. I don't know why the other property was marked off, there's been no transfer, no deed written, there's been no action by this Board so apparently the only piece that they purchased was 400 Madison, I don't know why the other properties were marked off. That is something that I will be checking into.

Commissioner Mourdock: Marked off, what do you mean by that?

Ms. Mayo: The surplus property list that is maintained.

Commissioner Mourdock: Okay, and your information that they had gotten it came from . . .

Mr. Moore: From her office. My next question then would be what can you all do about 403 Jefferson since it is apparently still part of your property?

Ms. Mayo: The only thing that I do have to say is I did talk to Mr. Roger Lehman and he was going to go out and examine 400 Madison and 403 Jefferson and he said that he would give a written report on both of those pieces of property which I have not yet received but he is going to do that.

Commissioner Tuley: Can you make that report available?

Ms. Mayo: Certainly.

President Borries: We will research this. I'm sure there are going to be some changes made in our ordinances. Again, it was never our intent to allow this to happen.

Commissioner Tuley: The way it was, I mean, if he hadn't tendered a report to us there was a problem, we still wouldn't have known.

President Borries: I wouldn't have known about that. And that's a complexity, when they talk about plotted titles, this one's got a thunderstorm over there. This thing, I mean, it's a mess. So we've got a lot of work to do on this. Who owns it, and what the whole situation is. But what Ms. Mayo has said, the bottom line is we've got the Building Commissioner and he is a city/county individual who will go out and assess if those things need to be razed and someone will get, if we've got to

raze them, we'll do that, if we've got to board them up or whatever. In my opinion, I think due to the apparent, and I'm not an attorney, Mr. Kissinger, but due to the apparent cloudiness of this whole transaction, there is no change of ownership at this point.

Attorney Kissinger: That is entirely possible. I'm sure we'll get some input from outside sources once this . . .

Commissioner Mourdock: Under the category of where do we go from here, I guess a few things. Number one, is to be in the form of a motion if you so need it, I don't think we do but I assume Alan, you're going to get back to us within a couple of weeks as far as where we're at with this one.

Attorney Kissinger: I'm really not certain that I am. I'm going to, I know that Commissioner Tuley has the deeds and I'm going to look at the deeds and I may be able to make some very quick inquiries and find out what has happened here but I have a feeling that yes, something will have happened by next week although I may not have a final report for you.

Commissioner Mourdock: Inquiry number two, having sat through a number of these meetings last year before my term on the Board here, I know there was a discussion on another property that came up in the 5013C status currently I presume at least after this incident that the Board will formally request if we did not already do so, the IRS designation that whatever form they are in, they have under their charter right to hold title.

Attorney Kissinger: If they are in fact a charitable not-for-profit corporation, they do by virtue of the fact that they are an Indiana corporation have the right to own property, to own real estate so that in itself is not a problem. It's just what has been the problem is the failure of proper verification of the status.

Mr. Moore: That club was not an incorporation according to the Secretary of State.

Attorney Kissinger: Understood.

Commissioner Mourdock: Is that verification is something if we need this as an ordinance, I will so propose that before we make such a transfer that we do receive tax information, articles, whatever is necessary to prove.

Attorney Kissinger: I believe that the ordinance adequately covers that at this point.

It's internal.

Attorney Kissinger: There is probably at least one amendment or perhaps two amendments that need to be made to the ordinance in its present form that will close all of these loopholes.

Commissioner Tuley: Dick, I've asked Cindy to work up a package so to speak and then when someone calls in and says I'm interested in such and such property trying to do things over the phone, they're going to come into the office, they're going to pick up a package and they're going to sign for it. That package is going to tell them that prior to going to the Commissioners meeting, these things you must do. She in turn is going to verify it. It's not going to get here any more until it has been verified that everything is in place. Now in terms of changing the ordinance, I think that's what Alan talked about. I think we need to have these people come forward and say what benefit is the community going to benefit from you taking, what are you going to do with this? Now comes the hard part, enforcement. What can we do? I need some more legal interpretation if they don't. We can sure look sourly down our noses at them if they come back, if they don't live up to it.

Attorney Kissinger: I think in each of these cases we have situations in which we have Habitat, the Housing Authority, we have the labor unions,

etc., all of these public figures as far as their entities are concerned. If they make a public commitment in writing that they are going to do something with this real estate and then they back out on that commitment, then I think it's going to be shame on them and not only is it going to be shame on them, it's going to be public shame on them and I think most of them, if they're willing to make the commitment, will follow through with it. I don't think there is a perfect system here.

Commissioner Mourdock: I don't think there's a perfect system of much of anything. Is it possible given that situation that you just described and especially this situation where Reitz goes across town to do something and apparently at the time there was some question of motives, that we can define you must hold this property for ten years just to keep them from turning around and selling it?

Attorney Kissinger: Some period of years, I think that we can make that a part of the commitment in the plan.

Commissioner Mourdock: On a case by case basis?

Attorney Kissinger: Yes, yes.

President Borries: Well, thank you Mr. Moore. You're a good detective and we've got problems here that we're going to work with. Please stay in touch with us and we are going to take steps to research this.

Commissioner Tuley: We'll make sure we get that report when Cindy gets that too. It's ours, the thing I want that report to say, it's going to force us to do something on that one for sure because it's still out there without question.

President Borries: Let's proceed then through our department head reports at this time.

RE: BURDETTE PARK - MARK TULEY

M. Tuley: Mr. President, Commissioners, what I have for you are some more recommendations from my Advisory Board and I think a copy of this . . . had a chance to read this before tonight. Take a moment. Also Lynn in Purchasing stuck around to answer any questions for you.

President Borries: Questions of Mark Tuley?

Commissioner Tuley: Mark, on this item #1, we've got "done this in the past" have we in terms of going out and seeking an RFP and involving the Purchasing Department what have you in the past, have we?

M. Tuley: No, sir.

Commissioner Tuley: When you told me you were taking this to your Board and the reason you were taking this to your Board is because you continue to have less and less monies available to you and basically what you're looking for is a proposal that's going to give you the best bang for your buck and actually go out and solicit even though this could very easily be determined as a professional service, you would not require a bid.

M. Tuley: Exactly, in my conversations with Lynn, and we've had several regarding this, the Board's thoughts on this was the fact that the advertising dollars of the Council has continuously reduced our advertising budget in the last few years. We've got to make every dollar that we have left stretch as far as we can and we very well, like Lynn said, the agency we have now very well may stay there but we may be able to renegotiate the thing and the other thing is in talking to a lot of the companies, most of them are interested in entering into a minimum of a three year contract and only the Commissioners can enter obviously the contract to that. Lynn would be working with me to draw up the RFP obviously or I would be working with Lynn. It's going to be a pretty extensive criteria for evaluating these companies. The Board was just saying to save the Commission time instead of having 20 companies, and Lynn and I were talking, maybe that many won't bid on this, obviously it's not very big advertising budget. Lynn has offered to work with the Board and work on screening initially for that and at that point if you want them to make a recom-

mentation to you they'll be glad to. If you want to get down to two or three and let the Commissioners or maybe you could even suggest that one of the Commissioners even sit in on this panel if they so like, that way you don't have to take up one of your whole meetings with the presentations of these companies coming in, trying to sell you their wares shall we say. So we just need a little guidance here and if you want us to go ahead and start on getting the RFP drawn up, I guess we can do that.

Commissioner Tuley: Well, it sounds like this is going to take a little while so I would recommend that you guys get started pretty soon. You're going to have some process that's going to take several weeks I would think, time to draw up the RFP and having people coming in giving their presentations.

M. Tuley: I think Lynn told me that the amount that the budget as we will have to go through the what the monthly advertising is. If you would like to proceed with it. She just thought that you did because the Commissioners even before the professional services has gotten to the point where they've always, the last few years, have leaned more to cutting insiders out. The Board wanted me to bring it to you and get your opinion.

Commissioner Mourdock: Do you have any estimate at all as to what a three and five year type contract, what kind of dollars we're looking at?

M. Tuley: Well, advertising is based on two ways that I know about and obviously there's probably a lot more.

Commissioner Mourdock: In the first place, how much money do you have to spend?

M. Tuley: Bingo, a negative percentage of any of the media buying that they do. The second thing is depending on the professional services that you are requiring, some of them will submit a monthly retainer and they will handle all your buying rebate commissions back to you. Lynn also told me to let you know that obviously if you entered into a long term contract which I'm sure Alan is thinking about too, that that would be subject to again the rates and the funding yearly but it would have to be opened up by what money is allocated by the Council and that could change. And obviously it has changed a lot in the last couple of years.

Commissioner Mourdock: Currently, what is that number?

M. Tuley: This year, we had \$75,000 two years ago and this year we have \$40,000.

Commissioner Mourdock: Advertising?

M. Tuley: Yes, and that's total park advertising.

Commissioner Mourdock: Have you ever tracked and I don't know how you could do this, this is not my area I guess probably, but surveys of people coming in and contracting your advertising?

M. Tuley: Well, I can tell you that simply put, it's all relative to any marketing tool, I know that our attendance has been down the last couple of years, our advertising budget has been down the last couple of years. When we were at the height of our advertising, we were at the height of our business, that's when we were doing our parking lot surveys and anytime we have a good TV run, doing excellent surveys, that's where we were penetrating into Southern Illinois, Western Kentucky. The advertising isn't so much, in my opinion, so much for the people in Evansville, most of those people who live in this community think about that park on a daily basis. It's the people we are trying to reach in the 60 mile radius. If you're going to be a regional facility, you've got to try to get them to come over. I guess as a businessman, your companies I'm sure use some advertising. And again, like Lynn said when we first started talking about what the Board wanted to do and she said well, it's a professional service, if the Commissioners elect to do that, if they elect to just give it to

anybody, that's your option. She suggested that basically we bring this to you and let you make a decision. She's just trying to get us the most shall we say bang for the buck that we can get and I certainly appreciate it.

Commissioner Mourdock: Are there any other city/county type functions that you handle that also deal with advertising where something could be combined here for costs savings based on the volume of the programs? Do you understand my question?

Ms. Ellis: I believe that the Parks Department for the City has advertising available for Swonder, Hartke and some of the facilities. So we can look at possibly combining them into one RFP.

Commissioner Mourdock: Are the same people who handle those advertising accounts the ones you're considering here, do you know?

Ms. Ellis: I have no idea who was doing that because in the past that has not been routed through Purchasing unless it's through a purchase order because it is professional services. I have done advertising RFPs in the past for other governments and it has proven to be beneficial. You are offered a lot of varying services then you can decide through the RFP process which of these best meets your needs. The RFP is structured based on a point system so that you evaluate the proposals that are received based on the criteria that you deem are the most important and that point system is portrayed in the RFP itself so that the proposers are aware of where you're coming from. I've had selection teams that are comprised of the user department, purchasing and then other members that they deem necessary. Whether that's from their Advisory Board or from the Council or the Commission and the Commission can make that decision of who if they deem that that's appropriate can serve on that selection committee. As a committee, you evaluate the proposals that are received, you interview the top rated companies and that would be a minimum of three and then you would make a recommendation to the Commission for approval for the award.

Commissioner Tuley: I could thrash around with all these papers around here sometimes so excuse me if I get a little off base. Mark, I guess my only comment is based on what you've said I believe that is true that advertising certainly does get the message out to the park and what the attractions are out there and the high quality of it. And I guess the only concern that I would have is when you're looking at a contract of three to five years but your budget is a year to year, which could go up and down. I don't know how you can negotiate that. I don't know whether or not we can lock in the County Council to a contractual relationship for that long a time.

Ms. Ellis: Well it wouldn't, you couldn't legally do that. What you would do is the award would be extended on a year to year basis based on appropriations. And then that extension would . . .

Commissioner Tuley: Just as long as they'd know up front that there could be some variables attached to that.

Ms. Ellis: Right, that would be indicated in the initial RFP.

President Borries: Any other questions? Can we have a motion then to approve this request?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

President Borries: Second item?

M. Tuley: Okay, also the Commissioners granted the Park on the CCD money earlier in the year and went back for approval for a new attraction at the Aquatic Center and the Council approved that in January, \$75,000 and we've been deliberating for several weeks trying to figure out what the heck we could actually do for \$75,000 that had total family entertainment value and for the Aquatic Center and the reason we started all that was the insurance company had mandated in the summer of 1994 that the diving boards

had to be removed before we opened in 1995. Before his review obviously these had already . . . but wanted to bring you up to date. And so after careful deliberations and several conversations with Arkansas, the Park uses Wayam, Harrelson & Associates out of Dallas, Texas, felt like for that amount of money that bumper boats would be a nice addition to the facility up there. There is sufficient funding to do the project. We could be constructing a 60x80 foot above ground pool for this, it would go on the beach area which is just right behind the family pool and we honestly believe and after looking at the estimates that some of the companies have sent us, we have sufficient funds to do this and I met with Dennis Feldhaus last week and got the okay from him on Thursday that the insurance company, your insurance carrier, has absolutely no problem with it at all.

Commissioner Tuley: This is a very minor item in regards to insurance risks compared to what you already have up there with regard to the water slides, etc.

M. Tuley: We're excited about it. The other item on here that the Advisory Board recommends to help build our customer base since the County has taken over its own food service and to try to get our attendance back where it was in 1991 and 1992, they would like to see that included in the current user fee that is there and that we not raise prices because we're adding this. It's their feeling that the customer already is going to be losing some element of entertainment value by the diving boards being removed. They'd like for you to consider for one year to leave the rates the same even though they'd like to add this attraction. And if you decide to go along with this, I talked to Lynn and she's more than willing to develop the legal advertising for it. We just need your permission to move forward.

President Borries: Questions? Motion to approve?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

M. Tuley: Thank you. Also, we'll let you know from working with the guys on the baseball league in the last couple of weeks that's been quite enlightening and we appreciate your support on that.

Commissioner Mourdock: Just one question unrelated to these others just to refresh my memory. Where are we with when the Mayor is negotiating with Aztar there was a commitment made to do something with the buildings at the Park. And that was \$100,000?

M. Tuley: Yes, sir, and that was contingent on two things. First, that if Aztar was successful in being awarded the license and second, it's my understanding that the money would be received within 30 days after they are in operation.

Commissioner Mourdock: And what would that building be?

M. Tuley: That's our multipurpose building which is on our five year master plan. Cindy and me, the Commissioners filed with Burdette Park, there should be our master plan from Bill Harrelson. If it's not there, please let me know and I'll see that you get one that way you will have that. And also I'd be glad to meet with you at any time and give you a tour of the facility, spend as much time as we need to bring you up to date on our facility.

Commissioner Mourdock: Some time after the first of February maybe we can do that.

M. Tuley: Very good, just give me a call, I'd be glad to do it. Thank you.

RE: COUNTY ATTORNEY - ALAN KISSINGER

Attorney Kissinger: Ask Lynn if she wants to be here for the opening of this please. The first thing that I have is the bid recap for the overlay of Burkhardt Road at Columbia Street. The first bidder was J.H. Rudolph & Co., Inc., total bid - \$49,435.20; CCC of Evansville, Inc., total bid - \$48,490.33;

Phoenix Construction Company, total bid - \$62,389.86; Law Construction Company, Inc., total bid - \$38,595.35; Concrete Pavers, Inc., total bid - \$45,915.64. My understanding then is, John, you want to take these under advisement until next week's meeting.

President Borries: May I have a motion then to accept these bids as open or refer them to the County Engineer for his review and report later?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Attorney Kissinger: The next thing I have to report is in reference to the new County Personnel policy. We have made some progress in the one area of vacation of the benefit days. My understanding there is one other area at least that the Commissioners want to discuss but just wanted you to know there is some progress being made there. There's a point at which I'm going to ask for some specific input from the Commissioners so we'll know how to proceed in finalizing. The last matter I have is in reference to the Hillcrest Washington Home. I'm hoping to give a final report to the Commissioners next week in reference to my opinion on the organization that has contracted with the County to operate the Hillcrest Washington Home. That is a very big contract financially and it's very big as far as duties are concerned as well. But all of my preliminary research and other inquiries indicate that this is positively a professional service as contracted and as such it is exempt from bidding requirements. I know that I talked with the Commissioners previously and they indicated that it was bid the last time before it was awarded because there were various organizations who apparently indicated an interest in operating the Hillcrest Washington Home. And up to that point, we had not contracted out those services. I don't feel that my role is to make a recommendation however, I do feel that if the Commissioners ultimately decide that they are satisfied with the work that is being done in the way that Hillcrest Washington Home is now being operated by the present organization, I believe that I'm going to be able to advise the Commissioners that they may re-enter another contract with Southwestern Mental Health Foundation for the purpose of continuing to operate the Hillcrest Washington Home and without having to invite bids for that purpose. I wanted you to know that final report, my final opinion, is going to be next week and this will give you an opportunity to formulate any questions that you may have or to kind of mull that over as to what all could be done. Other than that, I have nothing further to report.

President Borries: Questions of Alan?

Commissioner Mourdock: Just one on the latter subject. Was there a defining moment or defining issue in reviewing that contract and meeting with Mr. Evans that you now consider it to be under the . . . of a professional services contract?

Attorney Kissinger: No, as a matter of fact one of the first questions that I asked, Mr. Evans was the first person that I dealt with quite frankly. This thing got past us. All of a sudden it was due to be renewed and there wasn't nearly enough time to consider it and I talked with Mr. Evans who is a legal counsel for the Foundation and I just asked him pointedly, I said, why was this contract bid to begin with? He said he didn't really know and then I talked with some of the Commissioners and talked with historically someone who had been on the County Commission before and there were other organizations apparently after this was brought up that it would be, running of the home would be contracted out. There was some interest generated and there were some organizations apparently presumably qualified organizations, who had an interest in coming and running the Home.

Commissioner Mourdock: How far back were these people. . .

President Borries: I'll say 1986.

Attorney Kissinger: I think that's probably correct because we entered into the contract, a short time later we amended that contract. As a

matter of fact, yes about 1986.

President Borries: As the County Attorney has pointed out, it represented a dramatic change from what was because at that point it had all been County run literally by a County employee, administrator and all county employees there. In affect, this change was brought about by some rather dramatic at that time I guess changes and challenges that were being faced in the whole aspect of children's homes and, there were a lot of things that went on there so that's really why we basically just sent out requests for proposals and then there were several groups that came in and they all then presented their group in terms of a public advertisement. Since then we have extended the Mental Health Foundation's contract I know at least once.

Attorney Kissinger: It was amended and part of that amendment was for an extension.

President Borries: So I guess the question is, do we have to do that if we're satisfied and I would encourage you to review that operation because I don't want to cloud your opinion of that. Speaking personally as a volunteer member of that Board for some time, they do an excellent job. It's very well run and it's light years away from what it used to be and no offense, it isn't an orphanage either. It is a very well run children's home which was a continuity of care and I say that I guess with a little tongue in cheek because frankly I guess I always kind of thought they were orphans too but they're not, they are really called CHINS, children in need of services and they are placed there by the courts and they are not orphans in the true sense of the word - they receive excellent care there. I don't feel compelled to change, want to change that but I'm only one vote.

Commissioner Mourdock: And I don't feel compelled to change it, again, my opinion is not clouded one way or the other, I don't know if they do a great job or a horrible job. My concern here is simply if we don't bid it, is the County going to face any liability down the road for some other . . .

Discussion among Commissioners.

Attorney Kissinger: Understood and we are involved in a lawsuit just such as that right now but as I said, my final source of inquiry is probably going to be Ice, Miller, Donadio & Ryan who did this publication for local government purchasing, etc., which I received just about a week ago and I'm satisfied personally in my own mind that it is a professional service contract and I have absolutely no qualms about it and I certainly have reason to check it more thoroughly than I may have perhaps a year or so ago. However, quite often I can look at an operation such as some operations within the County that I won't name, I can look at from the perspective of the number of inquiries that I get or the number of lawsuits that I deal with in reference to that entity or that department. There have been none in reference to this home. They're doing something right.

Commissioner Mourdock: And again I'm not questioning that one bit.

Attorney Kissinger: And I understand but it certainly has relieved the County of a significant source of potential liabilities since they took it over.

President Borries: And I think your question gets to the heart of the matter. I mean, that is a question. I would support it if we do have to bid it, we should do so, if we don't . . .

Commissioner Mourdock: Do you have reason to extend it?

President Borries: Yes, I think we have reason to consider extending it, continuing, whatever. Alan, you are finished?

Attorney Kissinger: I have finished, yes.

RE: SUPERINTENDENT OF COUNTY BUILDING - CINDY MAYO

Ms. Mayo: I just wanted to ask you, do we need to go to rezonings before I give my report since they were to start at 7:00?

President Borries: With approval of the Board, that's a good point. What we do is in order to have some uniformity with the City Council most weeks, they are not meeting tonight, we schedule the rezonings for 7:00 p.m. We are at a point where we're past that time. May I have approval to recess this meeting temporarily and consider those rezonings at this time?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

President Borries: Temporarily recessing.

Reconvened.

Ms. Mayo: I received a call from the Coronor's office that has requested that perhaps paint can be purchased and some people from the SAFE House used to paint the inside of that building, they have a lot of traffic in and out. There are obviously families that come in, children that come in and they would be interested in having the inside, particularly the portion where people initially come into the building, they would like to have that painted. And they said that the SAFE House has done painting for them before, they feel very comfortable with that. They also are having a problem with the carpeting and Dennis said that they have in the past rented a carpet cleaner and they have done the cleaning themselves. They really are not interested in doing that any more. I did talk to Lynn Ellis and she said that they do get quotes from commercial cleaning places, that she would show me the quotes, we would have access to and perhaps at some point I could bring them to the Commissioners and you could act on that. Dennis said that he felt this would be something that would be done bi-annually, no more than twice a year.

President Borries: Do you have money in the budget?

Ms. Mayo: Probably the only thing maybe this could come under would be other operating. I looked, there really isn't anything that specifically is set up for that. Perhaps we would need to set up a new line item for that. Currently there's not one that this would fall under. But the painting, that's not a problem but the carpet, I don't think that would be considered repair to buildings and grounds. There is also a line item other supplies, again, I don't know if that would be considered supplies.

President Borries: Well, supplies might work. What's the feeling of this Board?

Commissioner Tuley: It's our building, we talked about that other one, it needs to be taken care of.

President Borries: Motion to approve the painting.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

President Borries: Motion to consider carpeting from supplies account?

Commissioner Tuley: I don't know if that will work or not. Well it's actually a service account.

President Borries: Motion to create a new line item?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Ms. Mayo: There was a problem. Benny came in this morning, two of the tires on his new truck had been tacked. I spoke with Mr. Borries about this. I don't know about the feeling of the Commissioners, Benny is willing to take the truck out to the County garage every night and pick it up every morning if you so desire. He said that if you allowed him to take it home, he certainly would drive it home, leave it there and drive it in to work the next morning. He does park it over at the Auditorium. It's well lit where he parks it and he's quite upset about his truck being vandalized this way so I told him I would bring it to your attention and get your feelings on what you wanted to do with this or if you had some other place that maybe he could park it of an evening that would be secure.

Commissioner Mourdock: It was sitting where when this happened?

Ms. Mayo: It was over on the Walnut Street side of the Auditorium.

I don't have a problem if he takes it home so long as he understands that it's from here to home and he parks it and drives it back here unless he's called out for some emergency.

Commissioner Mourdock: The only comment or reservation I have along these lines is that once one employee does that, for whatever reason, then everybody else risks their vehicle getting vandalized and they want to drive their's home too.

Discussion among Commissioners:

Ms. Mayo: Maybe he could park where the meter readers park. They do take those by the Waterworks Treatment Plant.

Would you mind to explore that?

Ms. Mayo: Fine.

President Borries: And other than that I don't have a problem with Benny even taking the car home. Benny has been a very valued employee through a number of years and many administrations. He does an excellent job. He has never been in my opinion reflected on the County in any negative way so I would have complete confidence in his ability to do that. On the other hand, if we can put it out here near the building and perhaps it might be a little more safe, I don't know, as I say it was well lit and on a major street there but, why don't we try that?

Ms. Mayo: Okay.

Commissioner Tuley: I mean he can park in my spot at night, I don't have a problem with that.

President Borries: I get here pretty early in the morning and I use mine but there's no problem, he can use mine too. I'll just park in one of you guy's.

Ms. Mayo: The next thing I have is Mark Iger called and his secretary is suffering from a respiratory infection. She will be off from work at least through this week so he's going to be hiring a temporary secretary. He just wanted you to be aware of that in case you get any calls. I have from DMD a bill that the County is going to have to pay for weed cutting on County owned property. The amount is \$3,767.50. There is no line item again that this can come out of and I feel that probably this could come out of judgements and refunds, that this would be a proper use of that account.

Discussion among Commissioners.

Ms. Mayo: There should not be any cost this year incurred on this. I did speak to Mr. Robling. The County is given a five day notice that something must be done with this property. If nothing is done, they cut the weeds. Hopefully we can work with the SAFE House people and if they are not able to get out in a five day period, then perhaps some of Mr. Morphew's people would be able to do something. It's kind of silly for the County to pay the City to cut our weeds.

I agree.

President Borries: May I have a motion to approve this request to take it from judgments and refunds?

So moved. So ordered.

Ms. Mayo: My last item is concerning the County car that I have access to. I would like to give the car back to the County Commissioners. I don't feel that the amount of travel that I have warrants me having a car. I feel that the County would be better served with someone, some other department using it and I will let you decide what department you think would best benefit from this.

Discussion among Commissioners.

Ms. Mayo: For the amount of travel that I would do going to the County buildings, I would rather submit mileage and turn it in that way. This would be my only means of transportation if I used it all the time and I do some shopping and different things on my lunch hour and I just really don't want you to receive calls that the County car was at Wal-Mart on Tuesday afternoon.

President Borries: Would you kind of keep it parked where it is now until we can see, would the Commissioners like to take a week to see who needs it?

Discussion among Commissioners.

President Borries: There could be some needs there from some certain departments. We'll ask our various departments, many of whom are in attendance tonight, to access their needs and let us know what we can do from that standpoint so we appreciate your willingness to do this and if we could take it under advisement and maybe make a decision next week. I encourage all the Commissioners to keep their ears open and we'll evaluate them on what we need to do.

In the mean time until we find out what we're going to do with the car, I'd like for whatever time that Benny's not parked there, there should be a Commissioner park their personal car back there during the day.

Ms. Mayo: I have two final items. There were two pink slips that did come through. Sandy Deig initialed them. One is from Center Assessor and one is from Pigeon Assessor that needs to be added I guess to the Consent Agenda or at least you need to be made aware of it to approve tonight and I do have a check for commission fees from AT&T that you need to endorse. It goes into the County general fund. That's all I have.

President Borries: Thank you Cindy.

RE: COUNTY GARAGE - BILL MORPHEW

Mr. Morpew: Good evening. I request that the car go to John Stoll.

Discussion among Commissioners.

President Borries: Any questions of Bill?

Commissioner Tuley: Yeh, what was the hole in McCutchanville we were talking about a week or so ago?

Mr. Morpew: 13113 Browning Road.

Commissioner Tuley: Are you going to take care of it?

Mr. Morpew: It's in the process of being taken care of. It is an 18" galvanized culvert. It has a drop box on one end of it that is in need of repair. There's a hole approximately 30" square right next to the edge of the pavement. I think the pipe does appear to be bad and

it needs to be replaced.

Commissioner Mourdock: On a similar subject, Bill, the one I called you on on Green River Road . . .

Mr. Morphey: There's a culvert going across the road right there also. It's the dip just north of the Day School on Green River Road. There is also a water line crossing there. There's a main there. And it's not caved in, but the dip is evident.

Commissioner Mourdock: Is there anything that can be done about it or what action did you take?

Mr. Morphey: I haven't done anything yet. I went out and physically looked at it, walked around the area, did a work order on it. I have not called it in to locate yet.

Commissioner Mourdock: Did I give you the fellow's name?

Mr. Morphey: Yes, you did. I have not called it in to locate zone yet but yet I do know for a fact, I watched them put the main through there, I know there is a main there. I'm going to get with John Stoll on that. There's going to be an intersection there some day.

President Borries: I have a couple of items too, Bill, one I'm sure you probably have heard about this one and I just didn't have any information to give this person. A Mrs. Hawkins called on Peck Road regarding some trees that have been cut by the County highway. I had written on my note, 660 feet on Peck Road. She didn't understand why the trees were cut and she's very upset. I just wanted to refer the matter to you. Are they on County right-of-way? I assumed they were.

Mr. Morphey: Yes, sir.

President Borries: Who turned in that complaint? Apparently Mrs. Hawkins did not for the request because she said it added some privacy to where they were and all that and now it's just I guess really dramatically changed things.

Mr. Morphey: I guess it's personal. They said they were small saplings, big as your thumb, tall weeds, I guess probably as the podium. Terry cut those down with our tiger mower and they were on the right-of-way. The people that live there did call in and they said there was a natural snow barrier that blocked the snow from getting on Peck Road. They didn't like the idea of those saplings being cut. I did talk to them, I went out and looked at the area. The bad thing about the tiger mower, it does leave a mess. So we sent a brush crew out to try and straighten it up and they didn't want that either.

President Borries: What do they want now?

Mr. Morphey: They want us to leave it alone. I told them that we do have complaints from the school bus drivers and also school bus transportation sends us a copy every month of areas where they would like for us to cut trees and saplings, low hanging branches, things like that. And we try to do that. We don't want any kids on the school bus scraping their arms when they hang them out the window. Peck Road is a narrow road too. It's not very wide and it's kind of a hazardous little road. Terry did what he thought was best, he cut the trees and the brush along the roadway.

President Borries: Okay, I would encourage the Commissioners maybe to go out and look and what would you suggest that I tell her?

Mr. Morphey: I've been thinking a lot about that. I guess out of sight, out of mind is what came up first. I wish it was spring time, I wish it would grow a lot faster but they're not. I think by March, it will green up again and they will grow very fast. The best thing I can do is

to instruct our men not to cut the saplings just to be sure that everything gets cut away from the road so that it doesn't interfere with traffic.

President Borries: We have duties along the right-of-way and again I only bring this up, I haven't had the opportunity to go out there and observe all of it but she did call and I wanted to get some questions on the record on that.

I had another woman call me on Monday regarding, whether or not, the road, they were hauling dirt out on a piece of property and she wanted it stopped. Help me with the road.

Myrtle?

And Allen's Lane. I thought it had to do with a road that may not have been on the County's is there a right? What's the name of it, John? Did you get some comments on this? I'll have to find my note, I'm sorry I brought it up but I want to say she didn't feel that the road was accepted as a County road and I said if it is not an accepted road, we can't . . . the weight, someone was hauling fill back to this particular piece of property and this person was really adamant about stopping it, I mean, she was really mad. And this was Monday and the offices were closed and I told her I would look into it. I'll get my note.

Mr. Morpew: All the dirt, when we're pulling shelters or ditching, we're saving all the dirt.

This didn't have anything to do with the County, this was a private hauler hauling it, a portion of the road may have been County accepted, I said I would have to know whether or not we had any jurisdiction, if it's a private road, we don't have any jurisdiction on that. I'll check.

Discussion among Commissioners.

President Borries: There was on either Old State or Mt. Pleasant, near Mt. Pleasant Road, a resident had called in where we apparently are having some kind of, he felt a sinking, going along part of Old State Road. We talked a little bit before about some ditching that had been done along Mt. Pleasant and we need to look back into that but this had to do with a depression. He said something it looked like was starting to form along part of Old State Road near Mt. Pleasant. I can't give you any better location than that, I'll have to do a better job of that next week.

Mr. Morpew: That intersection is on a hill.

President Borries: I know.

Mr. Morpew: And I really can't think of any ditching we've done out near there.

President Borries: You've done some on Mt. Pleasant at some point.

Mr. Morpew: Yes we did. Down by the railroad tracks near 41. We did some ditching down there.

President Borries: But the depression apparently I think is on Old State and that's what I'd like to just see if we could inspect the road in that area.

Mr. Morpew: We certainly will. Thank you.

President Borries: Any further things for Bill?

I'm sure glad you have seniority, that's why people call you.

I was embarrassed, I can't remember the name of that road. And this person was really mad. She was on a roll.

RE: COUNTY ENGINEER - JOHN STOLL

Mr. Stoll: First, I've got some revisions to the speed limit ordinance. Revising the speed limit on Barton Lane, Barton Road, Baumgart Road, Five-Dollar Road, Meadowlark Lane, Karen Drive, Magnolia Drive and West Haven Drive. These are all, speed studies have been requested over the past few months and the speed studies were done by Yutz and we had the speed limit established in accordance with the Manual and Uniform Traffic Control Devices and these are the revised ordinances that conform to those speed limit studies. Do you need to review this Alan or is it okay to go ahead with?

Attorney Kissinger: Basically, John has done my job for me drafting the ordinance I think based on previous ordinances that the Commissioners have adopted and I reviewed it and find it to be in good order. I'm assuming John is going to be asking for legal fees now.

President Borries: May I have a motion to approve this and add it to the County ordinances?

Mr. Stoll: It needs to be advertised first. May I have approval to advertise?

So moved. Seconded. So ordered.

Mr. Stoll: I have a change order for Lynch Road resulting in a decrease of \$205.50. They've changed the bearing pads for some of the beams from neoprene pad to a rubber pad and the rubber bearing pads are cheaper so that is where the decrease comes from and recommend that a change order be signed.

President Borries: Motion for the change order to be signed for decrease?

So moved. Seconded. So ordered.

Mr. Stoll: Next is a change order for the Franklin Street Bridge project and it results in an increase of \$8,931.79. The increase is the result of old trolley tracks were encountered when they were tearing the deck off the bridge so that was a \$3,300 increase and then some of the asbestos was encountered in the joints in the railing of the bridge and that was another \$1,800 and then there were some revisions made to the maintenance traffic plan that basically resulted in the rest of it. I recommend that this change order be signed as well.

President Borries: Motion for the change order to be signed for increase?

So moved. Seconded. So ordered.

Mr. Stoll: Next I have a proposal for Geotechnical Engineering Services from Atech Associations. If you remember last fall, we did a study out there, Atech did a study to determine if some of the cracks in the pavement were a result of pavement failures or if there were some other problems out there. It's on Upper Mt. Vernon Road between Treetop and Peerless and the pavement analysis showed no problems with the pavement so we now need to investigate the possibility of whether or not there is a slope-ability problem out there since this section of the road does sit on an embankment and this proposal is for four soil borings of depths of 20 and 40 feet to determine whether or not there is an embankment problem there. The amount not to exceed on this is \$10,000 and I recommend that this agreement be signed and we proceed with that analysis.

So moved. Seconded. So ordered.

Mr. Stoll: Next I have a travel request for Tim Spurling and Valerie Harry to attend the HERPICC County Bridge Conference in West Lafayette on February 1 and 2. It will involve one night's stay and they will be taking a county vehicle. I recommend that a travel request be approved.

Discussion among Commissioners.

President Borries: Motion to approve travel request?

So moved. Seconded. So ordered.

Mr. Stoll: I'll just give you an update on the Boonville-New Harmony Road and Green River Road intersection. We did receive the INDOT standard drawing details on installation of the flashing warning lights on top of the 'stop ahead' signs so we're probably going to go out there and survey that either tomorrow or Thursday depending on the weather and try and establish a location for a flashing light out there.

Commissioner Mourdock: We talked about rumble strips too as an option.

Mr. Stoll: We have some rumble strip information as well that we really aren't to the point where we know exactly what to do with that at this point.

Commissioner Mourdock: But you're not abandoning that just strictly for the caution signal?

Mt. Stoll: No, I'd rather go with both if we can get, if it's not excessive cost.

President Borries: Let me also say too and the other Commissioners may have noticed, in my travels around, that short stretch between where you're talking about Green River Road and State Road 57, is really beginning to deteriorate. A lot of allegatoring there and also now some of the pavement is coming up so we need to really monitor that, it's a real heavily traveled portion and it's almost right by the intersection just past the railroad tracks or right in front of those railroad tracks right before you get to 57, it's on Boonville-New Harmony Road. We resurfaced Boonville-New Harmony Road on the other side of 57 but it's that little short stretch which is really heavily traveled and we need to look at that one because that one needs to be on our list and we may have to make some pot hole kind of situation, if we can look at that this week.

Mt. Stoll: It needs to be restriped as well so if it was going to resurfaced, now's the time to take care of that.

President Borries: It isn't a long stretch but it needs it.

Mr. Stoll: The other item I wanted to update you on was when Ms. Jean Carter was here last week concerning that sanitary sewer that's going to connect Cynthia Heights School to the sanitary sewer system. Don't really have anything resolved as of yet as far as what direction to take that in. I met with her and three other individuals Friday and talked with the Water and Sewer Department. It sounds as if the option that the School Corporation is going with on that sewer extension was basically through the direction of the Water and Sewer Department as far as what they wanted to see. It involves a gravity line for a portion of the sewer and then it's a force main from there on out. They've already taken bids on the project and it sounds that the residents out there have brought up this sewer in the past but it would just be random, one person show up at a Utility Board meeting and things like that so there's never been really coordinated effort for anybody to try and get the sewer extended out there but it didn't sound preliminarily that this plan could be modified to serve all those residents at this time.

Commissioner Mourdock: It did or did not?

Mr. Stoll: It did not. It sounds like that since the Water and Sewer Department basically directed the School Corporation to proceed in the manner that they have, it sounded like they pretty much had everything worked out but what the Water and Sewer Department suggested was that a meeting be set up like Ms. Carter suggested last week to see what residents out there were in favor of the sewers and whether or not any financial commitments could be made or I guess just to see how many people out there do support sewer extensions and whether or not it's feasible and that's where basically the Water and Sewer Department suggested that the Commissioners should be involved as far as having the Commissioners

coordinate the meeting but I think it's going to take a representative from the Water and Sewer Department to be there as well to help answer some of the procedural questions I guess as far as how they handle sewers in their department because a lot of the questions that came up last week at the meeting that I had with these people, I couldn't answer because it was either directly related to how the School Corporation issued the bids or how the Water and Sewer Department would handle the construction so at this point, it sounds like we'll need to coordinate some sort of meeting but as far as anything beyond that, I really do not know at this point.

Commissioner Mourdock: Is it your understanding as she tries to put such meeting together, she's going to communicate back to you as far as what's happening?

Mr. Stoll: Right, she was asking where should they go from here and I had not gotten any calls back from the Water and Sewer Department prior to this meeting so I didn't know exactly where it all stood so she's basically asking for some direction from us and at this point I didn't know exactly what option you all would want to pursue but it sounds like somehow a meeting will need to be coordinated that would involve the people from the Water and Sewer Department so I can get back in touch with her and discuss it with you as this goes on but that's kind of where it stands at this point.

Will you keep us informed:

Mr. Stoll: Right. Do you want to proceed with setting up a meeting with those residents, is that how you'd like to go about it?

Sure.

Mr. Stoll: I'll find out from the Water and Sewer Department who they feel would be best suited.

Commissioner Mourdock: It was my recollection that's kind of the mission we sent her out of here with last week to try and set something up like that.

Mr. Stoll: The way it sounded, that's what she had said, what was set up last week but then in the time between the Commissioners meeting and the meeting I had with them, I found out the bids had already been taken on the project and things like that so I didn't know whether or not it was feasible for them to try and slow the project down and get some input in or what but after that, that's when I found out that basically that the Water and Sewer Department had already been in coordination with the School Corporation so I just wanted to make sure that's still the direction you wanted to go in. I'll get back in touch with her then. That's all I have.

Commissioner Mourdock: One other question then, I'm not sure I handled this correctly, John, in fact I'm sure before I was sworn in I've gotten a letter from a Bud Farmer requesting the same type of information that Ron Smith requested.

Mr. Stoll: On street standards?

Commissioner Mourdock: Yes, did you get a copy of that letter?

Mr. Stoll: I don't believe so unless it was handled by someone else in my office.

Commissioner Mourdock: Okay, well that was about the time I got it and I think I probably put it on BJ's desk about the time she was leaving and Cindy might want to check and see, all I remember is his last name was Kuester and Bud Farmer sent a letter on behalf of this Kuester who I think was his nephew or something wanting the same information so you might want to check and see and then forward that out to him please.

Ms. Mayo: The letter was addressed to you?

Commissioner Mourdock: Yes, it was addressed to me and I brought it in and initialed it and I thought the procedure was, I gave it to BJ and I thought it . . .

Ms. Mayo: It is probably on Pat Tuley's desk. That's our mission this week to clean his desk off.

Discussion among Commissioners.

President Borries: Any other questions of John? Thanks John.

RE: CONSENT ITEMS

President Borries: We have consent items. May I have approval of consent items?

Discussion among Commissioners.

President Borries: Further comments on the consent agenda? We do have some signing to do. May I have a motion?

So moved. Seconded. So ordered.

President Borries: Schedule of meetings, there's a list attached. Any old business?

RE: OLD BUSINESS

Commissioner Mourdock: Mr. President, one item. Two weeks ago when the West Side Improvement Association came before us and at your suggestion, Ken, we discussed the possibility of a highway summit or meeting with that group. Pursuant to that I've had a conversation with Dr. Hoops and also Phillip Fisher regarding the possibility of doing, through the Business Department or the Economics at USI, an economic impact study on what would be the affect of conventional bidding versus 24-hour bidding. Dr. Fisher and I are scheduled to get together Friday and I didn't know, right now it's set up for 4:00 out at my business office but if either of you would like to be involved, I wouldbe more than happy to move it down here. Whatever you'd like to do or I can pull it back I just didn't want you to think I was doing this without your approval or awareness.

President Borries: Thank you for telling us about it. Please proceed. Any other old business? Any new business at this time?

RE: NEW BUSINESS

No new business at this time.

With no further business at this time, President Borries adjourned the meeting.

IN ATTENDANCE

Richard J. Borries  
Patrick Tuley  
Richard E. Mourdock  
Suzanne Crouch  
Alan Kissinger  
Cindy Mayo  
John Stoll  
Bill Morphew  
Lynn Ellis  
Mark Tuley  
James Moore  
Rose Parks  
Betty Lou Jerrel  
Carl Johnson  
Rick Jones  
Joanne Matthews  
Other (unidentified)

COMMISSION MEETING  
REZONING PETITIONS

January 17, 1995

President Borries reconvened the meeting at 7:00 p.m.

VC-15-94 - Petitioner - Gary Burden: common known address is 2905 North St. Joseph Avenue and the request is to change from A to C2 with the use and development commitment.

My name is Dennis Conwell. I've been representing Gary in front of the Area Planning Commission as well as through the documentation and so forth of the Petition and at the last meeting of the Area Planning Commission they did approve the change. Basically what we're doing is changing a church and they're going to put some office in there, some small offices as well as a professional training and licensing type of operations for insurance and also for operations where they are actually teaching information for licensing people that would be working with securities. And that's what we're asking for at this time is to change that zoning so we can put some small offices in there.

President Borries: You are aware and I want the Commissioners of course to ask questions. You are aware, sir, that this Petition as amended asks that you make a commitment, which you have, and to maintain this grass buffer that is going to be in place in this request.

Mr. Conwell: Yes. And also there would be no access onto the road behind there only on St. Joe.

President Borries: Okay, This is the third reading by the way and I have mistakenly done it first but we'll take care of the first readings in a moment. Are there other persons then who wish to remonstrate, speak for or against this Petition?

Woman: I'm not for or against but what they're going for is the C2 zoning and all the uses that are allowed in a C2 zoning classification. They plan to use it at this time as an office.

There was one lady that spoke out at the Area Planning Commission. She originally had some reservations but she's met with the developer and the Petitioner. Apparently, they have those resolved and I think her only concern really was what you made reference to the entrance back off St. Joe Avenue which you guys . . .

President Borries: If there are not further questions, then I'd entertain a motion to approve this request ordinance, it's VC-15-94.

So moved. Seconded. So ordered.

President Borries: Okay, this is an ordinance that's been moved and seconded and I will call for a roll call vote at this time.

Commissioner Mourdock - yes  
Commissioner Tuley - yes  
President Borries - yes

The ordinance is approved.

VC-17-94 - Petitioner - Chris Combs: Common known address is 2010 Fuquay Road. Continued to the February meeting.

I do have three rezoning requests here which will be first readings.

VC-21-94 - Petitioner - Robert Woodward: Common known address is 6000 N. Burkhardt Road. Request Ag to C4. Are there any comments at this point?

Commissioner Tuley: Is that north of Morgan?

B. Cunningham: It's at the very end of Burkhardt Road . . .it's a gravel road.

President Borries: As the president, I move that VC-21-94 be approved on first reading and forwarded to the Area Planning Commission.

Seconded. So ordered.

VC-22-94 - Petitioner - Old National Bank, as trustee for the Hartmann Family Land Trust. Common known address is 7800 East Lloyd Expressway. Request Ag to C4.

Commissioner Mourdock: Is C4 consistent with all the other things out there according to the master plan?

President Borries: As the president, I move VC-22-94 be approved upon first reading and passed on to the Area Planning Commission.

Seconded. So ordered.

VC-23-94 - Petitioner - Regency Properties: Common known address is 7040 East Lloyd Expressway. Request Ag to C4.

Discussion.

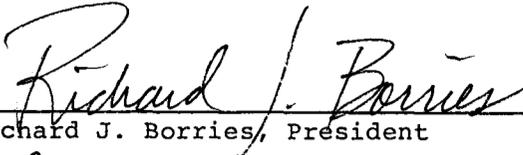
President Borries: As president, I move that VC-23-94 be approved upon first reading and passed along to the Area Planning Commission.

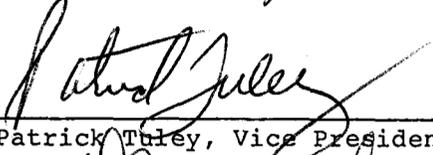
Seconded. So ordered.

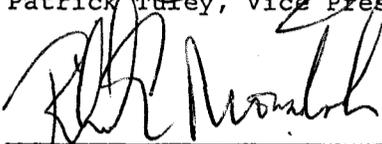
President Borries: Further, let me just say, and we've had a long meeting already so I don't want to complicate things as they tend to get but I will. And our attorney is not here but this Board needs to then continue to pursue based on what we're seeing here tonight, the establishment of a TIF zone as quickly as possible in considering proposed improvements, along Burkhardt Road. I think that it's very important that we move forward on that. It's my understanding that we can declare TIF zoning and get that zone established prior to the development of certain property in that area. We certainly need to ask our attorney to begin to move forward on that TIF zone.

President Borries: I don't think we have any further business at this time rezoning wise, Mrs. Cunningham?

We'll recess that portion then and reconvene then the regular portion of our meeting and continue on then with Cindy Mayo.

  
Richard J. Borries, President

  
Patrick Tuley, Vice President

  
Richard E. Mourdock, Member

AGENDA

VANDERBURGH COUNTY COMMISSIONERS  
JANUARY 17, 1995

5:30 P.M.

Amended  
**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. Rick Jones - County Council - Safety Director for County
  - D. Lynn Ellis - Purchasing - approval of traffic paint bid
  - E. Betty Lou Jerrel - County Council - Auditorium
  - F. James Moore - Vice President Goosetown Neighborhood Assn.
5. DEPARTMENT HEADS

Mark Tuley.....Burdette Park  
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  
\*\*County Assessor  
\* Health Dept.  
\*own budget \*\*Commissioners budget \*\*\* unappropriated funds
  - B. Employment Changes (see attached lists)
7. Scheduled Meetings - List attached
8. OLD BUSINESS
9. NEW BUSINESS
10. MEETING ADJOURNED

REZONINGS AT 7:00 PM

. DRAINAGE BOARD IMMEDIATELY FOLLOWING



BOARD of  
COMMISSIONERS  
of the County of Vanderburgh

RICHARD J. BORRIES  
RICHARD E. MOURDOCK  
PATRICK TULEY

AGENDA REQUEST

NAME OF REQUESTOR: Rick Jones

REQUESTOR TITLE: County Councilman

DEPARTMENT: County Council

REQUEST(S) BEING MADE:

Will be speaking on  
subject of Safety Director  
for County.

Has a 6:00 meeting- needs to  
be first on agenda.

DATE TO BE PLACED ON AGENDA: 1-17-95

ACTION  CONSENT  OTHER



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

RICHARD J. BC  
DON L. HUNTE  
PATRICK R. TU

## AGENDA REQUEST

**NAME OF REQUESTOR:** Lynn W. Ellis

**REQUESTOR TITLE:** Buyer

**DEPARTMENT:** Purchasing

**REQUEST(S) BEING MADE:**

Approve the award of the annual price agreement for Traffic  
Paint, Bid No. APA014-95, as follows:

<u>Mike Green, Inc.</u>	<u>\$28,947.00</u>	<u>✓</u>
<u>Swarco Industries, Inc.</u>	<u>\$ 3,694.00</u>	<u>✓</u>
<u>Pave-Mark Corporation</u>	<u>\$ 8,720.00</u>	<u>✓</u>

Mike Green, Inc. bid the paint portion of the bid "All or None".  
The cost savings realized in awarding "All or None" (\$28,947.00)  
as opposed to awarding to the next low bidders (\$28,989.00) is  
\$42.00.

**DATE TO BE PLACED ON AGENDA:** January 9, 1995

**ACTION** XX      **CONSENT** \_\_\_\_\_      **OTHER** \_\_\_\_\_

SUMMARY OF BIDS  
TRAFFIC PAINT  
BID NO. APA014-95

BIDDER	Linear Dynamics Inc.	Mike Green, Inc.	Swarco Industries, Inc.	Flex-O-Lite, Inc.	Pave-Mark Corporation	Centerline Industries, Inc.
CITY, STATE	Parsippany NJ	Fairland IN	Columbia TN	St. Louis MS	Atlanta GA	Ennis TX
YELLOW STANDARD TRAFFIC PAINT, 3300 GALLONS	\$4.54/gallon	\$4.64/gallon	No Bid	No Bid	No Bid	\$4.49/gallon
GLASS SPHERES; 20,000 LBS	No Bid	\$0.25/lb	\$0.1847/lb	\$0.198/lb	\$0.26/lb	No Bid
WHITE THERMOPLAS-TIC MATERIAL (ALKYD 50 LB BAG), 16,000 LBS/320 BAGS	\$0.382/lb	No Bid	\$19.70/bag	No Bid	\$0.36/lb	No Bid
WHITE THERMOPLAS-TIC MATERIAL (ALKYD 50 LB BLOCK) 8,000 LBS/160 BLOCKS	No Bid	No Bid	No Bid	No Bid	\$0.37/lb	No Bid
YELLOW HOT PAINT, 2200 GALLONS	\$4.65/gallon	\$4.50/gallon	No Bid	No Bid	No Bid	\$5.33/gallon
WHITE HOT PAINT, 900 GALLONS/16 BARRELS	\$4.38/gallon	\$4.15/gallon	No Bid	No Bid	No Bid	\$4.92/gallon

PRICES FOB EVANSVILLE	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
DISCOUNTS	0% Net 30 days	No	Net	None	None	None	None	None; Net 30 days	Yes
BID IS SUBJECT TO ESCALATION	N/A	N/A	N/A	None	None	None	None	None	Yes
BIDDER WILL ACCEPT PORTION/TOTAL BID AWARD	Portion	All or nothing for paint only	Total bid	Total	Portion	Portion	Portion	Portion	Yes
GUARANTEED DELIVERY SCHEDULE	As required	21-30 days	14-21 days ARO	30 days ARO	30 days ARO	30 days ARO	30-45 days ARO	30-45 days ARO	Yes
METHOD OF DELIVERY	Truck	Truck	Truck	Truck	Truck	Truck	Truck	Truck	Yes
MANUFACTURER	Linear Dynamics	Aexcel Corp	Swarco	Flex-O-Lite	Pave-Mark	Pave-Mark	Centerline	Centerline	Yes
BIDDER CONFORMS TO SPECS	Yes	Yes	Yes - Bidder indicated N/A	Yes - Bidder indicated N/A	Yes	Yes	Yes	Yes	Yes
BIDDER MEETS INDOT SPECS	Yes	Yes	Yes	N/A	Yes	Yes	Yes	Yes	Yes
NEAREST AUTHORIZED FACILITY	Indianapolis IN effective 1/31/95	Fairland IN	Columbia TN	N/A	Atlanta GA	Atlanta GA	Hannibal MO	Hannibal MO	Yes
BIDDER SUBMITTED MANUFACTURER SPECS	No	Yes	Yes	N/A	Yes	Yes	Indicated YES but failed to include	Indicated YES but failed to include	Yes
BIDDER SUBMITTED 5% BID BOND	5% Bid Bond	5% Bid Bond	\$684.60 Cashier's Check	\$250.00 Cashier's Check	\$500.00 Official Check - Insufficient amount. Should be \$696.00	\$500.00 Official Check - Insufficient amount. Should be \$696.00	5% Bid Bond	5% Bid Bond	Yes

BIDDER WILL FURNISH PERFORMANCE BOND	Yes	Not indicated	Yes	Yes	Yes	Yes	Yes	Yes	Yes
BIDDER WILL INDEMNIFY CITY/COUNTY	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
BIDDER INCLUDED 3 REFERENCES	Yes	Yes	Yes	Indicated Yes but failed to include	Yes	Yes	Yes	Yes	Yes
BIDDER POSSESSES NECESSARY LICENSES	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A
BIDDER EXECUTED EEO STATEMENT	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
BID AMOUNT	\$35,266.00	\$33,947.00	\$9,998.00 - Bidder indicated \$13,692.00	\$3,960.00	\$13,920.00	\$30,971.00			
COST OF PERFORMANCE BOND	\$169.00	\$0	\$684.60 - Bidder appears to have incorrectly indicated value of bid bond	None	None	None indicated			
TOTAL BID COST	\$35,435.00	\$33,947.00	\$10,682.60	\$ 3,960.00	\$13,920.00	\$30,971.00			
RECOMMENDED BID AWARD		\$28,947.00	\$ 3,694.00		\$ 8,720.00				

"No Bids" were received from Cataphote Inc., Jackson MS and EZ-Liner Industries, Orange City IO.



BOARD of  
COMMISSIONERS  
of the County of Vanderburgh

RICHARD J. BORG  
DON L. HUNTER  
PATRICK R. TULE

# AGENDA REQUEST

RECEIVED

JAN 13 1995

NAME OF REQUESTOR: Lynn W. Ellis Vanderburgh County Commissioners

REQUESTOR TITLE: Buyer

DEPARTMENT: Purchasing

## REQUEST(S) BEING MADE:

Approve the advertising for bids for the printing of tax bills  
for 1995, Bid No. VC9501.

Advertise in the Courier and Press: January 20 & 27, 1995

Open bids: February 6, 1995

Award bids: February 13, 1995

*approved*

DATE TO BE PLACED ON AGENDA: January 17, 1995

ACTION XX CONSENT \_\_\_\_\_ OTHER \_\_\_\_\_

CITY OF EVANSVILLE  
VANDERBURGH COUNTY

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF PUBLIC PURCHASE ACTING FOR AND ON BEHALF OF THE BOARD OF COUNTY COMMISSIONERS WILL UNTIL, MONDAY, FEBRUARY 6, 1995 AT 5:30 P.M. RECEIVE AND PUBLICLY OPEN AND READ SEALED BIDS FOR THE FURNISHING AND DELIVERY OF THE FOLLOWING:

PRINTING OF 1995 TAX BILLS

BID REQUIREMENTS:

1. Each bid must be in full compliance with the specifications and executed by the bidder on State Bid Form #95, wherein the Non-Collusion Affidavit must be completed in accordance with the Indiana State Board of Accounts.
2. All bids must be accompanied by a Bid Bond or Certified Check payable to the BOARD OF COUNTY COMMISSIONERS of Vanderburgh County in an amount of not less than five percent (5%) of the total bid amount as evidence of good faith of the bidder and such deposit shall be subject to forfeiture in the event the bidder fails to execute his contract in accordance with his bid.
3. Consideration of applicable taxes shall be observed as covered in the specifications and Bid Forms. In no instance, however, will Federal Taxes or Indiana Sales Tax be applicable.
4. The BOARD OF COUNTY COMMISSIONERS OF VANDERBURGH COUNTY reserves the right to award separate contracts for each item and/or the right to reject any and all bids if considered to be in the best interest of Vanderburgh County.

DATED THIS 17th day of JANUARY 1995

THE BOARD OF COUNTY COMMISSIONERS  
VANDERBURGH COUNTY  
Richard J. Borries, President  
Patrick R. Tuley, Vice-President  
Richard E. Murdock, Member

Attest: Ms. Joanne Matthews, Secretary to the Board

PUBLISH IN THE EVANSVILLE COURIER AND PRESS:

January 20, 1995  
January 27, 1995



BOARD of  
COMMISSIONERS  
of the County of Vanderburgh

RICHARD J. BORRI  
DON L. HUNTER  
PATRICK R. TULEY

## AGENDA REQUEST

NAME OF REQUESTOR: Betty Low Jemel

REQUESTOR TITLE: Gov County Council

DEPARTMENT: Auditorium

REQUEST(S) BEING MADE:

Speaking about food & beverage tax  
per Rick Borries.

DATE TO BE PLACED ON AGENDA: \_\_\_\_\_

ACTION \_\_\_\_\_ CONSENT \_\_\_\_\_ OTHER \_\_\_\_\_

BETTYE LOU JERREL  
RICHARD BORRIES

WE ARE SEEKING YOUR SUPPORT OF THE EXTENSION OF THE FOOD AND BEVERAGE TAX FOR THE PURPOSE OF RENOVATING THE VANDERBURGH COUNTY AUDITORIUM.

ORIGINALLY THIS ONE CENT TAX WAS ESTABLISHED TO RETIRE BONDS THAT FINANCED THE CONSTRUCTION OF A NEW AIRPORT TERMINAL. THESE BONDS WILL BE RETIRED SEVERAL YEARS AHEAD OF SCHEDULE AND THE ONE CENT TAX WILL BE DISCONTINUED IF NOT REAUTHORIZED BY THE STATE LEGISLATURE. OUR LOCAL LEGISLATORS HAVE INDICATED THEY WILL HELP MOVE THIS THROUGH THIS SESSION IF IT HAS BROAD BASED BIPARTISAN SUPPORT. A BILL SPONSORED BY REPRESENTATIVE VANETA BECKER AND CO-SPONSORED BY REPRESENTATIVES AVERY, HAYS, AND LUTZ HAS BEEN FILED. SENATORS SERVER AND O'DAY ALSO WISH TO SEE BROAD BASED COMMUNITY SUPPORT.

AS MOST OF YOU KNOW, THE COUNTY HAS BEEN STRUGGLING TO FIND A REVENUE SOURCE TO DO THE AUDITORIUM PROJECT RIGHT INSTEAD OF PIECEMEALING IT OVER MANY YEARS. DURING THIS PAST YEAR AND A HALF, A COMMUNITY BASED TASK FORCE EXAMINED ALL ASPECTS OF THE AUDITORIUM AND POINTED OUT THE VALUE OF MODERNIZING THIS CENTRALLY LOCATED FACILITY. THE COUNTY COUNCIL HAS BEEN FORCED TO MAKE SEVERAL EMERGENCY APPROPRIATIONS FOR REPAIRS. THE BOTTOM LINE IS THAT THIS BUILDING WAS CONSTRUCTED IN 1967 AND HAS SERVED US WELL. ITS LOCATION AND GOOD PARKING PROVIDES A PERFECT SETTING FOR LARGE AND SMALL EVENTS. WITH THE PROPER REPAIRS AND REMODELING IT SHOULD CONTINUE TO BE A PREMIER PUBLIC BUILDING FOR MANY, MANY YEARS.

WE HAVE INCLUDED A LIST OF POSSIBLE RENOVATIONS WHICH WILL BE REVIEWED AND COSTED OUT. GIVEN THE CURRENT REVENUE FROM THE FOOD AND BEVERAGE TAX PLUS THE POTENTIAL INCREASE BECAUSE OF MANY NEW RESTAURANTS, THIS PROJECT COULD BE PAID OFF IN 5 OR LESS YEARS. NON COUNTY RESIDENTS WOULD SHARE IN THIS METHOD OF PAYMENT AND THE BURDEN WOULD NOT BE PLACED UPON THE PROPERTY OWNERS IN VANDERBURGH COUNTY.

POSSIBLE RENOVATIONS;

AUDITORIUM

Sitework  
New seats  
Auditorium Chamber/control Rooms/HVAC  
Box seating  
Balcony Seating  
Elevators  
Sound system  
Lighting equipment  
Lighting installation  
Rigging  
Curtains  
Orchestra Shell  
Hydraulic Pit sections/excavation  
Concessions/tickets/dock  
Green Room/restrooms

GOLD ROOM

Sitework/landscaping  
Kitchen/dock/catering  
First floor conference space  
Gold Room renovations/lighting/sprinklers  
Offices  
Meeting rooms/second floor  
Lobby/restrooms  
Bankstand/storage  
Sound system



VANDERBURGH COUNTY COUNCIL  
STATE OF INDIANA

ROOM 303A, CIVIC CENTER COMPLEX  
1 N.W. SEVENTH STREET  
EVANSVILLE, IN 47708-1833  
(812) 426-5790

January 11, 1995

Dear Community Leader:

The Vanderburgh Auditorium, built in 1967, is an important community asset. Concerts, plays, dances, dinners, conferences, wedding receptions, and flea markets are examples of the events held there during the past twenty-eight years. It has served our community well, but it now needs some major improvements to continue as a first-class auditorium and meeting center.

We ask for your support in this effort in two important ways. First, we ask that you write a letter of support for Vanderburgh Auditorium improvements. Second, send a copy of your letter to our area state legislators.

We believe that Vanderburgh Auditorium improvements can be quickly completed and financed through a five-year extension of the \$.01 food and beverage tax in Vanderburgh County. In just seven years, the new \$18 million Evansville Regional Airport terminal's bond financing was paid off through this penny's revenue, and we estimate that the finance package for a complete Vanderburgh Auditorium renovation would be paid off in five years or less. This funding source does not raise local property taxes in any way!

Nine Indiana counties (Indianapolis-Marion County included) already have this penny source of revenue. We believe it is the best way to meet an important community need, and we ask your help in this effort.

It is necessary that we move quickly because this will require legislative action, and our legislators want to be assured that this project does, in fact, have broad-based bipartisan support. Please mail your letter to the County Commissions Office, Room 307, Civic Center, Martin Luther King Boulevard, Evansville, IN 47708.

Sincerely,

  
Richard Borries, President  
Vanderburgh County Commissioners

  
Bettye Lou Jerrel, Member  
Vanderburgh County Council

Vapeta Becker, State Representative  
~~Senate~~ Office  
State House  
Indianapolis, IN 46204

J. Jeff Hays, State Representative  
House office  
State House  
Indianapolis, IN 46204

Dennis Avery, State Representative  
House Office  
State House  
Indianapolis, In 46204

Larry Lutz, State Representative  
House Office  
State House  
Indianapolis, In 46204

Greg Server, State Senator  
Senate Office  
State House  
Indianapolis, IN 46204

Joe O'Day, State Senator  
Senate Office  
State House  
Indianapolis, IN 46204

VANDEBURGH AUDITORIUM CLIENT LIST

USI Foundation  
U of E Foundation and Science Department  
Keller Crescent  
Welborn Foundation  
Welborn Clinic  
American General  
General Electric  
Whirlpool  
Home Builders Association  
General Growth Corporation  
Chamber of Commerce  
Evansville ARC  
Old National Bank Corporation  
Old National Bank  
Citizens Bank  
Brake Supply  
Vanderburgh School Corporation  
Sterling Men's Club  
Catholic High Schools  
Research Systems  
Department of Metro Development  
Cullen Ave. Baptist Church  
Apartment Owners and Manager  
Farm Boy Foods  
WFIE Channel 14  
WNIN Channel 9  
Young Mens Christian Association  
Evansville Christian Life  
Evansville Dance Theatre  
Evansville Convention and Visitors Bureau  
Evansville Philharmonic Orchestra  
Grace Baptist Church  
H & H Music  
T & D Promotion  
Barnabas Ministries  
Bethel United Church of Christ  
B.J. Flowers and Gifts  
Aiken Management  
Boetticher & Kellogg  
Boonville High School  
BRC Industries  
Castle High School  
Democratic Central Committee  
Republican Central Committee  
Christian Fellowship Church  
Young Life  
Professional Secretary International  
Public Education Foundation  
Schnuck's Grocery  
Selective Staffing  
Sertoma Club of Evansville  
Sigeco  
Swirca  
The Evansville Coin Club  
Jan's School of Dance

BP Entertainment  
Harrison High School  
Central High School  
Shannon's School of Dance  
Teena's Dancers  
Indiana Utility Regulatory Commission

Mayor Frank McDonald  
Steve Melchior, Pres. City Council  
Phil Hoy, Pres. County Council  
Mark Owen, Democratic Central Comm.  
Joe Harrison, Jr., Republican Central Comm.  
Skip Simms, Pres. Center City Corp.



BOARD of  
COMMISSIONERS  
of the County of Vanderburgh

RICHARD J. BORRIES  
RICHARD E. MOURDOCK  
PATRICK TULEY

WHEREAS, the Vanderburgh Auditorium and Convention Center, located in the center of the city of Evansville, has hosted a wide variety of community events for more than 27 years and,

WHEREAS, the Vanderburgh Auditorium and Convention Center needs renovation to serve the community needs of the 21st Century and,

WHEREAS, the \$.01 Food and Beverage tax could be re-directed to finance these renovations without any increase to local property taxpayers,

BE IT RESOLVED, that the Vanderburgh County Commission (Council) supports the proposal to finance improvements to the Vanderburgh Auditorium and Convention Center through the one cent Food and Beverage tax.

Richard J. Borries  
Patrick Tuley  
\* R. E. Mourdock

\* Condition upon adoption of "Sunset Language" as reflected in minutes of 11/17/93 meeting. RJB



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

RICHARD J. BORRIES  
RICHARD E. MOURDOCK  
PATRICK TULEY

AGENDA REQUEST

NAME OF REQUESTOR: Mark Tuley  
REQUESTOR TITLE: \_\_\_\_\_  
DEPARTMENT: Burdette Park

REQUEST(S) BEING MADE:  
\_\_\_\_\_  
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DATE TO BE PLACED ON AGENDA: \_\_\_\_\_

ACTION \_\_\_\_\_ CONSENT \_\_\_\_\_ OTHER Depr. heads



BURDETTE PARK  
5301 NURRENBERN ROAD  
P.O. BOX 7081  
EVANSVILLE, IN 47719-7081

JANUARY 13, 1995

TO: RICK BORRIES, PRESIDENT VANDERBURGH COUNTY COMMISSIONERS

FROM: BURDETTE PARK ADVISORY BOARD

DEAR RICK,

THE BURDETTE PARK ADVISORY BOARD MET ON JANUARY 12, 1995, AND ARE FOREWARDING THE FOLLOWING RECOMMENDATIONS TO YOU:

1. REQUEST PERMISSION TO SEEK PROPOSALS FOR ADVERTISING SERVICES INCLUDING ALL ASPECTS OF PARK ADVERTISING AND MARKETING RFP SHOULD BE DEVELOPED BY THE PARK MANAGER IN CONJUNCTION WITH THE PURCHASING DEPARTMENT. THE ADVISORY BOARD WILL BE HAPPY TO REVIEW INITIAL WRITTEN PROPOSALS AND WE PROPOSE AFTER REVIEWING ALL PROPOSALS TO INVITE THE TOP THREE COMPANIES IN TO GIVE A 20 MINUTE PRESENTATION OF THEIR PROPOSALS INCLUDING, CLIENT LISTS, COPIES OF THEIR WORK INCLUDING DISPLAY ADS, TV AND RADIO COMMERCIALS. WE THEN PROPOSE TO MAKE A FINAL RECOMMENDATION OF ONE COMPANY TO THE COMMISSIONERS. WE ARE LOOKING AT A CONTRACT OF 3-5 YEARS TO THE WINNING COMPANY.
2. THE BURDETTE PARK ADVISORY BOARD UNANIMOUSLY VOTED IN FAVOR OF INSTALLING BUMPER BOATS AT THE AQUATIC CENTER FOR THE 1995 SEASON. THERE IS SUFFICIENT FUNDING FOR THIS PROJECT AND DENNIS FELDHAUS HAS THE INSURANCE APPROVAL. WE ALSO RECOMMEND THIS BE INCLUDED IN THE AQUATIC CENTER ADMISSION PRICE WITH NO INCREASE IN USER FEES FOR 1995.

RESPECTFULLY,

*Jerry S. Riney*

JERRY RINEY  
ADVISORY BOARD PRESIDENT

*Roy M. Mabrey*

ROY MABREY  
VICE PRESIDENT

*Marion Deig*

MARION DEIG  
MEMBER

VANDEBURGH COUNTY HIGHWAY DEPARTMENT  
PROGRESS REPORT

FRIDAY, JANUARY 6, 1995 THRU THURSDAY, JANUARY 12, 1995

FRIDAY, JANUARY 6, 1995

All crews ran snow routes.

SATURDAY, JANUARY 7, 1995

All crews ran snow routes.

MONDAY, JANUARY 9, 1995

One crew cleaned trucks.

Two trucks hauled sand to the yard.

One crew worked on offices.

Trash crew worked on S. Weinbach, Lenn, and River Road.

Two tree crews worked on Old Henderson Road.

One trash crew worked in the Bottoms.

TUESDAY, JANUARY 10, 1995

Gradall and one crew worked on S. Weinbach.

Two trucks hauled sand to yard.

Two trash crews ran routes.

Two tree crews worked on Roesner.

One crew worked on offices.

One tree crew worked on Felstead and Schutte.

WEDNESDAY, JANUARY 11, 1995

One crew worked on offices.

One crew cleaned trucks.

Trash crew worked in Bottoms.

Two crews spread rock on Seminary, Motz and Sensmeier.

Two tree crews worked on Newman.

THURSDAY, JANUARY 12, 1995

Gradall and one crew cleaned ditchline on Speaker Road.

Gradall and one crew cleaned ditchline on S. Weinbach and  
Waterworks.

One crew worked on offices.

Two crews and pothole patcher worked on work orders.

One crew cleaned trucks.

Two tree and brush crews worked on Roesner.

VANDERBURGH COUNTY BRIDGE CREW  
PROGRESS REPORT  
FRIDAY, JANUARY 6, 1995 THRU THURSDAY, JANUARY 12, 1995

FRIDAY, JANUARY 6, 1995

All crews hand salted and sanded bridges.

MONDAY, JANUARY 9, 1995

Crew #1, #2 and Backhoe - installed guardrail between 6103 and 6300 Felstead.

TUESDAY, JANUARY 10, 1995

Crew #1, #2 and Backhoe - finish guardrail on St. Joe.

WEDNESDAY, JANUARY 11, 1995

Crew #1, #2 and Backhoe - finish guardrail on Felstead.

THURSDAY, JANUARY 12, 1995

Crew #1 & Crew #2 - clean brush on both sides and straighten and widen channel around and under Bridge at the corner of St. Joe and Neu Road.



# VANDERBURGH COUNTY ENGINEERING DEPARTMENT

201 Northwest Fourth Street · Suite 307  
Old Vanderburgh County Courthouse  
Evansville, Indiana 47708 · Tel. (812) 424-9603

COUNTY ENGINEERING DEPARTMENT

CONSENT AGENDA

JANUARY 17, 1995

RECEIVED

JAN 13 1995

Vanderburgh County Commissioners

CLAIMS:

CONTRACTUAL SVCS 203-3930 Hansen Testing (#123939/124057/124058)	\$2,350.00
FRANKLIN STREET BRIDGE #4 203-4340 United Consulting Engineers (Inv. #3)	\$17,019.92
KORESSEL ROAD BRIDGE #1140 203-4341 Koester Contracting Corp. (Inv. #2719)	\$19,400.08
MANN ROAD BRIDGE #203-4361 W.E. Ltd. (Inv. #4)	\$25,174.39
CONTRACTUAL SVCS 216-3930 J. H. Rudolph - VC94-06-01 (Inv. #49164) Koester Contracting - VC94-07-03 (Inv. #2720)	\$13,384.76 \$222,827.19
GREEN RIVER ROAD 216-4910 Indiana Dept. of Transp. (Inv. #WX9500332)	\$ 7,586.97
UNION TWP/TEKOPPEL AVE. 430 BOND Edwards Concrete (Inv. #UTP1)	\$ 363.00



# VANDERBURGH COUNTY ENGINEERING DEPARTMENT

201 Northwest Fourth Street · Suite 307  
Old Vanderburgh County Courthouse  
Evansville, Indiana 47708 · Tel. (812) 424-9603

## Agenda for January 17, 1995

- RM* 1. Speed limit ordinance revisions
- RM/PT* 2. Lynch Road change order resulting in a decrease of \$205.50
- PT/RM* 3. Franklin Street bridge change order resulting in an increase of \$8,931.79
- RM/PT* 4. Geotechnical engineering proposal from ATEC Associates for the analysis of Upper Mt. Vernon Road (*Not to Exceed* 10,000
- RM/PT* 5. Travel request for Valerie Harry and Tim Spurling to attend the HERPICC County Bridge Conference at Purdue on 2/1 + 2/2, *use Co-Vehicle.*

ORDINANCE AMENDING  
CHAPTER 72, SCHEDULE I OF THE  
CODE OF ORDINANCES OF VANDERBURGH COUNTY

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

That Chapter 72, Schedule I of the Code of Ordinances of Vanderburgh County, State of Indiana,  
is hereby amended to read in full as follows:

SCHEDULE I: SPEED LIMITS

(A) It shall be unlawful to operate a motor vehicle in excess of 45 miles per hour upon and along any county road or highway within the jurisdiction and control of the Board of County Commissioners of Vanderburgh County.

(B) It shall be unlawful to operate a motor vehicle in excess of 30 miles per hour on and along any county road within any approved subdivision within the jurisdiction and control of the Board of Commissioners of Vanderburgh County.

(C) The speed limits for the County roads and highways listed below shall apply supersede the provisions of paragraphs (A) and (B), above:

<u>STREET</u>	<u>FROM; BETWEEN</u>	<u>SPEED LIMIT</u>
11th Avenue	Intersection of 11th Avenue. and Allens Lane, traveling north	25
All roads, streets and highways located within the confines of Burdette Park		15
Barton Lane	All	20
Barton Road	North of Volkman Rd. to Gibson County Line	40
Bassett Avenue	All	30
Baumgart Road	Mt. Pleasant Road to Browning Road	35
Bergdolt Road	Evansville City Limits to Pleasant Ridge Drive	30
Boehne Camp Road	From its intersection with Hogue Road, north 1800 feet	35
Boehne Camp Road	From 1800 feet north of its intersection with Hogue Road to its intersection with Upper Mt. Vernon Road	20
Boehne Camp Road	Middle Mt. Vernon Road to Hogue Road	35
Broadway Avenue	Evansville City Limits west	40

	to the Posey County line	
Browning Road	All	40
Caren Drive	All	20
Darmstadt Road	Evansville City limits to the Darmstadt Corporate limits	40
Denzer Road	New Harmony Road to the Posey County line	30
Diefenbach Road	Upper Mt. Vernon Road to Koring Road	30
Dixie Flyer	Evansville City Limits to Old Henderson Road	30
Estate Drive	Highway 65 to Edgewater Drive	15
Five Dollar Road	Upper Mt. Vernon Rd. to Goebel Rd.	30
Fuquay Road	Pollack to Evansville city limits	30
Green River Road	Evansville city limits to Heckel Road	45
Green River Road	Heckel Road to Boonville-New Harmony Road	50
Green River Road	SR 57 to Old Petersburg Road	35
Green River Road	Boonville-New Harmony Road to SR 57	35
Greenfield Drive	Covert Avenue to Kolb Drive	20
Harmony Way	Evansville City limits to New Harmony Road	35
Harmony Way	660 feet north of Westwood Drive to 1200 feet south of Westwood Dr.	30
Heddon Road	All	35
Henze Road	Mill Road to No. 6 School Road	35
Hogue Road	City limits to Westmore	30
Hogue Road	Westmore to Eickhoff	35
Irene Avenue	All	30
Kasson Road Drive	SR 65 to Mesker Park Drive	35
Kerchoff Boulevard	Creamery to Dead End	30
Kleitz Road	Mesker Park Drive to Meier Rd.	35

Koring Road	Upper Mt. Vernon Rd. to New Harmony Road	35
Kuebler Road	SR 65 to Meier Road	35
Larch Lane	All	20
Magnolia Drive	All	20
Marx Road	Posey County Line to New Harmony Road	40
Meadowlark Lane	All	20
Meier Road	St. Joseph Avenue to Mohr Rd.	35
Mesker Park Drive	Evansville City limits to SR 65	40
Middle Mt. Vernon Rd.	Evansville City limits to Schutte Road	35
Middle Mt. Vernon Rd.	Schutte Road to Posey County Line	30
Mill Road	Evansville City limits to Folz Road	35
Mill Road	Folz Road to Mesker Park Dr.	30
Mill Road	SR 66 to SR 65	30
Mill Road	Mesker Park Drive to SR 65	30
No. 6 School Road	Vienna to SR 65	40
Noldau Avenue	All	20
Nurrenbern Road	Intersection of Red Bank Rd. west to the intersection of Nurrenbern Road to Broadway	30
Old Henderson Rd.	Seminary Rd. to one mile east of Happe Road	20
Old Highway 57	From SR 57 north to Gibson County line (900 north)	45
Old Mt. Vernon	Posey Count line to Broadway	40
Old Petersburg Road	All	35
Old State Road	Evansville city limits to Darmstadt Corporate limits	40
Orchard Road	Darmstadt Road to SR 65	35
Peerless Road	Hogue to Upper Mt. Vernon Rd.	35

Peerless Road	Middle Mt. Vernon Rd. to Hogue	40
Petersburg Road	Petersburg Place to U.S. 41	40
Pollack Avenue	Evansville City limits to Warrick County line	40
Red Bank Road	New Harmony Road to Highway 62 (Lloyd Expressway)	30
Red Bank Road	Corporate limits of Evansville south to end of Red Bank Rd. at the intersection of Red Bank & Nurrenbern	30
St. Joseph Avenue	Diamond Ave. North to Mill Rd.	45
St. Joe Road	New Harmony Road to Highway 65	40
St. Wendel Road	From the intersection with Indiana State Highway 65 to the Posey County line	35
Schissler Road	Schmuck Rd. to Posey Co. line	20
Schmuck Road	Old Mt. Vernon Road to Bayou Creek	30
Schutte Road	Broadway to Lloyd Expressway	35
Shoshoni Drive	Covert Avenue to Evansville City limits	25
Skyline Drive	Speaker Road to Dead End	25
Speaker Road	Skyline Dr. to Broadway Ave.	25
Tekoppel Avenue	Evansville City limits to Old Henderson Rd.	40
Tupman Road	Upper Mt. Vernon to Dead End	30
Upper Mt. Vernon	Evansville City limits to Red Bank Rd.	35
Weiss Road	Highway 65 to Dead End	25
Westhaven Drive	All	20
Whetstone Road	Oak Hill Rd. to Old Petersburg Rd.	30
Wright Drive	Meier Road to Dead End of Wright Dr.	15

(D) All necessary signs giving notice of the foregoing speed regulations shall be posted on or at the entrances to the highway or highways or part or parts thereof affected in a position most appropriate and in accordance with IC 9-21-4-1 et seq.

(E) Any person violating this traffic schedule shall be punishable pursuant to I.C. 9-21-5-13.

THIS AMENDING ORDINANCE executed and effective on this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

BOARD OF COMMISSIONERS OF  
VANDERBURGH COUNTY, INDIANA

BY: \_\_\_\_\_  
Richard J. Borries

BY: \_\_\_\_\_  
Patrick Tuley

BY: \_\_\_\_\_  
Richard E. Mourdock

ATTEST:

\_\_\_\_\_  
Suzanne M. Crouch, Auditor

APPROVED AS TO FORM:

\_\_\_\_\_  
County Attorney

rev: 12/21/92  
rev: 06/18/93  
rev: 01/13/95



INDIANA DEPARTMENT OF TRANSPORTATION  
CHANGE ORDER

Project No. BHF-E-290(003) Contract No. B-21305.A

Change Order No. 1

Whereas, the Standard Specifications for this contract provides for such work to be performed, the following change is recommended. (Give location, description and reason)

*Created a new item as per Std. Spec. 104.02, for removal of two sets of old Electric Trolley Tracks, that run across the existing bridge. The tracks were not discovered until removal of the asphalt layer on the deck. Also for removal of Non-Friable Asbestos containing expansion material found in the concrete bridge rail. A new item is needed to place Temporary Rail Road Pavement Markings, with stop bars, at approaches to Rail Road Tracks at West end of bridge, as traffic is shifted during both Phase I and II construction. An item for Type III-B Barricades with signs as shown in the plans, was not in the Original Contract Proposal.*

ITEM NO.	DESCRIPTION OF ITEM	UNIT PRICE	INCREASE		DECREASE		% CHANGE	
			QUANTITY	AMOUNT	QUANTITY	AMOUNT	THIS C.O.	TO DATE
EW	Removal Electric Trolley Tracks	3387.30	L. Sum	3387.30			100	100
EW	Tamp R.R. Pmnt. Markings	783.75	4-Ea.	3135.00			100	100
EW	Asbestos Removal	1839.49	L. Sum	1839.49			100	100
EW	Std. Barricade III-B w/Signs	495.00	2-Ea.	990.00			100	100
37	Std. Barricade III-B	210.00			2-Ea.	420.00	-33.3	-33.3
PLACE "EW" FOR EXTRA WORK ITEMS			TOTALS					
PLACE "FA" FOR FORCE ACCOUNT ITEMS			NET	9,351.79		420.00		
				ESTIMATED COST \$	8,931.79			

It is the intent of the parties that this change order is full and complete compensation for the work described above. Notification and consent to this change in plans is hereby acknowledged.

Contractor Tichtman's Asphalt & Concrete Co. Inc. By [Signature] Date 1/17/95

Submitted For Consideration	
PE/S <u>[Signature]</u>	D.E.
AE	CONST. ENGR.
DCE	CHIEF DIV.

[Signature] Richard L. Barnes 1/17/95

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Approved for Indiana Department of Transportation

(SIGNATURE) \_\_\_\_\_ (TITLE) \_\_\_\_\_ (DATE) \_\_\_\_\_



# ATEC Associates, Inc.



5150 East 65th Street  
Indianapolis, Indiana 46220-4871  
(317) 849-4990, FAX (317) 849-4278

January 12, 1995

Vanderburgh County Engineering Department  
201 NW 4th Street, Room 307  
Evansville, Indiana 47708

Attention: Mr. John Stole

Re: Geotechnical Engineering Investigation  
Slope Stability Evaluation and Slide Repair  
Upper Mount Vernon Road  
Vanderburgh County, Indiana  
ATEC Proposal Number PE-941282 (Revised)

Gentlemen:

We are pleased to submit this revised proposal for performing a geotechnical engineering investigation for the referenced project. Based upon observations made by Judy Castello of ATEC, it appears that a portion of the embankment on the north side of Upper Mount Vernon Road near Tree Top Court may be sliding. The objectives of this investigation are to determine the existing subsurface conditions in the vicinity of the apparent slide, to analyze slope stability aspects of the roadway section affected by the apparent slide and to develop cost effective recommendations necessary for the remediation of the apparent slide. The proposed subsurface exploration tentatively consists of drilling four soil test borings to depths of 20 to 40 ft. Split-spoon samples (ASTM D-1586) will generally be obtained at 2.5 ft intervals. Relatively undisturbed Shelby tube samples will be obtained of clayey soils as deemed necessary by the geotechnical engineer.

The boring locations will be established in the field by our staff. Distances will be measured from readily identifiable features (by taping and/or pacing) and angles will be estimated. It is assumed that the owner's representative can provide access to the boring locations, traffic control and cross-sections of the apparent slide area.

It is not possible to pack the soil back in the drill holes upon completion so tight that there will not be some subsequent subsidence. Therefore, considering the location of the site, such subsidence could create a hazard. We will therefore plug the holes with concrete in order to prevent the subsidence. The cost of this has been included in the estimate.

Laboratory tests will be performed as necessary to establish the significant characteristics and parameters of the subgrade soils. After completion of the field investigation and laboratory tests, an engineering report will be prepared and submitted containing our findings and

recommendations to guide design and construction of remedial measures for the apparent slide area.

We propose to perform the work in accordance with the unit charges for the applicable items as shown on the attached standard Fee Schedule. It is estimated that the cost of the study should not exceed \$10,000.00, unless unexpected subsurface conditions are encountered or the project characteristics are changed significantly. If any changes in the program are indicated by the initial findings, we will consult with you and, with your approval, make such changes as are considered necessary. In any case, the cost estimate will not be exceeded without additional approval from you.

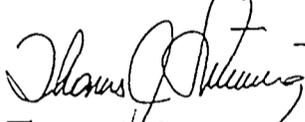
The subsurface investigation outlined in this proposal assumes that there are no hazardous materials in the soil or in the ground water underlying the site. This study is not designed to detect or identify such materials. If it becomes apparent during the field investigation that hazardous materials may be present, field operations will be terminated. The investigation would be resumed only after renegotiation of the scope of services and fees to cover appropriate health and safety precautions and proper consideration of the new information. ATEC can provide complete services relative to the assessment of contaminated sites.

Our estimate covers the work needed to present our findings and recommendations in a report form. Not included are reviews of foundation drawings, preparation of construction specifications, special conferences and any other work requested after submittal of our report. In order to authorize this work, please sign the following Proposal Acceptance form and provide the necessary instructions regarding billing and other matters as appropriate. We ask that you return one copy to our office.

We can normally begin the field investigation within two weeks after authorization, if the weather and site conditions permit. Based upon this schedule a final report can be submitted within about six weeks after authorization. If you have any questions concerning this proposal, please do not hesitate to call me.

Very truly yours,

ATEC Associates, Inc.



Thomas J. Struewing, P.E.  
Senior Project Engineer

Copies: (2) Mr. John Stole

## GENERAL TERMS AND CONDITIONS

### 1. SCOPE OF WORK

ATEC Associates, Inc. (ATEC) shall only be required to perform the services specified in this contract and Client shall compensate ATEC at the rates shown on the attached fee schedules. Any estimate of time and materials shall not be considered as a fixed price, but only an estimate (unless otherwise specifically stated in this contract). ATEC will provide additional services at the listed standard rates. Unless otherwise stated in the proposal, ATEC must receive acceptance of the proposal within ninety (90) days, or the proposal may no longer be valid.

### 2. RIGHT OF ENTRY

Client grants to ATEC the right of entry to the project site by its employees, agents and subcontractors, to perform the service and represents that it has obtained the needed permits and licenses for the proposed work. If Client does not own the site, Client warrants and represents to ATEC that it has the authority and permission of the owner and occupant of the site to grant right of entry to ATEC.

### 3. PAYMENT TERMS

ATEC will submit invoices to Client monthly and a final bill upon completion of services. There shall be no retainage, unless otherwise agreed upon in the contract. Payment is due within thirty (30) days from invoice date, regardless of whether Client has been reimbursed by any other party. Client agrees to pay interest of one and one-half percent (1-1/2%) per month, or the maximum rate allowed by law, on past due accounts. Any attorney's fees, collection fees or other costs incurred in collecting any delinquent amount shall be paid by Client.

### 4. OWNERSHIP OF DOCUMENTS

All materials and documents produced, created or obtained by ATEC under this contract, are instruments of ATEC's service, but shall be property of Client. ATEC shall have the right to retain copies of all such materials. Unless otherwise specified, ATEC shall have no obligation to retain any documents for more than one (1) year or as required by applicable law, whichever is longer governing.

### 5. STANDARD OF CARE

The services shall be performed in accordance with generally accepted industry principles and practices, consistent with a level of care and skill ordinarily practiced by reputable members of the profession currently providing similar services under similar circumstances. EXCEPT AS SET FORTH HEREIN, ATEC MAKES NO OTHER REPRESENTATION, GUARANTEE, OR WARRANTY, EXPRESS OR IMPLIED, IN FACT OR BY LAW, WHETHER OF MERCHANTABILITY, FITNESS FOR ANY PARTICULAR PURPOSE OR OTHERWISE,

CONCERNING ANY OF THE SERVICES WHICH MAY BE FURNISHED BY ATEC TO CLIENT. Client agrees to give ATEC written notice of any breach or default under this section and to give ATEC a reasonable opportunity to cure such breach or default, without the payment of additional fees to ATEC, as a condition precedent to any claim for damages.

### 6. RISK ALLOCATION

Due to the very limited benefit ATEC will derive from this project compared to that of other parties involved, including Client, Client agrees to limit ATEC's liability to Client, or any other party using or relying on ATEC's work with respect to any acts or omissions including, but not limited to, breach of this contract, breach of warranty, negligence or other legal theory, such that the total aggregate liability of ATEC to all those named shall not exceed \$50,000 or ATEC's total fee for the services rendered on this project, whichever is greater. ATEC will waive this limitation up to \$1,000,000 upon Client's request and agreement in writing to pay an additional consideration of 10% of ATEC's total fee or \$500, whichever is greater. This sum shall be a Waiver of Limitation of Liability Charge and will not be construed as being a charge for insurance of any type, but will be increased consideration for the greater risk involved. If the results of ATEC's services will be used to aid in the development of drawings and specifications for construction, Client agrees to require other design professionals, the contractor and its subcontractors selected for such construction to agree to an identical limitation of ATEC's liability for damages suffered by other design professionals, the contractor or subcontractor arising from ATEC's professional acts, errors or omissions.

### 7. INSURANCE & GENERAL LIABILITY

ATEC maintains Workers' Compensation and Employers' Liability Insurance in compliance with the laws of the state having jurisdiction over the individual employee. ATEC has insurance coverage under public liability and property damage which ATEC deems to be adequate. Certificates for such policies of insurance shall be provided to Client upon request.

### 8. TERMINATION

Either party may suspend performance immediately upon becoming aware of a breach of the terms of this contract by the other party and provide notice of its intention to terminate. In the event ATEC determines there may be a significant risk that ATEC's invoices may not be paid on a timely basis, ATEC may suspend performance and/or retain any reports or other information until Client provides ATEC with adequate assurances of payment. The filing of a voluntary or involuntary bankruptcy petition, appointment of a receiver, assignment for the benefit of creditors or other similar act of insolvency shall constitute a breach. Termination will become effective fourteen (14) days after receipt of notice by the breaching party unless the event(s) giving rise to the breach are remedied within that timeframe,

or the party seeking termination revokes its notice. Either party may, without cause, terminate this contract upon providing thirty (30) days written notice to the other party.

**9. ASSIGNS**

This contract may be amended only by written instrument and signed by both parties. Client shall not assign this proposal or any reports or information generated pursuant to this proposal without the written consent of ATEC.

**10. CONFLICTS**

Should any element of the Terms and Conditions deemed in conflict with any element of the proposal/contract, unless the proposal/contract clearly voids the conflicting element in the Terms and Conditions, wording of the Terms and Conditions shall govern. Any element of this agreement later held to violate a law or regulation shall be deemed void, but all remaining provisions shall continue in force. The Terms and Conditions set forth herein shall survive the termination of this contract. No action may be brought against ATEC arising from its performance of services under this contract, whether for breach of contract, tort or otherwise, unless ATEC shall have received within two (2) years after completion of services under this contract a written notice specifying the alleged defects in ATEC's performance or other breach.

**11. SAFETY**

ATEC's responsibility for the safety on site shall be limited to its own personnel and its subcontractor and any other persons who are directly involved with ATEC's work on site. This shall not be construed to relieve Client or any of its contractors from their responsibilities for maintaining a safe jobsite. Neither the professional activities of ATEC, nor the presence of ATEC's employees and its subcontractors shall be construed to imply ATEC has any responsibility for any activities on site performed by personnel other than ATEC's employees or subcontractors. Additionally, ATEC shall, if so requested, reasonably comply with the requirements of any applicable health and safety plan provided to it by Client.

**12. ARBITRATION**

If a claim is made against ATEC for inadequate, negligent or improper performance of services by ATEC pursuant to this contract, any party to this contract may demand that any such disputes be determined by arbitration. In that event, the party alleging such deficient performance will select an arbitrator and ATEC will select an arbitrator. The two arbitrators will then select a third arbitrator. If those two arbitrators cannot agree on the third arbitrator within thirty (30) days, the judge of a court having jurisdiction will appoint the third arbitrator. Each party will pay the arbitrator selected by that party and the expense of the third arbitrator and all other expenses of arbitration will be shared equally. Arbitration will take place in the County of Marion, State

of Indiana. Federal court rules governing discovery procedures will apply. The arbitration shall be governed by the Federal Arbitration Act and shall be conducted consistent with the arbitration rules as then promulgated by the American Arbitration Association. The decision in writing of any two arbitrators will be binding subject to the terms of this contract.

**13. CONSEQUENTIAL DAMAGES**

In no event shall either party be liable to the other party for any consequential, incidental, or indirect damages including, though not limited to, loss of income, loss of profits, loss or restriction of use of property, or any other business losses regardless as to the whether such damages are caused by breach of contract or warranty, negligent act or omission or other wrongful act.

**14. DELAYS IN WORK**

ATEC will charge Client at standard rates for stand-by or non-productive time for delays in ATEC's work caused by Client or Client's contractors unless otherwise specifically provided for in the contract.

**15. FAILURE TO FOLLOW RECOMMENDATIONS**

Client will not hold ATEC liable for problems that may occur if ATEC's recommendations are not followed and waives any claim against ATEC, and agrees to defend, indemnify and hold ATEC harmless from any claim or liability for injury or loss that results from failure to implement ATEC's recommendations.

**16. FORCE MAJEURE**

Neither Client nor ATEC shall hold the other responsible for damages or delays in performance caused by events beyond the control of the other party and which could not reasonably have been anticipated or prevented, including but not limited to, acts of governmental authorities, acts of God, materially different site conditions, wars, riots, rebellions, sabotage, fires, explosions, accidents, floods, strikes or other conceded acts of workers, lockouts, or changes in laws, regulations, or ordinances. The party intending to invoke force majeure shall provide prompt notice to the other party.

**17. SAMPLING OR TEST LOCATION**

Unless otherwise stated, the fees in this proposal do not include costs associated with surveying of the site for accurate horizontal and vertical locations of tests or samples which, when referenced in ATEC's report, are based on information furnished by others and/or estimates made by ATEC's personnel and are only considered approximations, unless otherwise stated. ATEC may deviate a reasonable distance from any test or sampling location specified by Client. If, in order to complete a given boring to its designated depth, a re-drilling is necessitated by encountering impenetrable subsurface objects, all work, including the original boring and all re-drilling, will be charged for at the appropriate rates in the fee schedule.

## GEOTECHNICAL SERVICES TERMS AND CONDITIONS

The following Terms and Conditions are in addition to the General Terms and Conditions included with this contract.

### 1. SITE WORK

ATEC will take reasonable precautions to avoid any damage to the site from the activities of its crews or equipment. Any damage caused by ATEC's negligence will be restored at ATEC's expense. However, unavoidable damage caused in the execution of the work such as tire ruttings, cutting and splicing of fences, drilling through pavements, etc. will not be restored unless otherwise stated in the contract.

### 2. UTILITIES

In the execution of any subsurface exploration ATEC will take reasonable precautions to avoid damage to subterranean structures or utilities of which ATEC has received notification. However, it is Client's responsibility to mark or furnish the locations of all underground man-made obstructions. Client agrees to hold ATEC harmless for any damages to subterranean structures which are not called to ATEC's attention or correctly shown on the plans furnished. Client shall indemnify, defend and hold harmless ATEC from and against any claims, losses or damages incurred or asserted against ATEC related to Client's failure to mark, protect or advise ATEC of underground structures or utilities.

### 3. SAMPLES

ATEC will retain any soil and rock samples obtained for 30 days after submitting its report. Further storage or transfer of samples can be made at Client's expense upon written request.

### 4. INTERPRETATION OF DATA

Client recognizes that subsurface conditions may vary from those encountered at the locations where the borings, surveys, or explorations are made by ATEC and that the data interpretations and recommendations of ATEC's personnel are based solely on the information available to them. ATEC will be responsible for those data, interpretations, and recommendations, but shall not be responsible for the interpretation by others of the information developed.

### 5. ENVIRONMENTAL PROBLEMS

The subsurface investigation outlined in this proposal assumes that there are no hazardous materials in the soils or groundwater underlying the site. This study is not designed to detect or identify such materials. If it becomes apparent during the field investigation that hazardous materials may be present, field operations will be terminated. The investigation will be resumed only after renegotiation of the scope of services and fees to cover appropriate health and safety precautions and proper consideration of the new information. Client waives any claim against ATEC, and agrees to defend, indemnify and hold ATEC harmless from any claim or liability for injury or loss that results from the discovery of on-site environmental contamination whether related to soil, groundwater, air, vegetation or structures.

### 6. HAZARDOUS SUBSTANCES

Client agrees to advise ATEC, prior to beginning work, of any hazardous substances on or near the site known to Client. In the event that test samples obtained during our work contain substances hazardous to health, safety or the environment, these samples remain the property of Client which also shall pay for all costs connected with decontamination of ATEC's equipment. Furthermore, any equipment of ATEC's contaminated during ATEC's services which cannot be reasonably decontaminated shall become the property and responsibility of Client. Such samples and/or equipment will be delivered to Client. Client agrees to pay transportation costs for samples and equipment and the fair market value of such contaminated equipment.

PROPOSAL ACCEPTANCE SHEET

Description of Services Geotechnical Engineering Investigation  
Project Name Slope Stability Evaluation and Slide Repair  
Project Location Upper Mount Vernon Road, Vanderburgh County, Indiana  
Proposal No. and Date PE-941282 (Revised) / January 12, 1995

FOR PAYMENT OF CHARGES:

Charge Invoice to the Account of:

Firm Vanderburgh County Engineering Department  
Street Address 201 N.W. Fourth Street Room 307  
Evansville, IN Zip Code 47708  
Attention John Stoll Telephone 812 435-5773

PROPOSAL ACCEPTED BY

Richard J. Barnes - Commissioner - 1-14-95  
(Signature and Title) (Date)

Acknowledging and agreeing to the attached terms and conditions.

PROPERTY OWNER IDENTIFICATION (If Other than Above):

Name Vanderburgh County Board of Commissioners  
Street Address 1 N.W. Martin Luther King, Jr. Blvd.  
Evansville, IN Zip Code 47708  
Attention \_\_\_\_\_ Telephone 812 435-5241

FOR APPROVAL OF CHARGES:

Send Invoice to:

Firm Vanderburgh County Engineering Department  
Street Address 201 N.W. Fourth Street Room 307  
Evansville, IN Zip Code 47708  
Attention John Stoll Telephone 812 435-5773

If the invoice is to be mailed for approval to someone other than the account charged, please indicate in the space above.

Invoices for completed work will be issued every four weeks for continuous or extended projects unless otherwise agreed.

SPECIAL INSTRUCTIONS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ENGINEERING FEE SCHEDULE

<u>Inv.</u> <u>Code</u>	<u>Service</u>	<u>Unit</u>	<u>Unit</u> <u>Price</u>
I.	<u>ENGINEERING AND GEOLOGIC SERVICES</u>		
	<b>Engineers, Engineering Geologists and Geologists</b>		
10903	a) Principal Engineering	hr	107.00
10909	b) Senior Registered Engineer	hr	84.00
10915	c) Project Engineer	hr	75.00
10918	d) Staff Engineer	hr	66.00
	<b>Technical and Support Personnel</b>		
12963	a) Draftsperson	hr	38.00
12964	b) Senior Draftsperson	hr	52.00
10960	c) Senior Engineering Technician	hr	36.00
10983	d) Word Processor	hr	32.00
	<b>Expenses</b>		
10091	a) Transportation by company or personal car	mi	0.32
13334	b) CAD Plotting, black and white-bond	sq ft	1.00
13335	c) CAD Plotting, black and white- mylar/clear film	sq ft	3.00
13336	d) CAD Plotting, color-bond	sq ft	2.00
13337	e) CAD Plotting, color- mylar/clear film	sq ft	4.00
10772	f) Special outside costs (e.g., photographic film, film processing overnight delivery, etc.)	Cost + 15%	1.15
10700	g) Additional copies of report (three copies provided without charge)	page .10	25.00 (min)
10465	h) Living expenses (out of town)	Cost + 15%	1.15
10119	i) Transportation by commercial or rental car	Cost + 15%	1.15
	<b>Engineering Subtotal:</b>		<b>\$6,400.00</b>

LABORATORY FEE SCHEDULE

<u>Inv. Code</u>	<u>Service</u>	<u>Unit</u>	<u>Unit Price</u>
II.	<u>LABORATORY</u>		
10476	Atterberg limits (LL and PL)	ea	40.00
10478	Water contents (oven dry)	ea	4.50
12264	Water contents (microwave dry)	ea	9.00
	<b>Grain size distribution</b>		
10536	a) Sieve analyses with decantation	ea	36.00
11720	b) Decanting over #200 sieve only	ea	15.00
10481	c) Hydrometer	ea	45.00
10482	d) Sieve analysis and hydrometer	ea	52.00
10539	Specific gravity	ea	30.00
10486	Natural density	ea	15.00
10483	Organic content	ea	20.00
11244	pH determination	ea	12.00
10477	Shrinkage limit	ea	50.00
12270	Molding sample to specific moisture density	ea	65.00
	<b>Hydraulic Conductivity Test</b>		
11872	a) Falling head	ea	100.00
11873	b) Constant head	ea	135.00
12268	b) Triaxial cell method with back-pressure saturation	ea	185.00
10484	Extrude and log Shelby tube samples	ea	17.00
	<b>Compaction tests</b>		
10491	a) Modified Proctor	ea	90.00
10492	b) Standard Proctor	ea	85.00
10496	c) CBR tests	ea/pt	70.00
	<b>Consolidation tests</b>		
10498	a) Standard 12 load increment test	ea	245.00
10500	b) Additional load increments	ea	15.00
	<b>Tests on soil (includes moisture and density)</b>		
10504	Unconfined compression	ea	40.00
11567	Pocket penetrometer	ea	4.00
	<b>Triaxial tests on soil</b>		
10506	a) Unconsolidated-undrained	point	95.00
10509	b) Consolidated-undrained with pore pressure measurements and back pressure saturation	point	260.00
11931	Corrosivity test (includes pH, redox potential, resistivity, sulfates, sulfides and chlorides)	ea	80.00
	Additional laboratory testing fees available upon request		
	Laboratory Subtotal:		\$1,275.00

DRILLING FEE SCHEDULE

<u>Inv. Code</u>	<u>Service</u>	<u>Est Qty.</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Total</u>
III.	<u>DRILLING SERVICES</u>				
10581	Mobilization of drill rig, crew and equipment to site and return	1	LS	400.00	400.00
	<b>Drilling with hollow stem augers</b>				
11017	a) Drilling in material under 60 blows/ft	140	ft	5.50	770.00
11018	b) Drilling in material over 60 blows/ft		ft	7.75	
10653	c) Drilling with skid-mounted drill rig (including split-spoon samples)		hr	100.00	
	<b>Split-spoon samples obtained by the standard penetration test procedure ASTM D-1586</b>				
10611	a) 2" O.D. Split-Spoon (driven 18") 0-50' deep	56	ea	9.50	532.00
10722	b) 2" O.D. Split-Spoon (driven 24") 0-50' deep		ea	12.50	
10607	Continuous flight auger soundings 0-50' depth		ft	5.25	
11024	Profile auger borings		ft	5.25	
10627	Bulk Samples (50 lb. bag)		ea	25.00	
10655	Rock coring		ft	25.00	
11122	Equipment, set-up for rock coring		hole	60.00	
11044	Setting perforated PVC pipe (1.5 in. I.D.) for ground water observations		lf	4.00	
10656	Shelby tube samples (3 in. O.D.)	4	ea	40.00	160.00

DRILLING FEE SCHEDULE (cont'd.)

<u>Inv. Code</u>	<u>Service</u>	<u>Est Qty.</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Total</u>
11046	Well installation		hr	100.00	
11047	Boring layout by drill crew		hr	90.00	
11048	Utility clearances by drill crew		hr	90.00	
11050	Standby time required by client		hr	90.00	
11273	Rig moving time in excess of ½ hour between borings due to adverse field conditions		hr	90.00	
11049	Obtaining and hauling water		hr	90.00	
10636	Rental of dozer to help rig move under adverse site conditions or to clear the site as needed		Cost + 15%	1.15	
11134	Use of ATV (all-terrain-vehicle) mounted rig for moving on soft ground or difficult terrain	2	day	100.00	200.00
11036	Cutting cores through concrete		ea	75.00	
11135	Backfilling drill holes with a plug of concrete to eliminate subsequent depression	4	hole	15.00	60.00
11138a 11136b 11137c	Cost of fees, permits, (a) required restitution of site, (b) traffic controls, (c) etc., as demanded by authorities or owner for drilling at the designated locations		Cost + 15%	1.15	
10739	Per diem for drill crew	2	per day	100.00	200.00
	Drilling Subtotal:				\$2,322.00
	TOTAL ESTIMATE:				\$9,997.50

NOTE: Unit prices are based on no boring exceeding 50 ft depth. All work to be done on a non-union basis.

# IMPORTANT INFORMATION ABOUT YOUR GEOTECHNICAL ENGINEERING PROPOSAL

As the client of a consulting geotechnical engineer, you should know that site subsurface conditions cause more construction problems than any other factor. ASFE/The Association of Engineering Firms Practicing in the Geosciences offers the following suggestions and observations to help you manage your risks.

## HAVE REALISTIC EXPECTATIONS

If you have not dealt with geotechnical issues before, recognize that site exploration identifies actual subsurface conditions only at those points where samples are taken, at the time they are taken. The data derived are extrapolated by consulting geotechnical engineers who then apply their judgment to render an opinion about overall subsurface conditions, how they will react to construction activity, and appropriate design of foundations, slopes, impoundments, and other construction elements. Even under optimal circumstances, actual subsurface conditions may differ from those inferred to exist, because no geotechnical engineer, no matter how qualified, and no subsurface exploration program, no matter how comprehensive, can reveal what is hidden by earth, rock, and time.

## DEVELOP THE SUBSURFACE EXPLORATION PLAN WITH CARE

The nature of a subsurface exploration program — the types, quantities, and locations of procedures used — plays a large role in determining the effectiveness of a geotechnical engineering report and the design based upon it. The more comprehensive a subsurface exploration plan, the more information it provides to the geotechnical engineer, helping the engineer reduce the risk of unanticipated conditions and the attendant risk of costly delays and disputes. Even the cost of subsurface construction may be lowered.

Geotechnical design begins with development of the subsurface exploration plan, a task that should be accomplished jointly by you and/or your professional representatives and the geotechnical engineer. Mutual development helps assure that all parties involved recognize one another's concerns and the available technical options. Clients who develop a subsurface exploration plan without the involvement of their geotechnical engineers may be required to assume responsibility — and liability — for the plan's adequacy.

## READ GENERAL CONDITIONS CAREFULLY

Most consulting geotechnical engineers include their standard general contract conditions in their proposals, and it is common for one of these conditions to limit the engineer's liability. Known as risk allocation or limitation of liability, this approach helps prevent problems to begin with, and establishes a fair and reasonable framework for handling them should they arise.

Various other elements of the general conditions explain the geotechnical engineer's responsibilities, in order to help prevent confusion and misunderstandings, and assist all parties in recognizing who is responsible for different tasks.

In all cases, read the geotechnical engineer's general conditions carefully. Speak with the geotechnical engineer about any questions you may have.

## HAVE THE GEOTECHNICAL ENGINEER WORK WITH OTHER DESIGN PROFESSIONALS

Costly problems can occur when other design professionals develop their plans based on misinterpretations of a geotechnical engineering report. To help avoid misinterpretations, retain your geotechnical engineer to work with other project design professionals who are affected by the geotechnical report. Ask the geotechnical engineer to explain report implications to those design professionals affected by them, and to review other design professionals' plans and specifications to consider the manner in which they have incorporated geotechnical issues. Although other design professionals may be familiar with geotechnical concerns, none knows as much about them as a competent geotechnical engineer.

## REALIZE THAT ENVIRONMENTAL ISSUES HAVE NOT BEEN ADDRESSED

If you have requested a geotechnical engineering proposal, it will not include services needed to evaluate the likelihood of the site being contaminated by hazardous materials or other pollutants. Given the liabilities involved, it is prudent practice always to have a site reviewed from an environmental viewpoint. A geotechnical engineer cannot be responsible for failing to detect contaminants when the services needed to perform that function are not being provided.

## OBTAIN CONSTRUCTION OBSERVATION SERVICES

Most experienced clients retain their geotechnical engineers to serve throughout the project's development. Involvement during the construction phase is particularly important, because it permits the geotechnical engineer to be on hand promptly to evaluate unanticipated conditions, to conduct additional tests if required, and — when necessary — to recommend solutions to problems. In addition, the geotechnical engineer can monitor the geotechnical-related work performed by contractors. It is essential to recognize that the construction recommendations included in a geotechnical engineer's report are preliminary, because they must be based on the assumption that conditions revealed through selective exploratory sampling are indicative of actual conditions throughout a site.

Because actual subsurface conditions can be discerned only during earthwork, geotechnical engineers need to observe those conditions in order to finalize their recommendations. Only the geotechnical engineer who prepared the report is fully familiar with the background information needed to determine whether or not the report's recommendations are valid. The geotechnical engineer submitting the report cannot assume responsibility or liability for the adequacy of preliminary recommendations if another party is retained to observe construction.

**RELY ON YOUR GEOTECHNICAL ENGINEER FOR  
ADDITIONAL ASSISTANCE**

Most geotechnical engineers who are members of ASFE are familiar with a variety of techniques and approaches that can be used to help reduce risks for all parties to a construction project, from design through construction. Speak with your geotechnical engineer not only about geotechnical issues, but others as well, to learn about approaches that may be of genuine benefit. You may also wish to obtain certain ASFE publications. Contact an ASFE member or ASFE itself for a complimentary directory of ASFE publications.

**ASFE** PROFESSIONAL  
FIRMS PRACTICING  
IN THE GEOSCIENCES

8811 COLESVILLE ROAD/SUITE G106/SILVER SPRING, MD 20910  
TELEPHONE: 301/565-2733 FACSIMILE: 301/589-2017

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BPC0592B/3.5M

COPY

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 1/17/95 DEPARTMENT: COUNTY ENGINEERING

EMPLOYEE(S): VALERIE HARRY  
TIM SPURLING

DATES OF TRAVEL: 2/1/95 - 2/2/95

DESTINATION: WEST LAFAYETTE, IN

PURPOSE: COUNTY BRIDGE CONFERENCE

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

LODGING REQUIRED: YES - 1 NIGHT

MEANS OF TRAVEL COUNTY VEHICLE NUMBER: 90  
OTHER: \_\_\_\_\_

REIMBURSEMENT CLAIMED:  Mileage  Parking  
 Per Diem  Registration  
 Air Fare  Other

APPROVED: John Stull  
Department Head

APPROVED: \_\_\_\_\_  
Office Holder

APPROVED BY:  
VANDERBURGH COUNTY COMMISSIONERS this 17<sup>th</sup> day of January, 1995.

Richard J. Boyries  
Richard J. Boyries, President

Patrick Tuley  
Patrick Tuley, Vice President

Richard E. Mourdock  
Richard E. Mourdock, Member

FOR YOUR FILES.



TRAVEL REQUEST FORM FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 1-11-95 DEPARTMENT: Health/HIV

EMPLOYEE(S): Sarah Stanton

DATE(S) OF TRAVEL: Jan. 22 - Feb. 3

DESTINATION: Marion County Health Dept. HQ - Indianapolis, IN

PURPOSE: CDC Course - Intro. to Sexually Transmitted Disease Intervention

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

LODGING REQUIRED: yes - 12 nights

MEANS OF TRAVEL COUNTY VEHICLE NUMBER: \_\_\_\_\_

OTHER: \_\_\_\_\_

REIMBURSEMENT CLAIMED

<u>X</u>	Mileage	_____	Parking
<u>X</u>	Per Diem	_____	Registration
_____	Air Fare	_____	Other

APPROVED: [Signature]  
Department Head

APPROVED: \_\_\_\_\_  
Office Holder

*STD Grant (over) expenses*

APPROVED BY:  
VANDERBURGH COUNTY COMMISSIONERS this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

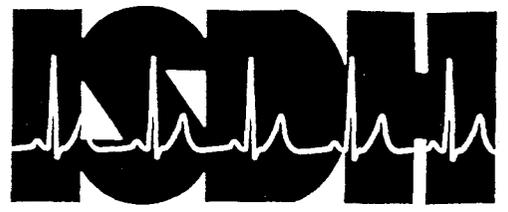
\_\_\_\_\_  
Richard J. Borries, President

\_\_\_\_\_  
Patrick Tuley, Vice President

\_\_\_\_\_  
Don Hunter, 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

January 9, 1995

Ms. Sara Stanton  
Disease Intervention Specialist  
Vanderburgh County Health Department  
Civic Center Complex  
1 NW Martin Luther King Blvd.  
Evansville, IN 47708-1888

Dear Sara:

This letter confirms your participation in the CDC course Introduction to Sexually Transmitted Disease Intervention (ISTDI) to be held in Indianapolis January 23-February 3, 1995.

The training site is located at 3838 N. Rural St., in the Marion County Health Department headquarters. There are not suitable lodging facilities within walking distance of the training site so we recommend that you make arrangements to stay at Renaissance Tower Historic Hotel located in downtown Indianapolis (230 E. 9th St.). You can make your reservations by calling the hotel at 317-261-1652. You will be responsible for your own transportation to and from the training site as well as all meals. Class will start at approximately 8:00 a.m. January 23.

If you have additional questions about hotel accommodations or transportation, please contact me at 317-383-6486 or Duane Wilmot at 317-630-7221.

Sincerely,

Cynthia Ann Getty  
CTS Program Manager  
Division of HIV/STD

cc: Denise Corey

*"...helping Hoosiers attain the highest level of health possible."*

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: January 18, 1995 DEPARTMENT: Vanderburgh County Assessor

EMPLOYEE(S): Cheryl A.W. Musgrave

DATES OF TRAVEL: One (1)

DESTINATION: Indianapolis Indiana

PURPOSE: Testify before a committee

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

LODGING REQUIRED: \_\_\_\_\_

MEANS OF TRAVEL COUNTY VEHICLE NUMBER: \_\_\_\_\_

OTHER: Personal

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: Steve Parker  
Department Head

APPROVED: Cheryl A. Musgrave  
Office Holder **B**

APPROVED BY:  
VANDERBURGH COUNTY COMMISSIONER this \_\_\_\_\_ day of \_\_\_\_\_ 1995

\_\_\_\_\_  
Richard J. Borries, Present

\_\_\_\_\_  
Patrick Tuley, Vice-Present

\_\_\_\_\_  
Richard Murdock

Cheryl Musgrave  
ASSESSOR  
VANDERBURGH COUNTY  
1 M.L.K. JR. BLVD  
ROOM 227  
CITY-COUNTY BUILDING  
EVANSVILLE IN 47708

TELE 435-5267  
FAX 435-5530

January 11, 1995

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

RE: Surplus Equipment

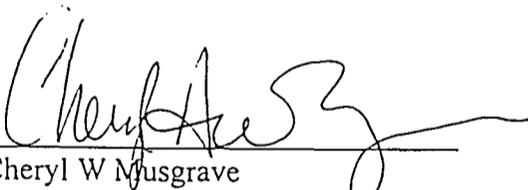
Gentlemen:

This letter serves as notice that certain computer equipment should be declared surplus. This equipment consists of a mainframe and several terminals. The mainframe is located in room 318, the terminals are in storage in the basement.

Mr. Cappelletti has attempted, to no avail, to find a buyer for this equipment. It is of no further value to the County.

Please call if you have any questions.

Sincerely,

  
Cheryl W Musgrave  
Vanderburgh County Assessor

CWM/ri

RECEIVED

JAN 11 1995

Vanderburgh County Commissioners



**EMERGENCY MANAGEMENT AGENCY  
EVANSVILLE, VANDERBURGH COUNTY**

Sherman G. Greer, Director  
Room 18, Civic Center Complex  
1 NW Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708  
(812) 426-5602



Jane Snelling, Assistant Director  
Administrative Assistant, Lisa Patterson

MEMORANDUM

TO: MAYOR FRANK F. MCDONALD II  
FROM: SHERMAN G. GREER, EMA DIRECTOR   
DATE: JANUARY 4, 1995  
RE: OUT OF TOWN TRAVEL, JANUARY 9-12, 1995

I request your approval for out of town travel to Franklin, Indiana to attend a Mass Fatalities training secession January 9 through 11 and to Indianapolis, Indiana on January 12 to attend the Indiana Emergency Management Association board meeting.

Travel expenses for January 9 - 11, such as lodging and per diem, will be out of pocket with a reimbursement from SEMA after completion of course. Transportation will be by EMA vehicle.

Travel expenses will be the responsibility of the EMA for the IEMA meeting on January 12. This will include lodging, per diem, and transportation.

With your approval, I will be leaving Evansville approximately 8:00 A.M. January 9 and return approximately 8:00 P.M. January 12.

Thank you for your consideration.

SGG/lp

cc: Rick Borries, #President, County Commissioners  
Roger Lehman, EMA Advisory Council Chairman  
file



# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department Sheriff *al*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
505105S5	Sam Preston		Ptrl	20 00	12-1-94 ✓
505105S6	Dan Armstrong		Cpl	20 00	" ✓
505105S7	Rick Schnautz		Cpl	20 00	" ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY *[Signature]* 3/26/95 DATE 1-9-95

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department Sheriff *al*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
505105S1	James Poston		Ptrl	20 00	12-1-94 ✓
505105S2	Doug Daza		Ptrl	20 00	" ✓
505105S3	Nike Jones		Sgt	20 00	" ✓
505105S4	Daren Harmon		Ptrl	20 00	" ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY *[Signature]* 3/26/95 DATE 1-9-95

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department PROSECUTOR

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
267 1980	Mary H. Clark		Court Rep.	per fees	1.1.95
	Roberta J. Jourdan				
	Laura Inkenbrandt				
	Debbie K. Wallace				
	Wanda L. Ringham				
	Sarah L. Cooper				
	Teresa J. Wargel				
	Lucille E. Smith				

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1080 1980	all of the above		Court Rep.	per fees	12.31.94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*Douglas R. Brown*  
Douglas R. Brown

DATE 1.9.95

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department PROSECUTOR

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
267 1110	Douglas R. Brown	3700 Richardt Ave	Chief Dep. Pros.	4,366 <sup>3</sup> / <sub>100</sub> / HL	1.1.95 ✓
267 1120	Brett J. Niemeier	2100 N. RedBank Rd	Chief Trial Dep. Pros.	3,484 <sup>4</sup> / <sub>100</sub> / HL	1.1.95 ✓
267 1990	V. Matlock	10916 Diamond Island Rd	P/t clerical	\$5/ hour	1.1.95 ✓
267 1990	K. Floyd	911 W. Wortman Rd	P/t clerical	\$5/ hour	1.1.95 ✓
267 1990	S. Mills	8200 Pollack Ave	P/t clerical	\$5/ hour	1.1.95 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
267 1990	V Matlock	10916 Diamon Island Rd	P/t clerical	\$5 / hour	1.13.95 ✓
1080 1160	Douglas R Brown	3700 Richardt Ave	Chief Dept Pros	9082 00	12.31.94 ✓
1080 1090	Brett J. Niemeier	2100 N. Redbank Rd	Chief Trial Dep. Pros.	7247 00	12.31.94 ✓
1081 199	KELLEY FLOYD			51 HL	12-31-94
1081 199	SHELYLE MILLS			51 HL	12-31-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*Douglas R. Brown*  
Douglas R. Brown

DATE 1-9-95

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department Sheriff *al*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
10501970	Rick Pace		Patrolman	13 2831 27629 00	1-6-95 ✓
10501970	Jana Wade		Patrolman	13 5548 28194 00	1-6-95 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
105011300002	James Moers	<i>PAID 1/12/95</i>	Captain	20 8985 43469 00	1-14-95
105011300032	William Droll	<i>STIP 1/12/95</i>	Corporal	17 3096 36004 00	1-14-95
105011300078	Paul Bice	<i>OF</i>	Patrolman	16 2086 33714 00	1-14-95

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY *Ray Hammon* DATE Jan. 6, 1995

*By R.L.B.  
3K30*

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department PROSECUTOR

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
267 1980	Linda Sumner		Court Rep.	per fees	1.1.95
	Cynthia Ewing-Butgring				
	Sharon J. Hester				
	Debra M. Settle				
	Sue G. Steele				
	Karen J. Destache				
	Donna F. Baumeyer ✓				
	Georgia L. Williams				

Susan J. Jarman ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1080 1980	all of the above		Court Re.	per fees	12.31.94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY *Douglas R. Brown* DATE - 1.9.95

Douglas R. Brown

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department County Commissioners *su*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
13001140	Cynthia Spear-Duncan		Admin. Asst.	19,874.00	Jan. 11, 199

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*Richard J. Bassic* DATE January 10, 1994

*om*

# January 1995

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1 1/364	2 2/363	3 4:00pm Exec. Session 5:30pm Commissioners	4 3:30pm County Council	5 4/361	6 6/359	7 7/358
8 8/357	9 4:30pm Solid Waste 5:30pm Commissioners	10 9/356	11 10/355	12 11/354	13 12/353 Pay Day	14 13/352
15 15/350	16 MARTIN LUTHER KING, JR. 16/349	17 9:00am Insurance Comm. 4:00pm Exec. Session 5:30pm Commissioners 7:00pm Rezoning	18 17/348	19 18/347	20 19/346	21 20/345
22 22/343	23 4:00pm Exec. Session 5:30pm Commissioners 6:30pm Drainage Bd.	24 23/342	25 24/341	26 25/340	27 26/339 Pay Day	28 27/338
29 29/336	30 4:00pm Exec. Session 5:30pm Commissioners	31 30/335				

December 1994

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

February 1995

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				

R E Z O N I N G S

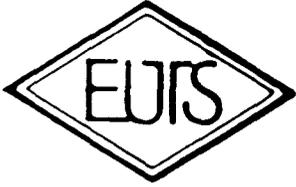
TUESDAY - JANUARY 17, 1995

First Readings:

- VC-21-94 Petitioner, Robert Woodward  
6000 N. Burkhardt Rd. (Common known address)  
AG to C-4
- VC-22-94 Petitioner, ONB as Trustee  
Hartmann Family Land Trust  
7800 E. Lloyd Expressway (Common known address)  
AG to C-4
- VC-23-94 Petitioner, Regency Properties  
7040 E. Lloyd Expressway (Common known address)  
AG to C-4

Third Reading

- VC-15-94 Petitioner, Gary Burden  
2905 N. St. Joseph Avenue  
AG to C-2



# EVANSVILLE URBAN TRANSPORTATION STUDY

Civic Center Complex, Room 316, 1 N.W. Martin Luther King, Jr. Blvd. Evansville, IN 47708-1833 (812) 426-5230  
FAX-(812) 426-5399 Hearing Impaired/TDD (812) 426-5483

ROSE M. ZIGENFUS, M.P.A.  
EXECUTIVE DIRECTOR

TO: Area Plan Commission Members  
City Council Members  
Vanderburgh County Commissioners

FROM: *RJ* Rose M. Zigenfus

SUBJECT: January Rezoning

DATE: December 22, 1994

## CITY REZONINGS

### R-94-48

#### 721 Sweetser Avenue

721 Sweetser Avenue is located on the southwest corner of the Sweetser Avenue - Evans Avenue intersection. Sweetser Avenue is a 40' wide, low volume, local roadway with on-street parking permitted. Evans Avenue is a 23' wide, low volume local roadway. The Sweetser Avenue - Evans Avenue intersection right-of-way is controlled with a yield sign on Evans Avenue.

There is an existing chain link fence enclosing the front of the lot. Access to this area is obtained from Evans Avenue through a 23' wide gate located approximately 28' from Sweetser Avenue. Considering the existing use, the proposed use should not create a significant increase in vehicular volumes. Vehicles should not be permitted to park in the Sweetser Avenue - Evans Avenue corner of the lot to maintain an unobstructed sight distance at the intersection.

### R-94-49

#### 800 - 818 N. Main Street

800-818 N. Main Street are located on the westside of north Main Street between Maryland Street and Columbia Street. Main Street is a collector roadway with an average daily traffic volume of approximately 6,500 (1990) vehicles per day and on-street parking permitted. Columbia Street is a minor arterial with an average daily traffic volume of approximately 11,900 (1994) vehicles per day. The Main Street - Columbia Street intersection right-of-way is controlled with a traffic control signal. A stop sign is posted on Maryland Street at the Main Street intersection.

The proposed change in use to a 10,722 square foot drug store will create an increase in generated vehicular volumes. According to the proposed site plan, there will be one curb cut on Main Street located approximately 68' north of Columbia Street. The existing alley will be widened to 28' at the points of intersection with Columbia Street and Maryland Street, so they can be utilized as commercial access points. Access dimensions and location from the intersection must conform to the EUTS Access Standards Manual and will be discussed at the time of site review.

R-94-50

4519, 4527 Covert Avenue

4519, 4527 Covert Avenue are located on the southwest corner of the Covert Avenue - Polster Drive intersection. Covert Avenue is a four lane, minor arterial with an average daily traffic volume of approximately 13,200 (1994) vehicles per day. Polster Drive is a 29' wide, low volume, local roadway with on-street parking permitted. The intersection right-of-way at the Covert Avenue - Polster Drive intersection is controlled with a stop sign on Polster Drive.

Currently, there are two 11' wide curb cuts on Covert Avenue, approximately 74' and 155' from the Polster Drive intersection, and one curb cut on Polster Drive. A change in zoning from R-1 to C-1 will create an increase in the generated vehicular volumes. Should the rezoning be approved, no more than one access point should be permitted on Covert Avenue. Access dimensions and location must be in accordance with the EUTS Access Standards Manual and will be determined at the time of site review.

R-94-51

2200, 2202, 2204, 2210 Covert Avenue

The above referenced properties are located on the northwest corner of Covert Avenue - Fairlawn Avenue. Covert Avenue is a four lane, minor arterial with an average daily traffic volume of approximately 13,200 (1994) vehicles per day at this location. Fairlawn Avenue is a 19' wide, low volume, local roadway, that has recently been repaved. The intersection right-of-way is controlled with a STOP sign on Fairlawn Avenue.

Currently, there are three curbs cuts on Covert Avenue that provide access to these residential properties. A driveway on Fairlawn Avenue also services the corner lot. The change in use from residential to a drive-in restaurant will create an increase in generated traffic volumes. The proposed site plan displays only one curb cut on Covert Avenue and one access drive on Fairlawn Avenue. These two access points should provide adequate access to the site. Should the rezoning be approved, the access dimensions and location must be in accordance with the EUTS Access Standards Manual and will be determined at the time of site review.

RMZ/jw

AREA PLAN COMMISSION  
EVANSVILLE-VANDERBURGH COUNTY

Room 312 Civic Center Complex  
1 N.W. Martin Luther King, Jr. Blvd.  
Evansville, IN 47708  
Phone (812) 426-5226

January 5, 1995

County Commissioners  
Room 305  
Civic Center Complex  
Evansville, IN 47708

Dear Commissioners:

This is certify that the following county rezonings were considered by the Area Plan Commission of Evansville and Vanderburgh County at a public hearing held on January 4, 1995.

Docket No: VC-15-94                      Petitioner: Gary L. Burden  
Address: 2905 N. St. Joseph Avenue  
Request: Change from Agricultural to C-2 w/ Use & Dev. Commitment  
This petition was approved, having 11 affirmative votes and 0 negative votes.

Docket No: VC-17-94                      Petitioner: Chris Combs  
Address: 2010 Fuquay Road  
Request: Change from R-1 to C-4 w/ Use and Dev. Commitment  
This petition was continued to the February APC meeting.

Sincerely,

  
Barbara L. Cunningham  
Executive Secretary/Director

BLC/kly

cc: Alan Kissinger  
Suzanne Crouch, Auditor

RECEIVED

JAN 0 6 1995

Vanderburgh County Commissioners

MINUTES OF THE  
VANDERBURGH COUNTY COMMISSIONERS

JANUARY 23, 1995

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The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, January 23, 1995.

**RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE**

President Borries called the meeting of January 23, 1995 of the Vanderburgh County Commissioners to order. Welcomed everyone who is here this evening. President Borries introduced the following members of the County Staff:

Cindy Mayo, Superintendent of County Buildings  
Commissioner Richard Mourdock  
Suzanne Crouch, County Auditor  
Julie Hemp, Official Recording Secretary

Having introduced himself, President Borries asked the group to stand for the Pledge of Allegiance.

**RE: APPROVAL OF MINUTES**

President Borries: We will have minutes, I don't believe we have any this evening to approve so we will consider those minutes at our next meeting.

**RE: ACTION ITEMS**

We have some persons here in the audience. Sir, I know you were here earlier. If you don't see your item here on the Agenda here this evening, would you like to come forward this evening and give your name and address. We are just talking about the sound system and Mrs. Hemp has the unenviable job of having to record all of this word for word so would you give your name into the microphone?

I'm Orval Oates. I live at 5517 Cynthiana Road. I'm here protesting the hazardous conditions of the lights at St. Joe Avenue. People disregard that flashing light is something else.

President Borries: Where is this, sir?

Mr. Oates: St. Joe and Mill Road. People disregard that yellow light as if it wasn't even hanging there. On December 2, I was proceeding to go east on Mill Road headed across the intersection there and the cars coming from the north going south were back far enough I could cross but the only lights that were available for me to see were far enough south coming north that I could see it. I proceeded through the intersection on that flashing light and some lady hit me broadside instantly. I had a big Mercury that weighs about 5,200 pounds and she had a little Camero that weighs about 1,900. She hit me hard enough to knock me 1,800 feet broadsided and it destroyed that automobile. And I got a leg bumped on it and my back got bumped from it. That's the only east/westbound place we've got to go since K-Mart is closed. There's a lot of traffic goes through there and that light being on a flashing just anytime is just not right. If it's not going to cost you to run that thing 24 hours a day as it does what time you run it because this going at 5:00, I checked, there have been 15 accidents this year, some of them real serious accident. And if I'd have been in one of these light automobiles on the road today, I'd venture to say I wouldn't be here standing before you tonight because she hit me hard enough to bend the frame on that big Mercury.

President Borries: You were going east on. . .

Mr. Oates: East on Mill Road.

President Borries: East on Mill. Questions of Mr. Oates?

Commissioner Mourdock: Did I understand you, it changes at 5:00, there normally is a stop light there?

Mr. Oates: Stop light there until about 5:00. On the 2nd day of December, there was about 12 or 15 cars lined up going east in front of the County Garage there and I was the only car going east from the west side. She came through there at such a rapid speed I would say she had to be exceeding 70 miles an hour. Has everyone ever run a traffic check on that how fast people goes through that yellow light? It might as well not be hanging up there at all, just do away with it if they're going to let them go through there at that kind of speed.

Commissioner Mourdock: You mentioned, Mr. Oates, there had been 15 accidents there in the last year. I'm just curious.

Mr. Oates: Since 1994, there have been 15 major accidents out there.

Commissioner Mourdock: Where did you get that number?

Mr. Oates: I got that from the Fire Department of German Township, the calls they run on it.

Commissioner Mourdock: Thank you.

President Borries: I had a call today from I guess the German Fire Department, John Buckman, had you talked with John about this. He also called to express his concern about this particular intersection.

Commissioner Tuley: I think we just need to check it out. If there have been that many wrecks there. . .

Mr. Oates: At this point, it is so dangerous, that some way or another I'm going to get it changed, whatever it takes to get it changed. I'm going to pursue it, petition the court, whatever it takes to get it changed, so I would appreciate it if you guys would give it a top notch priority and let's do something about it before, I could have been one of the guys that's not here any more, that car hit me that hard at that intersection, if I'd have been in a little bitty ole car I'd have been mashed completely out. It hit me so hard it knocked me plumb out of the seat belt, she hit me on the side and I came out sideways clear to the passenger side door. That's just not right that that happens, there's no reason for it except that somebody's not doing their job.

Commissioner Mourdock: The bottom line is, you would like to see a 24-hour normal operation?

Mr. Oates: 24 hours a day on that dog-gone light because that's the only way we've got to go shopping now since K-Mart has closed, traffic has picked up there about 50-75% and that's the only way we can go unless we go around the world.

President Borries: Which way do you go, go Mill over to North Park or the First Avenue area?

Mr. Oates: That particular evening when I was going over there from Mesker Park to St. Joe, I met two cars with no lights, one car with parking lights on and two cars with headlights on. And the car that's running without headlights or running with parking lights on, when the car behind him with headlights on, that car in front is invisible, you can't see it. That's what happened to me out there. She was running about 60-70 miles an hour through that yellow light which we can't prove that, there's no way to prove it, but she had to be to knock that Mercury that far and destroy it. I mean she destroyed that vehicle. Even nearly knocked the body off the frame. Twisted the back of the body she hit it so hard.

Commissioner Tuley: Does east/west flash yellow?

Mr. Oates: I was crossing on the red light.

Commissioner Tuley: Oh okay, it flashes red from east/west?

Mr. Oates: I was crossing on the red light.

Commissioner Tuley: Okay.

Mr. Oates: And when I was there, I run a count on that thing, like 1,001, 1,002, picking up a car, at the distance I seen that car coming and if that had been the car that hit me, I would have been plumb to the back gate of the County Garage. I've been privileged cause she had to be driving somewhere about 70 miles an hour and with no lights on. I would say if you can find out what I'm talking about, go out there and put a radar on that thing and people are going to see them yellow lights. I was just recently out here on 65 with German Township's Water Department flagging for one lane traffic, we had a sign three feet in diameter that says "STOP" on one side and "SLOW" on the other. I'd hold that sign up like this, they'd cross over the yellow line and step on the accelerator. You put it on "STOP" and they'll run right up to it. You have to drop the thing right in front of the windshield to get them to stop. There just wasn't the traffic like that's out there now. I envy anybody that has to work on the highway, I worked on the highway from 1976 until 1988 but it seems to be worse now than it was even then. I hope that we can do something about that light out there and get it done quickly before somebody comes up in the grave yard.

President Borries: Thank you. These comments are for John Stoll. John, explain to me the cycle on that light. It is activated anymore at all going to all red? Is there any time that it doesn't flash? I can't remember what the whole deal is. Does it flash all the time now? Or we don't have any kind of signal on it?

John Stoll: Regular signal during the day and then it switches over at, the time was supposed to be if I remember right, from 6:00 p.m. to 6:00 a.m. because the traffic was lower back whenever the original study was done back by Yutz I believe it was around 1987 and the only reason it was switched to flashing in the evening was the Manual and Uniform Traffic Control Device allows a signal to switch over to a flashing mode if traffic drops off substantially during a certain period of the day so

that's why it was switched but if there's a problem with accidents we can have them put some more counters out there and look into it again.

President Borries: Well I think Mr. Oates has a real valid point here. I think the closing of that K-Mart down there has obviously changed some patterns. There's got to be more traffic on Mill now going over to the North Park area than there was before otherwise you could go down to, isn't there still a supermarket in by K-Mart, a Wesselman's there, but people are not shopping as much now that K-Mart is not there I guess. If we could do that and I don't know what the cost is either but I guess if there's an electrical bill there, either that or could we cycle it to where it could be long on green on Mill for some time and short on red, I know sometimes I've been stuck at the, and I mean stuck, on the Esplanade or Riverfront Park and Court Street and I thought I was gonna really get old waiting on that one but it's got a long cycle on green. I mean the river thing goes up and then there's a little short thing for Court Street and I suppose it just again reflects the traffic pattern.

Mr. Stoll: I'd have to check and see whether or not that signal could be switched over, something like that. I don't really know, I'd have to find out who made the signal timing changes back when it was done and see what kind of revisions were made at that time. Some of those controllers won't let you switch it that way, you need detectors and all that before you could go to something that would have a long green time but that would eventually pick up and switch for just a single occasional car.

Commissioner Tuley: They probably speed down through there pretty good though the speed limit was like 50 down through there anyway.

President Borries: Well, we've had problems at St. Joe and Allen and some I know have been lessened because we've done some site improvements in that particular area but this one certainly deserves some serious consideration and Mr. Oates, we will get our County Engineer on this and research it and if you would like to check back with us in the near future here, if you could give us a couple of weeks so we can get the information we need, while we'll sure work on it. Thank you for coming in sir. Are there other persons here who do not see their item on the agenda? Come forward please if you would.

I'm Beverly Tempel and it's spelled T-E-M-P-E-L and I'm a resident on Rose Avenue and Harmony Way. We had a difficult situation going out there and on behalf of the residents out there, I am requesting a load limit be put on that road. On January 13, one of the residents had over 50 truck loads of dirt delivered down the road. There's no turn around, there's no access in and out, it's a dead end. It was single, double, and tri-axles coming in and out. It's literally tearing up the end of the road and Mr. Stoll says that the County has accepted the road and there should be no weight limit but the way the road is pitched and at that point the water main has broken four times in the last two years already on the road. I mean if you guys in the Water Department want to keep coming out there and fixing it that's fine but the residents are really getting quite upset at the amount of traffic. That was 50, I'm giving them the benefit

of the doubt because the dirt was coming in from the Deaconess Hospital site where they dig it out and I talked to Steve Elliott who had 65 loads dumped off at his place and there was even more than that. They were lined up two and three deep before they could dump and now the road is really just starting to crumble and I have three drain systems around my house to keep the water out because the road is pitched towards my house. Now with those trucks coming down that road, it's damaging to that drainage system also. And as I said, I have a petition here from the residents themselves wishing that a load limit or some kind of limit on the road.

President Borries: Okay. Questions of Ms. Tempel?

Commissioner Mourdock: Ms. Tempel, the trucks that are going in and out of there, I presume right now it's just a temporary situation, I mean I understand it's a problem but is it a temporary situation or has this been going on for years?

Ms. Tempel: Well, it was just a one day deal and I called them at 3:00 in the afternoon, it started at 9:00 in the morning and it had gone on all day long and the road is wet and it's starting to crack and the water is seeping up through the road and I called Industrial Contractors who is doing the roads and said the road is wet, please the tri-axles, all this weight is tearing this road up. Give it a chance to dry out before you start again. Well, come Monday morning the 16th, here they come again. Nobody here to call telling them, hey, you know, I need somebody to stop this. So it's very difficult down there and the road is an accident how it got paved, it wasn't a County road in the first place, it got accepted by the County because we had it paved by an accident. It was a political favor back a few years ago so it was accepted 'as is' from the County, okay, part of it, and the last half we used to put the roofing shreds on top of it to keep it paved and oiled. And then it was paved again by a political favor accident so really there is no base on that road to sustain that kind of weight.

Commissioner Mourdock: Okay, going back to the trucks, you said something about. . .

Ms. Tempel: It's a one day - and he was continuing. This has not been just the only time. There's other big heavy trucks go in and out of there.

President Borries: Okay, why do they go down there?

Ms. Tempel: They were dumping, well first of all . . .

President Borries: Is it a dead end road?

Ms. Tempel: Yes.

Commissioner Mourdock: You said something about Deaconess Hospital site.

Ms. Tempel: See they're digging out Deaconess Hospital to put anew building there and they have, I forgot how many cubic feet of dirt to dump, it's going all up and down Harmony Way. If you go down Harmony Way, you'll see different houses in the back with

huge, huge mounds of dirt and crap and crud and the trucks are just coming in and out all day long. And there is supposed to be a posted weight limit on Harmony Way of 10 tons but I understand those posted weight limits don't mean a thing. They can come and go as they damn well please up there so what we want is a load limit on Rose Avenue to prevent any more damage because we have to maintain the road especially in the back part where there's gravel.

President Borries: If it's a County road, you don't have to maintain it.

Ms. Tempel: Well, they don't do it. We're part of an end and it goes into the gravel, it's half and half, it's half private and half County.

President Borries: Okay, where it goes into the gravel part, it's a private road?

Ms. Tempel: Yes, and that's where the trucks were flying up and down that road and each resident down there paid \$90 or better to have gravel put on the road and it just can't sustain that weight.

President Borries: Okay, questions?

Ms. Tempel: Do you want this?

President Borries: Yes, we do.

Ms. Tempel: I didn't get them all because they weren't all home.

President Borries: That's alright. Do you think any of them are going to object?

Ms. Tempel: Maybe one.

President Borries: Maybe one would object in what way?

The recipient of the dirt.

Ms. Tempel: There was another party up there, Mr. Feldhaus, has dirt delivered and Mr. Johnson came up there and he said why am I the only one not getting dirt. Mr. Feldhaus said he was using single-axle trucks to deliver it, not those great big tri-axles. See when he had the dirt delivered it was just small trucks.

President Borries: We will record this for the record indicating that you have submitted this and we appreciate your coming here and I know we had talked, I'm glad you came here this evening because I was still a little confused about.

Commissioner Tuley: You brought this up last week you just couldn't think of exactly where it was at.

President Borries: I did bring it up, this was the road, Rose Avenue, I couldn't think of the road.

Ms. Tempel: Even the garbage truck is the cause of a water main break down there, that's how heavy it is.

President Borries: Okay, we'll review the weight loads if we could and also see if there could be some recommendations there. Also, that's what we'll just need to start from there.

Mr. Stoll: The current ordinance book has one road that has a weight limit on it and that's Wimberg Road and it was established in 1980. I don't know what the basis was on that weight limit, I don't know if it was trying to prevent trucks from going down that road because the railroad bridge is out there on Wimberg or whether or not there was a pipe that was, I wouldn't think it was in that bad shape back in 1980 that may have resulted in the load limit but typically all we've ever posted has been bridges not roads so that's the only one on the copy of the ordinance that I've got and it would be a little different than what we've done in the past like I said, we've only posted bridges.

Attorney Kissinger: As a matter of fact, if we post a load limit that's for regular travel, am I correct, local traffic cannot be regulated by a load limit? In other words, we cannot prevent someone from having something delivered to their residence because of a load limit. Now on a bridge I understand we can stop that due to the safety factor involved. I don't think we can enforce a load limit ordinance to prevent a local delivery.

Mr. Stoll: That's kind of the way we treated the trucks even though there were quite a few of them, where a local delivery, and the truck route ordinance says that a truck is supposed to take the shortest path between a truck route and its destination so even though the truck traffic may not be ideal going down Rose Avenue, that's basically how I interpreted the way a truck route ordinance would work.

Commissioner Mourdock: I guess that raises in my mind two questions. Number one, I know some counties you'll occasionally see this time of year where there are temporary weight limits. Do we ever do anything like that?

Mr. Stoll: There is one on the books for that.

Commissioner Mourdock: Can that be used on any stretch of road?

Mr. Stoll: Yes.

Commissioner Mourdock: Given this time of year?

Mr. Stoll: I'm not really familiar with that ordinance right off the top of my head but it may be.

Commissioner Mourdock: And the second thing is, do we ever require, especially if it's and I presume Ms. Temple this is a fairly specific action given this construction, do we ever request bonding on the roads by someone who'd be using it in this way? As you defined that shortest route for the trucks, it seems to me if that's related to a given project, then the contractor would be required to post bond or could be required to post bond to maintain that road to make sure he doesn't damage it.

Mr. Stoll: We've never done that in the past but I see what you're saying. Most of the time these things like that's the

problem that's out there, it's not a project that we're really involved in so it would probably be real tough for us to establish where the trucks were coming from and going to and be able to get a bond on each individual situation that may show up like this one so for our projects, yeh, you could probably do that but it may be pretty tough for just isolated delivery things like this.

Commissioner Mourdock: I guess I would wonder if you could isolate this type of problem through their building and construction permit was simply a couple of questions as far as bringing materials in and out that would be over whatever the normal weight limit is. Is Alan saying if you can't routinely do it, maybe something tied with a building permit, I don't know. It's not an immediate answer for what we're talking about.

Attorney Kissinger: Potentially so. I understand what you're saying, it's a different approach.

President Borries: Well, Ms. Tempel, we will research. If you'd like to get back with us and see what we can do.

Ms. Tempel: I'm being sued by a contractor because I stopped the delivery of his truck because he said he had a contract with Industrial Contractors. I have until February 21 to resolve this. He can have all the dirt he wants . . . when they get down there, there's no place to turn around unless you go into somebody's yard or a driveway.

Attorney Kissinger: Since I may at some point become involved with this, when you say 'when they get down there' when they get down there, is that the private road?

Ms. Tempel: Down to Johnston's home.

Attorney Kissinger: Is a private road?

Ms. Tempel: Yes.

Attorney Kissinger: Alright, you understand that the County can do nothing in reference to the private road?

Ms. Tempel: Well, the residents of the private road, well, it's the subdivision, would prefer a weight limit or tonage limit, or something.

President Borries: Can't, can't.

Ms. Tempel: Well, after that point, see where the two meet, it's crumbling again.

President Borries: And that is what we need to review. Now Commissioner Mourdock has pointed out that there are some counties, I'm not familiar with a time where we have bonded on situations like this with various haulers but that is something that we could consider. We do have what we call a frost-free ordinance. There are certain times a year when you get a, and this is probably a prime time this winter where we'd have warm weather then it gets cold then all of a sudden we have a warm snap again and frankly the roads just turn to mush. And we have

at times imposed a frost-free ordinance, so we do have that on the books, we have not used it a lot, but this is the time when we might.

Ms. Tempel: Okay.

Commissioner Mourdock: Going back to the private road part.

Ms. Tempel: It's all graveled and grated and they have to maintain it.

Commissioner Mourdock: Right, they have to.

Ms. Tempel: And Randy is part of that. Randy Johnston, when they come down to his yard or his property, it's in the graveled area.

Commissioner Mourdock: Randy is the fellow who is getting the dirt, right?

Ms. Tempel: It's being dumped all on the side of his house.

President Borries: And because the other part is a public right-of-way, we can't deny access but again what we would have to research is what we could do maybe to either limit or to take other measures to protect a public right-of-way.

Ms. Tempel: Okay, now if the weight of the trucks in tilting that road, I mean when it rains, I get a huge amount of water coming at me because as I said the drain system and the trucks have been riding over the top of that drain system, so I don't know what the County can do in reference to pitching the road so that the water doesn't come at me so much.

Commissioner Mourdock: And again this is the County road or this is the private road?

Ms. Tempel: The County road.

President Borries: You're on the County portion of it?

Ms. Tempel: Right, I'm at the very top of it and it's being, water comes strictly at me from everybody.

President Borries: Well, thank you, please stay in touch with us and I kind of feel you will.

President Borries: Mrs. Preske, Beverly Preske, are you Mrs. Preske? Would you like to come forward please?

Ms. Preske: My name is Beverly Preske. I live at 6700 Upper Mt. Vernon Road. I am the director for PATH, Inc. PATH is an acronym for Partners Acting Together for Hoosiers with Disabilities and Special Healthcare Needs and we would like to just direct you through the packet if I can. I don't want to take too much of your time because I heard someone say you have a long evening ahead of you. But our mission statement is that Partners Acting Together for Hoosiers with Disabilities and Special Healthcare Needs, PATH, is a comprehensive community

based family center multi service center that is directed by parents, consumers and other interested individuals for the purpose of providing information and referral, support, training and education and inclusive community activities to persons with disabilities and special healthcare needs, their family members and the professionals who work with them with regard to educational, social, economic and health and wellness issues. The philosophy is that persons with disabilities and special healthcare needs should have the support they need to live in the community they choose and with whomever they choose, have the right to educational services provided in the least restrictive environment from early intervention services to post secondary education with all the necessary support, have the right to employment with no limitations placed on them based on disability and settings that are appropriate with necessary support and with salaries that are commensurate with their skills. If they have the opportunity to participate in community recreational and social activities in an inclusive environment along with their peers. Be entitled to healthcare and healthcare financing that enables them to maintain their health and wellness. I'm trying to kind of give you an idea about who we are and what we're about. The following are some examples of the activities that are conducted by PATH, Inc. We have a special friends bowling league. We're in our third year. We have 24 teams that, it's an inclusive bowling league, by that I mean we have people with disabilities from ages to 5 on up to I think our oldest bowler with a disability is around 70 years old. They bowl for four months out of the season and along with them are people like myself without disabilities that bowl as special friends to those individuals. We are funded as far as sponsorship for that league through businesses in the community and last year we were able to raise \$2,400 through our sponsorship to support that bowling league out of our local community. We provide the manpower for the hospitality tent for Thunder on the Ohio. Our volunteers work there for three days with the pit tour committee and we actually do some of the tours by taking people that are unable to go down in the pit and back out either by pushing the wheelchair or taking them in a golf cart. We help solicit some of the funding that provides the golf carts for that. There's food and supplies that are donated, an assessable rest room is donated and our volunteers maintain or man the tent that receives people with disabilities. If any of you have ever been there, we're right along the riverfront and the Freedom Festival puts a lot of money in that but they don't have the volunteers to work it so our volunteers do that. We have a special needs support group that meets on a monthly basis. We meet at North Park Baptist Church. It's open to anyone that's interested. We have a meeting every month. The December meeting is a Christmas part for our children and the Cloning for Kids group this year you may have read in the paper supported us financially but we have speakers eight months out of the year and then the other three months that we don't have speakers to come in and talk on different topics, we have open meetings so we can share issues. Out of that group and some of the other activities there's friendships that grow and among people with disabilities and among family members so we're doing things like taking AmTrak trips and things like that together and having lots of fun and doing things like that in the community here and outside the community. In June of 1994, we moved into Room 101 in the Old Courthouse Center and we have

still funded ourselves through things like card parties, we're doing a cook book, donations from our members and just selling whatever we can get our hands on to raise money to pay the rent and things like that. We man the office about 100 hours a week. I'm not going to bore you with all the details but there are now six individuals that come in and work in the office and most of us work around 30 hours individually so we're increased from the data that I've given you. We have applied for a 501C3 funding. I heard from Cincinnati last week, we've met all the requirements for that and we will be receiving hopefully by the 30th of this month our provisional document that will allow us to receive the CDBG dollars from the Metropolitan Development Commission here to pay for our rent and our postage, our telephone and I can't think what else it is. Anyhow, four items they're going to pay for I think I wrote it in here somewhere. Anyway, about two months, myself and one of the Board members traveled up to Terre Haute and we saw a beautiful toy lending library that's not really toys, it's like they have assistive devices and things like that. Our office is really small, it's about 500 square feet and we would like very much to move into another space in the Old Courthouse Center that would allow us to increase our activities to include a toy lending library. And we have available to us funding through business such as Target, to apply for a grant that would help us buy the toys and then with the special toys that have devices for people that can't play with toys like they normally would. In Vigo County where this center that we visited is located, they provide this toy lending library as a service to five counties in that area. Our office is a part of a family network of centers that is emerging around the state and we actually have eight counties that we're responsible for. What we would like to do initially with this resource center is we'd like to be able to move into a larger room which is just around the corner from where we are and we would have room to have this toy library. We'd like to contract with the School Corporation and with the Rehab Center and any person in the community that would need to have an assistive device for their child to learn how to play with or to learn developmentally from a toy or something but we don't have room in the office we're in now and sometime back last summer a gentleman stopped our office, Mark Abel, and he mentioned to one of the volunteers in the office that we're kind of doing the same thing for the County that the Veterans Affairs Office does upstairs and that it might be a good idea for us to come to you folks and talk to you about potential funding to help us with the office we rented at that time and when we did get approved for the CDBG dollars, I thought there really isn't any need to do that but now that we have this dream about growing into this larger room within the Old Courthouse Center, we'd like to ask you for your consideration for funding for that. And you can read through the rest of this if you're interested in it at whatever time you want to. I have also included a list that's an INR list which or Information Referral List and this tells where we're listed, we're in Hoosier Parent Magazine and a lot of the directories here locally. Also some state wide directories and some national directories too. We're listed as a resource center. And locally, there's a lot of different organizations, we attend their meetings, try to have input to represent people with disabilities state wide and also nationally and I've given you a list of those organizations that we're linked up to. And that brings me to the budget request and

as I said, our current funding is \$5,500 and there's no salary, we're all volunteers. So I'm not requesting any salary because we do have another place that we're going to be able to go to hopefully to get some salary stipends or something for our time that we put in there. I was asking for \$2,136 and that would be for the increased rent, \$178 more a month for the space and it's about a time and a half again as big as the space we're in now. In addition to that, it has a kitchen area and some storage area. It has lots of room and we really would like to move over there. If you're familiar with where the Citizens Action Coalition Office used to be, that's where it's located and Faye has agreed to allow us to have it for this \$178 more than what we're paying now which is \$204.75 so I think that's around \$385 a month. The increase in the postage is just to accommodate three cents more on what we projected for a month and that would be annually, the \$72. And we have a need for some small equipment like a typewriter and some things like that and the purchase of a computer with software and why that's important, we do have a computer that has been given to us from an agency in Indianapolis and we were lucky to have a gentleman come in the bring us a printer and things like that but we need a computer that will link us up with the rest of the resource centers in the state and so say that someone needs to have information from down here, a family in Marion County is going to move to Vanderburgh County, they go into Indiana Parent Information Network in Indianapolis, they say, well what's down there? Well then they can just plug into the computer and however it works, I'm not computer smart, however it works, they would be able to say well this is who you call for your respic care, or who you call to get your home health services and things like that. So I don't know if I'm at the right place and I've taken up about seven or eight minutes but I wanted to come to you and ask you, is there any funding available through the County Commissioners for this kind of service?

President Borries: Well, let me see if the other Commissioners have any questions here or comments. I know you've done a fine job with your presentation so you did excellent work I think in preparing that. Any questions?

Mrs. Preske: I am the parent I want to say of a son that will be 22 next month and he's multiply disabled and I'm a single parent of a 22 year old and that's my driving force and I've called you about some things before but any of you that know me know that I'm only interested in and so are the other liaisons who work with me in the office in doing what's best for people with disabilities and helping them reach their potential in the community in which we all want to live in. And I have been on the Governor's Planning Council and have a real long list, like three pages of commissions and things I've worked on and I'm just trying to make sure now that I have the basis of knowledge that we do the right thing in Vanderburgh County.

President Borries: Well, you certainly are an advocate and very articulate person in what you have presented. The way this works, Mrs. Preske, as a County executive, we can propose but we cannot dispose in terms of money. The County Council has the final say in that, Vanderburgh County Council on all funds. And I tell you, it's something that they might seriously consider.

You're going to have to give us a little time to take this under advisement if you could because it's not a budgeted item so it's something that we're going to have to look at. There are some indifferences between what your request would be and I certainly don't want to downgrade this and say that this is not a very worthy request because all of, speaking on behalf of this Board, I would certainly say that you have some real valid requests and needs here. We have extremely limited resources, we have some very tight budget situations here in the County and the Veterans Service Office that is over there and the Vanderburgh County Engineer's office that are over there are County funded agencies and that is by statute. Every county in the United States but certainly every county in Indiana has a Veterans Service Office and so they are as per Indiana statute, part of the Vanderburgh budget as is the County Engineer. It's a very worthwhile thing and something again if you can give us some time to look over, we might be able to see what would come about in the County Council's deliberations. The critical time for the County Council and it seems like they are always budgeting a year ahead, is about May of this year or June of this year at the very latest because the County Council will ask all the departments to set budgets, we give the budgets then to the County Council and they begin to make all their deliberations and cuts in August so that's really the critical time, May, June and probably August. A lot of July is spent in reviewing these budgets. And there may be other funding sources in the future. We again are in an extremely tight situation at this time due to lots of needs out there.

Mrs. Preske: I know we plan to move ahead into that office if we can. We're going to do Monte Carlo nights and things like that and I realize that the funding wouldn't be immediate if we were to get approved, it probably wouldn't be until fiscal year, October. Do you run October 1 or January 1?

President Borries: We run, not like the state, January 1, but we're always budgeting a year, literally a half year in advance which is a big guessing game. But you never know unless you ask and you have done a fine job in doing that so if you'll let us take this under advisement, as I say in the future, all these Commissioners, one of the things that I'll want to do assuming that we do move forward with the Riverboat operations in this community, is that we expect that we would have some revenue coming in and perhaps as all of us would put our thoughts together to set up perhaps grants programs or ways in which people can apply to use some of these funds, that just might be a consideration.

Mrs. Preske: So what kind of follow-up will we have on this?

President Borries: Well, there will probably be a lot of follow-up depending upon what happens with the Riverboat deliberations because that's going to increase our revenue and I would think that you would want to talk with us in early May as we will begin to prepare our budgets and I think we can give you a little more accurate feel for what to expect at that time.

Mrs. Preske: Do you get revenue from the Lottery Commission also, does it come into the County?

President Borries: Well, we get, and I've sent a book around, there are various agencies, you as an agency can apply directly for lottery funds.

Mrs. Preske: Oh can we, okay.

President Borries: Rehabilitation has received grants, there are grants available through lottery funds and disaster funds that we should have heard about a little sooner on the Waterworks Road project.

Mrs Preske: Sometimes having a child that's disabled is a real disaster.

President Borries: There are lottery funds distributed to every county. I have a book I think back here somewhere that I circulated around to the Commissioners that verified all of the various funds there.

Mrs. Preske: I wanted to thank you for taking care of, I don't know who did it if it was you or the City or who, but the parking out at Robert's Stadium. I did write a letter, you know they thought they had everything all straightened out and they didn't, when you let your ramp down, you found yourself in concrete you know you couldn't go any where. And I heard this concern back here, and I don't want to say off the record, but this is a concern. I live on Upper Mt. Vernon, when you go northbound on Red Bank, and I'm not anything against Westside Christian Church, I have no bones to pick with anybody, they've got this huge illuminated lighted sign that sits really close to the corner, probably closer than the fire hydrant to the corner, and when you're going north on Red Bank, it really blurs your vision, you can't see and that's another high accident area, I didn't realize we could talk about things like that here.

President Borries: Oh, we talk about a lot of things here.

Mrs. Preske: But it scares the life out of me to drive through there.

President Borries: Is it north on Red Bank Road, whereabouts is it?

Mrs. Preske: Actually, the sign is sitting on the northwest corner of Red Bank Road.

President Borries: Red Bank and what, Upper Mt. Vernon?

Mrs. Preske: Red Bank and Upper Mt. Vernon. I want to say the north and the west corner, I get turned around, but the north and the west corner and it's so close to the road, and especially if it's a foggy night or snowing or anything like that, it really blurs your vision and you know it's hard to see because you have traffic in this way and they do drive pretty fast through there, they're not observant. Off the record, but thank you very much.

President Borries: You're on the record.

Mrs. Preske: Thank you very much for letting me bring this to you.

President Borries: Thank you, thank you, we appreciate you being here this evening.

President Borries: I have an ordinance here to amend Chapter 153 of the Zoning Code of Vanderburgh County. What this does is, and this is a first reading, each of you should have a copy of this so I'm not going to read it, we will enter it for the record if you agree to advertise this on first reading but essentially it modifies certain areas of Vanderburgh County ordinances that have to do with parking areas, adjacent to residential districts, off street parking and temporary sign permits and so forth. This has been reviewed by the County Engineer and I will assume that at some point the Engineer has moved this forward so either that or is that Area Plan? This is Area Planning Commission, excuse me, has recommended that we change this ordinance. If you would agree, we will at least, at this point, approve on first reading.

Commissioner Tuley: So moved.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

President Borries: It does not call for a roll call at this time since we're not giving final approval this evening. We have advertised this I believe, Julie, haven't we or Suzanne perhaps? First reading, I think we have, I'd have to go back and look but I believe, well let's see, yeh, here it is, that's ordinance of speed limits. I believe we have advertised it, if we have not, we will do so as of the approving and on first reading, approve to advertise.

**RE: COUNTY ATTORNEY - ALAN KISSINGER**

Attorney Kissinger: The first matter I have is in reference to the Hillcrest Washington Home. I think the Commissioners will probably recall the record was certainly indicated last week, I indicated to you that my preliminary opinion was that we are not required to request bids for the contract for basically the running of the Hillcrest Washington Home. The reason for that is once again like I pointed out previously, the types of services being performed there are considered to be professional services and specifically excluded from those statutes which require requests for proposals and bids. This history of this matter, previously before this contract with the Southwestern Indiana Mental Health Foundation was entered into, there was a request for proposals sent out. However, there were none in fact any bids taken, there were not even any bids submitted. The request for proposals as I understand it from the various people I have discussed this with, was to basically educate the County Commissioners on the type of services that would be available and whether or not the people vying to provide this service would actually be able to do so. That's when the Hillcrest Washington Home, it was decided that would be managed and operated by the Southwestern Indiana Mental Health Foundation. If the Commissioners chose not to send out new requests for proposals, you will certainly be within your statutory rights in doing so. And if you wish, you may authorize me to go back to the Southwestern Indiana Mental Foundation, through their attorney, Mr. Jerry Evans, and review the present contract and then perhaps

make recommendations for any other changes, amendments, etc., that need to be made to the contract and also to convey to you any requests that they have for changes.

President Borries: Questions of Alan?

Commissioner Mourdock: In the historical side of this, when you went back to see the RFP, were there several other proposals submitted at that time or did we just get the one response?

Attorney Kissinger: As I recall, there were three. One of them ultimately I believe the Commissioners did not consider because of the fact that there were certain religious requirements that would violate certain constitutional considerations. Another one was eliminated from consideration because I think it was the Commissioner's opinion that they did not have an operation that was large enough to accommodate operating this large of a facility and also I don't think they had the necessary professional services available. So, really if it had been bid, the most responsive bidder probably would have been Southwestern Indiana Mental Health Foundation.

Commissioner Mourdock: And that all took place about five years ago I presume?

Attorney Kissinger: Five or six ago, yes. So if the Commissioners wish to authorize me to do so, I'll contact Mr. Evans and start the preliminary negotiations toward entering a new contract with Southwestern Indiana Mental Health Foundation with the understanding that I will not commit the County without the Commissioners being fully advised and the Commissioners having the opportunity to vote on any contract that may be proposed.

President Borries: Motion?

Commissioner Tuley: So moved.

Commissioner Mourdock: Seconded.

President Borries: So ordered.

Attorney Kissinger: I have deeds, surplus property deeds, and I want to be as thorough as I can in answering any questions that I can in reference to these deeds. These are county surplus properties and this group of properties that we've had a lot of problems with most recently. The first four deeds are to properties located at 785 Line Street, 623 East Gum Street, 759 South Elliott Street, and 778 Southeast Eighth Street. All of these properties have been requested by the Evansville Black Coalition, Incorporated and the Executive Director of the Evansville Black Coalition is Bobby Ogburn. At least two of the Commissioners will recall and I will advise Commissioner Mourdock, Evansville Black Coalition proposes to take these properties and where possible, remodel and rehabilitate the properties and in the process of doing that, we're to use young apprentice carpenters and other building trade specialist to train them in these trades. So it will serve a dual purpose of rehabilitating the properties and offering training at the same time. After these properties have been remodeled or rehabilitated, it is the intent of the Evansville Black Coalition

to put these properties on the real estate market for sale and they certainly intend and hope that they will be able to make a profit from the sale of these properties. Any profits from any such sales will go back to the Evansville Black Coalition basically to keep this training program and rehabilitation program alive. With the understanding that I'm not in a position to recommend this to the Commissioners, it is a program that is definitely, if it works as planned, going to be beneficial to the county for two reasons. We're going to put this property back on the tax rolls, hopefully it will be rehabilitated and perhaps we will take these properties out of that syndrome of surplus property, unpaid taxes, surplus property. So I recommend that the Commissioners do give favorable consideration to transferring these properties by quit claim deed to the Evansville Black Coalition. The one deed, the last piece of property is located in the 300 block of Taylor Avenue, I'm thinking it's 312 Taylor Avenue. This property has been requested for transfer to the Laborer's International Union of North America, it's Local Number 561 and their offices are now located at 315 Taylor Avenue. Both of these organizations, Evansville Black Coalition and the Laborer's International, are non-profit corporations. Both have submitted their proof that they are in fact not-for-profit. And the Laborer's International proposes to use this property if in fact it is deeded to them as a parking lot for their existing facility. Mr. Doyle Wheeler of Laborer's International has advised me that they have no intention of selling this property and if anything, if they are able to get this property and construct a parking lot there, it will probably make their present location an even more permanent location. And I recommend that the Commissioners give favorable consideration to both of these requests.

President Borries: Questions of Alan?

Commissioner Tuley: They answered the questions the night they were here and they've submitted the documentation to his satisfaction so.

Commissioner Mourdock: I have a question here just to make sure we don't have any later on. Has there been anyone else that has expressed any interest in these properties?

Attorney Kissinger: No, as a matter of fact, Commissioner Mourdock, these two groups, I shouldn't say that, Evansville Black Coalition specifically, had entered into verbal agreements with Habitat that in consideration of the fact that Habitat wanted the properties, Evansville Black Coalition would not argue with them over those properties and they all reached an informal agreement among themselves not to compete for these properties. As to the property on Taylor Avenue, no one else requested that property and these properties were requested four or five months ago so anyone else who may have had an interest certainly has had ample opportunity to express that interest, none have done so. I guess the short answer to your question is no.

President Borries: May I have a motion then to approve these quit claim deeds?

Commissioner Tuley: So moved.  
Commissioner Mourdock: Seconded.  
President Borries: So ordered.

Attorney Kissinger: I should also advise the County Auditor these deeds will require the County seal and I don't know if you're aware of it or not, but I think your office is the only office in the County that has that seal, so at some point somebody is going to be coming down to borrow your seal to seal these deeds. I have nothing further to report.

President Borries: Thank you Alan.

**RE: SUPERINTENDENT OF COUNTY BUILDINGS - CINDY MAYO**

Ms. Mayo: My first item, I had a call from Jane Snelling in Emergency Management wanting to know if we had heard anything from Ray Hamner on a replacement for him on the Emergency Management Advisory Board. I had not heard anything and I didn't know if maybe he had been in touch with any of the Commissioners? I placed an initial call with him and then a call later on stating that in addition to the one member, that we would like to have a backup member in case they could not attend so I just wondered if you had heard anything from him.

President Borries: I haven't and if you will remind me this week, if you'll stick a note on my desk when I come in to kind of do my thing here on that desk, my damage or whatever, I'd be happy to write a letter to Sheriff Hamner requesting that.

Ms. Mayo: My second item, I had a call Friday evening. We have a piece of property at 521 East Gum. There's a dead tree on it and branches are falling onto 519 East Gum owned by Gladys Watkins and they would like to have someone come out and look at that and see if there's something we could do about the tree. She said if it fell down it would come on her house. So I told her I would check into that.

President Borries: May we direct the County Highway Department to review that, or check it out, let's put it that way, no review, if it's dead, it's dead.

Ms. Mayo: Our property is 521 East Gum. Earlier in the week last week I received a check from Wolf's Auto Auction which we did quietus in in the amount of \$574 for a dump truck that they had out there. They were holding up payment on it until they got a new deed, it was sold sometime ago, title, so we got that. There's a check that needs to be quietused in to the attorney's account from Kevin Bryant in the amount of \$2,045.

President Borries: May I have approval to sign that check?

Commissioner Tuley: So moved.  
Commissioner Mourdock: Seconded.  
President Borries: So ordered.

Ms. Mayo: There are also two checks that were brought into the office today by the County Auditor's office from 1994 so I assume Commissioner Mourdock will not be able to sign off on these.

They were found in the office down there when they were doing some cleaning out and one is in the amount of \$20 from Hinderliter Construction and the other one is for \$33.30 from Koester Contractor and these both need to be quietused in to the county general fund.

President Borries: May I have a motion to sign those checks?

Commissioner Tuley: So moved.

Commissioner Mourdock: Seconded.

President Borries: So ordered.

Ms. Mayo: The travel request that came through on Cheryl Musgrave we did not officially approve last week but it was for her to testify before the Committee on Public Law 64 which is the Assessor's law that applies to Vanderburgh County only so if we could get approval or if we could sign off on her request officially tonight.

Commissioner Tuley: So moved.

Commissioner Mourdock: Seconded.

President Borries: So ordered.

Ms. Mayo: There was a late employment change that came through this afternoon on Joanne Matthews so that needs to be submitted. I have a letter from Dennis Feldhaus from Helfrich and he stated that at the end of 1994 there was \$186,307.32 left in the insurance account which does go into our self-insurance account so I've made a blue claim for that to be written out of the insurance account and put in self-insurance. And my last item, Jack Schroeder called and wanted to know if anything had been done about the title searches for the tax sale property. I know that, and I don't remember what happened with this but I know last year we asked for bids and we didn't get any bids on it and then I don't know if it got re-advertised but he didn't see it in the paper, he obviously was interested in it but I don't remember what happened with that.

Commissioner Tuley: This is an amendment, if my memory serves me correctly, the County by agreement of the Auditor and Treasurer entered into an agreement with the title company to provide and approve title searches, abstracts, after a property is sold at tax sale. Apparently the Auditor and Treasurer agreed to do that but when they did the advertising, for whatever reason, Jack Schroeder didn't see it and did not respond to it. Cindy, do you remember, did they collect that money the day of the sale?

Ms. Mayo: It seems like that we did. It seemed like there was a set amount that was collected at the time of sale.

Attorney Kissinger: I think that's a part of the purchase price on that. I don't mean to interrupt Cindy but do you recall, did anyone else submit a bid besides Jack?

Ms. Mayo: I don't think so, I remember at the time of discussion we thought that he was the only title company around.

Attorney Kissinger: And just as a point of clarification as to why I'm asking these questions, I talked with Jack Schroeder

about two different matters delaying the County to date, and he did advise me that something needed to be done on that soon whether he got it or not and quite frankly if you know Jack Schroeder, he has always solicited the business whether he gets this or not is not going to make him or break him but Jack has indicated in the County's interest that we should act on this fairly soon and in consideration of the fact that we had only one response to our request, this again is a professional service and we can award to that title company without any further requests for proposal but this cycle is going to recur soon so we need to do something on this.

Ms. Mayo: I would be happy to research the minutes and see if I can find what happened and if there was more than one.

Commissioner Tuley: For some reason I didn't think there was any bids or if the one they got was late.

Attorney Kissinger: There was one that was late, it was never opened, to this date it is not open.

Commissioner Tuley: But we could run into a time problem and since the County has assumed responsibility of getting those notices.

President Borries: I just don't remember either so if you would, please research. Thank you Cindy. May I have approval from this Board then to add to the consent agenda the employment change that was brought up and also a travel request form for Suzanne Crouch, County Auditor and Bill Fluty, Deputy Auditor, to attend the Newly Elected County Officials Seminar put on by the Association of Indiana Counties on Saturday, January 28:

Commissioner Tuley: So moved.

Commissioner Mourdock: Seconded.

President Borries: So ordered.

**RE: COUNTY GARAGE - BILL MORPHEW**

Mr. Morpew: For the record we have the progress report for the County Highway and also the County bridge crew to be received and filed which indicates which indicates work done throughout the County on various projects.

President Borries: Questions of Bill? Bill may have some questions for us here in a second. Questions on the report at all?

Mr. Morpew: I have a travel request for the bridge crew foreman to go to Purdue University on February 2 to attend a County Bridge Conference. This has to do with local road personnel responsible for the design and construction of county bridges.

President Borries: May I have approval to add this to the consent agenda?

Commissioner Tuley: So moved.

Commissioner Mourdock: Seconded.

President Borries: So ordered.

Mr. Morphew: That's all I have.

President Borries: Bill, you dodged a bullet, looks like, my daughter left for Indianapolis last night and they had a little snow up there but we so far have not had that kind of weather to worry about.

Mr. Morphew: I guess I watched the snow all weekend out my back window, I have a large backyard and I kept thinking eventually this is going to pile up. 5:00 this morning I was listening to a radio station from Indianapolis and they said their flurries turned into five inches. They had the same forecast we did, we were very fortunate I believe. That's all I have.

President Borries: Good, thanks Bill.

**RE: COUNTY ENGINEER - JOHN STOLL**

Mr. Stoll: First I would like to recommend that we award the contract number VC9411-01, the overlay of Burkhardt Road at Columbia Street, to Law Construction for \$38,595.35. They were the low bidder and everything was in order with their bid.

Commissioner Tuley: So moved.

Commissioner Mourdock: Seconded.

President Borries: So ordered.

Mr. Stoll: Next I have two utility agreements for the Ohio Street bridge, actually it's two copies of a utility agreement between the County and Ameritech. It is for the relocation of Ameritech's facilities out on the Ohio Street bridge. It does not involve any cost to us at this time, it just allows them at a future time they would have the opportunity to seek relocation costs if we ever force them to move again, so right now it's at no cost and I recommend that this agreement be signed.

President Borries: Motion?

Commissioner Tuley: So moved.

Commissioners Mourdock: Seconded.

President Borries: So ordered.

Mr. Stoll: One more item that I have here, Attorney Kissinger has prepared an agreement between the County and the Department of Parks and Recreation with the City for the transfer of the existing Ohio Street bridge to the Parks Department and they in turn will assume the maintenance and liability of that bridge in conjunction with the Greenway project. Right now this is just a draft of the agreement, it doesn't need your signatures. I'm going to forward a copy of it to the Parks Department where they will let their attorneys review it and as long as you don't see any changes that need to be made and they don't see any changes that need to be made, hopefully we can get this all signed off on here soon as well.

President Borries: Questions of John on this item? Couple quick items on this, John, just to refresh my memory. Obviously this is not going to take place until the new bridge is done and when are we scheduled to do that new bridge?

Mr. Stoll: Right now it looks like we probably won't be able to get it on leading until May of this year.

President Borries: So conceivably could start this year?

Mr. Stoll: Right. I believe it's a fourteen month construction time frame so that would get it completed somewhere around say early fall of 1996 and the Lloyd Expressway bridge is not scheduled at the present time to be under construction until at least the fall of 1996 so we're still going to be okay there.

President Borries: And this basically is certainly an acknowledgment that, this is probably the oldest bridge in Vanderburgh County that I'm aware of. It doesn't mean that I'm that old but I don't think we have any older than 1891. Most of them have been redone or we got that old one on Heckel Road but I don't think there's any older than this one and it would be used as part of the Greenway but there are obviously some things we have to take into considerations and that is the liability question and that is why this agreement is being worked out through the Parks Department which is kind of the overall sponsoring authority, governmental agency, responsible in the City of Evansville.

Mr. Stoll: We don't want to be in a position, we're building a new bridge so we don't have to maintain the old one and since they want to maintain it as a part of the Greenway, then that basically covers them and us as far as the agreement goes.

President Borries: It could be a win/win before it's all over and it certainly does have some historical significance. A pretty sturdy old bridge that one, it's seen a lot of things go over it since 1891 I'll tell you that. Anything else, John?

Mr. Stoll: That's all I have.

President Borries: Okay, thank you sir. We have a consent item, We have added some items to that that you have approved. Any questions of it at this time? May I have a motion then to approve the consent agenda?

Commissioner Tuley: Mr. President, I move at this time that the consent items be approved as submitted with one exception. The pink slip submitted by Cheryl Musgrave with regard to Betty Wilner not be accepted tonight until such time as we have a chance to meet with an Executive Session since this was a termination.

President Borries: Okay. There's a second to that, that item is taken then from the consent agenda at this time. With that exception, Commissioners, then do I have approval of the consent agenda?

Commissioner Tuley: So moved.

Commissioner Mourdock: Seconded.

President Borries: So ordered.

President Borries: There will be signatures here we need to do.

**RE: SCHEDULED MEETINGS**

President Borries: There is a schedule of meetings attached. I think if this Board is willing to do so in conformance for future executive sessions, may I have an intent on your part to schedule executive sessions for the month of February, 1995 for the purposes of pending litigation and some personnel matters to consider before this Board and those would be held on Monday, February 6, Monday, February 20.

Commissioner Tuley: Do we have a holiday in there, President's Day or anything?

President Borries: We do?

Commissioner Tuley: I think the 20th we do, it just dawned on me.

President Borries: Good, well, I don't know about the holiday so I will defer that so then we will schedule it for Tuesday, February 21 if that's agreeable and the final would be Monday, February 27.

Commissioner Tuley: So moved.

Commissioner Mourdock: Seconded.

President Borries: So ordered.

President Borries: There is a letter that may be in your packet regarding the appointments to the Private Industry Council (PIC) and what this has to do with is routine but it indicates that as you know here if you have this that the two individuals, Mr. Michael McGregor and Mr. Earl Williams have resigned due to other commitments. The nominees that have been recommended to the County Commission would be Peggy Forbes who is the Manager of Kelly Services, Inc. and Larry Gates, the Industrial Work Relations Manager of Gencorp. May I have approval of these persons if you feel comfortable with them?

Commissioner Tuley: So moved.

Commissioner Mourdock: Seconded.

President Borries: So ordered.

President Borries: Okay, we will say they have been approved, great. We will have a drainage board hopefully it will follow immediately here if we can get Mr. Jeffers here to the meeting. Is there further business this evening before this Board?

**RE: OLD BUSINESS**

Commissioner Mourdock: Just an update on old business maybe it's new. I had mentioned at the last meeting that Dr. Phil Fisher at USI was going to get with me to talk about doing a bit of a survey, economic analysis if you will, on the 24-hour versus normal daily operation on the Lloyd Street bridge and we did meet and he is going to pursue that. He thinks there are several economic models that he could use to incorporate with the survey from some business on that side that hopefully generate our case a little bit to take to INDOT. So he'll keep us posted.

President Borries: Good. I will be in Indianapolis Wednesday I hope that I might have the opportunity to touch base with some of our local legislatures as well as some other state officials and also one quick item under old business. If Commissioner Mourdock agrees to this and I believe you had had the opportunity to see what you envisioned would meet your feelings on this, we did add to the resolution that we considered last week that, be it further resolved that the collection of the one cent Food and Beverage Tax will expire when the County fiscal obligations for the Vanderburgh Auditorium and Convention Center renovations are satisfied so that does sunset.

Commissioner Mourdock: That takes care of my considerations.

President Borries: Okay, good. I would like to present this before with your permission then into the Vanderburgh County Council very quickly and also if we can send it to our area State Legislatures that indicate that we have approved this. In fact, Julie, if so I would like to maybe have some copies of this if I can get them tomorrow from you but I do want to enter this into the record so we've amended this.

**RE: NEW BUSINESS**

There was no new business at this time.

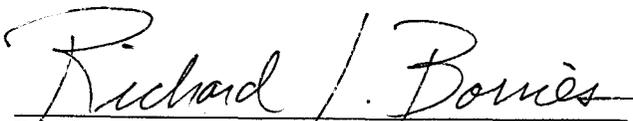
President Borries: Further business before the Board this evening? Again, there is a drainage board and we do have some signatures. If not, this meeting is adjourned.

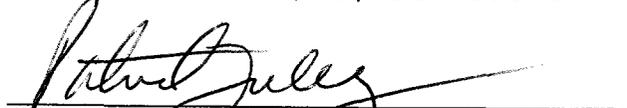
**THOSE IN ATTENDANCE**

Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
John Stoll  
Julie Hemp  
Beverly Tempel

Patrick Tuley  
Suzanne Crouch  
Cindy Mayo  
Bill Morphew  
Beverly Preske  
Orval Oates

VANDERBURGH COUNTY BOARD OF  
COMMISSIONERS

  
Richard J. Borries, President

  
Patrick Tuley, Vice President

  
Richard E. Mourdock, Member

AGENDA

VANDEBURGH COUNTY COMMISSIONERS  
JANUARY 23, 1995

5:30 P.M.

*Rick Borries  
Richard Mauds  
Suzanne Crowl  
Cindy Mayo  
Pat Tuley  
Alan Kissinger  
John Stoll  
sign in  
sheet*

**FINAL**  
As Amended

- 1. CALL TO ORDER 5:40 pm.
- 2. INTRODUCTIONS
- 3. PLEDGE OF ALLEGIANCE
- 4. ACTION ITEMS

- A. Approval of minutes (NEXT MEETING)
- B. Any group-individual wishing to address the commission  
*Spike (PHILIP) OATES (2ND) Beverly Tempel Tempel*
- C. Beverly Preske - Director of PATH, Inc.

*PT/RM* D. Rick Borries - Ordinance amending Chapter 153 Zoning Code of the Vanderburgh County Code of Ordinances (1st Reading)

5. DEPARTMENT HEADS

- \*Alan Kissinger.....County Attorney
- PT/RM* \*Cindy Mayo.....Superintendent of County Buildings
- \*Bill Morpew.....County Garage
- \*John Stoll.....County Engineer (see attached requests)

6. CONSENT ITEMS — *Betty Wilmer removed*

- A. Travel/Education \*Health Department  
\*Emergency Management Agency
- \*own budget \*\*Commissioners budget \*\*\* unappropriated funds

B. Employment Changes (see attached lists)

C. Acceptance of 100-R forms from County Auditor for 1995

7. Scheduled Meetings - List attached

8. OLD BUSINESS : *PT/RM. Add to Resolution 1 & Food*

9. NEW BUSINESS

A. Appointments to the Private Industry Council Board of Directors *Peggy Forbes PT/RM*

10. MEETING ADJOURNED 6:58

DRAINAGE BOARD IMMEDIATELY FOLLOWING

AGENDA

VANDERBURGH COUNTY COMMISSIONERS  
JANUARY 23, 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. Beverly Preske - Director of PATH, Inc.
  - D. Rick Borries - Ordinance amending Chapter 153 Zoning Code of the Vanderburgh County Code of Ordinances (1st Reading)
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  
\*own budget \*\*Commissioners budget \*\*\* unappropriated funds
  - B. Employment Changes (see attached lists)
  - C. Acceptance of 100-R forms from County Auditor for 1995
7. Scheduled Meetings - List attached
8. OLD BUSINESS
9. NEW BUSINESS
  - A. Appointments to the Private Industry Council Board of Directors
10. MEETING ADJOURNED

DRAINAGE BOARD IMMEDIATELY FOLLOWING

**AGENDA**

**VANDERBURGH COUNTY COMMISSIONERS  
JANUARY 23, 1995**

**5:30 P.M.**

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. Beverly Preske - Director of PATH, Inc.
5. **DEPARTMENT HEADS**

Alan Kissinger.....County Attorney  
Cindy Mayo.....Superintendent of County Buildings  
Bill Morpew.....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. Acceptance of 100-R forms from County Auditor for 1995
7. **Scheduled Meetings - List attached**
8. **OLD BUSINESS**
9. **NEW BUSINESS**
10. **MEETING ADJOURNED**

**DRAINAGE BOARD IMMEDIATELY FOLLOWING**

VANDERBURGH COUNTY COMMISSIONERS MEETING  
 JANUARY 23, 1995

Please sign in below:

NAME	ADDRESS	AFFILIATION?
1. Beverly Proske	PATH, Inc Old Courthouse Ct, Rm 101 201 N W Fourth 47703	PATH, Inc.
2. Beverly Gensel	4111 Rose Ave	NONE
3. Ornel Dater	5517 Cynkhouse	—
4. John Hall	Old Courthouse Rm 307	CO. ENGINEER
5. Bill Murphy		CO. HWY. DEPT.
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**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

RICHARD J. BORRIES  
RICHARD E. MOURDO  
PATRICK TULEY

**AGENDA REQUEST**

NAME OF REQUESTOR: Beverly Preske

REQUESTOR TITLE: Director

DEPARTMENT: Path, Inc.

REQUEST(S) BEING MADE:  
for funding for  
PATH -  
next funding cycle

DATE TO BE PLACED ON AGENDA: 1/23/95

ACTION \_\_\_\_\_ CONSENT \_\_\_\_\_ OTHER \_\_\_\_\_

424-8600

PATH, INC.  
Old Courthouse Center, Suite 101  
201 N.W. Fourth Street  
Evansville, IN 47708  
812-424-8600  
FAX 812-424-803

PATH, Inc. is a non-profit, parent and family-directed resource center for persons with disabilities and special health care needs and their families. PATH, Inc. has four major areas of activity. Information and referral, support, training and education, and inclusive recreational activities.

Well-trained, parent and family liaisons provide information and referral to any person or family member who contacts us on a variety of topics related to special needs. We are listed in many directories and resource manuals, including:

Hoosier Parent Magazine  
First Steps of Vanderburgh County Resource Directory  
United Way First Call  
Evansville Courier and Press  
Indiana Parent Information Network state Directory for Support Groups  
National Association for the Care of Children's Health Parent Directory.

Referrals are made and received from many local, state and national agencies, including:

Local:

Vanderburgh County First Steps and Step Ahead  
Council on Aging (Medicaid Waiver, CHOICE, RSVP, Handyman)  
METS Mobility  
Local School Corporations in eight southwest counties  
Division of Family & Children's Services  
SWIMHC Respite Services  
The Rehabilitation Center  
Evansville ARC  
Evansville Association for the Blind  
Epi-Hab  
Evansville Goodwill  
Salvation Army  
No-Ruz Grotto  
Food Pantry  
Community Action Program of Evansville  
Catholic Charities  
Ozanam Family Shelter  
Home Health Agencies  
Equipment Providers

State:

Indiana Vocational Rehabilitation Services  
Indiana Workforce Development  
Indiana Department of Education, Division of Special  
Education  
Indiana Governor's Planning Council for Persons with  
Disabilities  
Indiana Parent Information Network, Inc.  
IN\*Source  
Indiana Protection & Advocacy Services  
ATTAIN  
Indiana Transition Initiative  
ATTIC  
Partners in Policymaking, COVOH  
Indiana Department of Health Family Wellness Line  
Institute for the Study of Developmental Disabilities  
Indiana Department of Health, Program for Children with  
Special Health Care Needs  
United Cerebral Palsy of Central Indiana  
United Cerebral Palsy of Wabash Valley, Terre Haute

National:

United Cerebral Palsy Associations, Inc.  
Association for the Care of Children's Health  
National Parent Network on Disabilities  
National Organization on Disabilities, NOD

## MISSION STATEMENT

PARTNERS ACTING TOGETHER FOR HOOSIERS WITH DISABILITIES AND SPECIAL HEALTH CARE NEEDS, INC. (PATH, INC.) IS A COMPREHENSIVE, COMMUNITY-BASED, FAMILY-CENTERED, MULTI-SERVICE CENTER THAT IS DIRECTED BY PARENTS, CONSUMERS AND OTHER INTERESTED INDIVIDUALS FOR THE PURPOSE OF PROVIDING INFORMATION AND REFERRAL, SUPPORT, TRAINING AND EDUCATION, AND INCLUSIVE COMMUNITY ACTIVITIES TO PERSONS WITH DISABILITIES AND SPECIAL HEALTH CARE NEEDS, THEIR FAMILY MEMBERS AND THE PROFESSIONALS WHO WORK WITH THEM WITH REGARD TO EDUCATIONAL, SOCIAL, ECONOMIC AND HEALTH AND WELLNESS ISSUES.

## PHILOSOPHY

PERSONS WITH DISABILITIES AND SPECIAL HEALTH CARE NEEDS SHOULD:

HAVE THE SUPPORT THEY NEED TO LIVE IN THE COMMUNITY THEY CHOOSE AND WITH WHOMEVER THEY CHOOSE;

HAVE THE RIGHT TO EDUCATIONAL SERVICES PROVIDED IN THE LEAST RESTRICTIVE ENVIRONMENT FROM EARLY INTERVENTION SERVICES TO POST-SECONDARY EDUCATION WITH ALL THE NECESSARY SUPPORTS;

HAVE THE RIGHT TO EMPLOYMENT WITH NO LIMITATIONS PLACED ON THEM BASED ON DISABILITY IN SETTINGS THAT ARE APPROPRIATE, WITH NECESSARY SUPPORTS, AND WITH SALARIES THAT ARE COMMENSURATE WITH THEIR SKILLS;

HAVE THE OPPORTUNITY TO PARTICIPATE IN COMMUNITY RECREATIONAL AND SOCIAL ACTIVITIES IN AN INCLUSIVE ENVIRONMENT ALONG WITH THEIR PEERS;

BE ENTITLED TO HEALTH CARE AND HEALTH CARE FINANCING THAT ENABLES THEM TO MAINTAIN THEIR HEALTH AND WELLNESS.

2. The following are examples of activities conducted by FATH, Inc..

Special Friends Bowling League

Volunteer director and staff coordinate this inclusive bowling league. Persons with disabilities and special health care needs participate in league bowling with persons without disabilities and special health care needs. The league runs for 8 weeks from February through May on Saturday afternoon and is conducted at Willow Bowling Center in Evansville, Indiana. The bowler is charged a total of \$28.00 to cover bowling fees to the center. Sponsors from community businesses purchase shirts, weekly soft drinks, trophies and end-of-season pizza party. FATH is dedicated to providing as many opportunities as possible for participation in community integrated recreational activities.

Hospitality Tent Manpower for Thunder on the Ohio Unlimited Hydroplane Races during The Evansville Freedom Festival.

Volunteers provide three-day, manpower to accommodate persons with special needs, including the elderly and those with health related concerns, during their visits to the riverfront to view the unlimited hydroplane race activities. We assist them with pushing their wheelchairs and ushering them through the pit areas and serve them a cold beverage, sandwich, chips, and water. The Freedom Festival Committee positions an accessible, portable toilet at our location and furnishes us with two golf carts for transportation. Services are available for the hearing impaired, as well as other disabilities. This activity is part of the Evansville Freedom Festival and is usually conducted the weekend prior to 4th of July. All refreshments and supplies are donated to the Evansville Freedom Festival Committee by area businesses. We simply provide the manpower. Again, it is very important to us to be a part of the community and this activity affords that opportunity to those we target for services.

Special Needs Support Group

Volunteer director and liaisons organize and facilitate a support group that meets on the second Tuesday of each month at North Park Baptist Church in Evansville at 7:00 P.M. Notices are sent through the local news media, as well as through our mailing list of approximately 200 families, and are open to anyone interested in persons with disabilities and special health care needs. Speakers are invited to provide information on a variety of related topics and open meetings are held for general discussion. Refreshments are provided by membership and a door prize is awarded. People

with and families with members with disabilities and special health care needs have identified the need through many surveys and questionnaires that the single most important thing to them at most times is to be able to discuss their concerns with another person who has experienced similar concerns. Many friendships and smaller support networks have emerged as a result of these monthly meetings.

#### FATH, Inc. Office

Five trained information specialists/family liaisons volunteer a total of 100 hours weekly provided on a daily basis from 9 A.M. to 3 P.M. The office is located in the Old Courthouse Center in Evansville. Persons with disabilities and special health care needs, their families, professionals and any other interested person may request information on a variety of related topics. In addition, we facilitate meetings for the Evansville Transition Council, the Evansville Council on Employment of Persons with Disabilities, and the Vanderburgh County Technology Network.

Volunteers provide training to parents, consumers and professionals on a variety of topics. Individuals may borrow from our reference and toy library items that have been donated for distribution.

These services are available to persons living in eight southwestern Indiana counties (Posey, Vanderburgh, Gibson, Pike, Warrick, Dubois, Perry and Spencer). References are received from individuals, agencies and organizations in the communities served as well as from state and regional agencies serving the disabled.

Each of the above listed activities when pieced together provides the means by which we deliver much-needed support, information, training and referral to a population that is underserved. The perspective of parents and consumers providing this to other parents and consumers is "that we know how it feels to be in your shoes" and it makes parents and consumers more comfortable. Each of the activities are equally important to help us reach our goals to help persons with disabilities to live, learn, work and play within the community in which they live.

3. Less than 5% of our time could be construed as being purely social in nature. The activities we participate in with Evansville Freedom Festival Unlimited Hydroplane Race and the Special Friends Bowling League are to accommodate persons with disabilities and special health care needs to enable them to participate in these social activities.

FATH, Inc. does not expend any funds on these activities.

4. Director: Beverly Preske, parent of a 21 year old with multiple disabilities and a longtime advocate for persons with disabilities in the state and local community. Ms. Preske has served on many committees, received training and empowerment in related areas. She has been involved in the business community as the owner/operator of a successful small company and due to divorce is no longer involved. There is no compensation for services.

Assistant Director: Rhonda Spears, parent of an 18 year old with cerebral palsy. Ms. Spears has attended many trainings and workshops on related services. There is no compensation for services.

Information Specialist: Brena Evans, parent of 15 year old with mental disabilities. Ms. Evans has attended many trainings and workshops on related services. There is no compensation for services.

Information Specialist: Dorothea Phillips, parent of 55 year old with cerebral palsy. Mrs. Phillips has been a lifelong advocate and has many years of experience to provide her with insight into issues related to disabilities and special health care needs. There is no compensation for services.

Information Specialist: David Jeffries. Mr. Jeffries is a consumer with acquired disabilities. He has been involved in business and uses his skills to work with persons with acquired disabilities. He is working to learn more about other disabilities and services. There is no compensation for services.

5. Regarding board membership. The membership consists of persons who are not related to each other. I do not understand the need to add additional board members. If you have any further questions regarding this please feel free to contact me at 812-424-8600 or FAX 812-424-8603.

The following is a list of board members:

Scott Anderson	Gary May, A.C.S.W.
David Cosby	Robert Musgrave, Atty.
Brena Evans	Dorothea Phillips
Paula Guzzo	Beverly Preske
David Jeffries	David Wurth

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 15.153.04.075(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.

(d) 153.097 Amount of Off-Street Parking is amended by the deletion of 153.097(A)(8)(i), and renumbering the remaining sections.

(e) 153.109(A)(5) Temporary Sign Permits is amended to read as follows:

(5) Portable, folding, movable, or inflatable signs or displays. Issuance of the permit shall be for a maximum of 30 days; sign permits may be renewed by the issuance of a new temporary sign permit, but only after expiration of the previous permit and removal of the sign from the premises for a period of at least 60 days. A portable sign may not be placed in a street or highway right-of-way or sidewalk or where it blocks traffic vision.

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 \_\_\_\_ 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

January 24, 1995

QUIETUS  
OFFICE OF COUNTY AUDITOR  
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

NO. 18630

FUND COUNTY REV

~~\$30.00~~

*13.9  
33.30*

I HEREBY CERTIFY THAT: KOESTER CONTRACTING

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, IN.  
IN THE SUM OF \$30.00 DOLLARS

ON ACCOUNT OF BALANCE DUE ON RENT

SUZANNE M. CROUCH  
AUDITOR VANDERBURGH COUNTY, INDIANA

BY: B.J.

January 24, 1995

QUIETUS  
OFFICE OF COUNTY AUDITOR  
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

NO. 18629

FUND COUNTY REV

\$20.00

I HEREBY CERTIFY THAT: HINDERLIGHTER CONSTRUCTION

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, IN.  
IN THE SUM OF \$20.00 DOLLARS

ON ACCOUNT OF BID

SUZANNE M. CROUCH  
AUDITOR VANDERBURGH COUNTY, INDIANA

BY: B.J.

January 24, 1995

QUIETUS  
OFFICE OF COUNTY AUDITOR  
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

NO. 18628

FUND 1300-3610

\$2,045.00

I HEREBY CERTIFY THAT: COUNTY COMMISSIONERS

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, IN.  
IN THE SUM OF \$2,045.00 DOLLARS

ON ACCOUNT OF RECAP FEES

SUZANNE M. CROUCH  
AUDITOR VANDERBURGH COUNTY, INDIANA

BY: B.J.

DETACH AND RETAIN THIS STATEMENT

THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW. IF NOT CORRECT PLEASE NOTIFY ACCOUNTS PAYABLE PROMPTLY. NO RECEIPT DESIRED.

INVOICE DATE	INVOICE NUMBER	JOB NO.	AMOUNT	DISCOUNT	AMOUNT PAID	REMARKS
--------------	----------------	---------	--------	----------	-------------	---------

8-12-94	255600 511/1112M		33.30		33.30	
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*into County General*

KOESTER CONTRACTING CORP.  
14649 HIGHWAY 41 NORTH  
EVANSVILLE, INDIANA 47711

--	--	--



71-1  
863

DATE	CHECK NO.
8-12-94	043218

CHECK AMOUNT
***\$33.30***

PAY \*\*\*\*Thirty-Three Dollars and 30/100\*\*\*\*

TO THE ORDER OF Board Of Commissioners

*Robert Barr*

NOT VALID WITHOUT TWO SIGNATURES OVER \$50.00

⑈043218⑈ ⑈10863000⑈ ⑈2⑈ ⑈41000074⑈ ⑈4⑈



NATIONAL CITY BANK  
EVANSVILLE, INDIANA

OFFICIAL CHECK  
FIRST-MILL BRANCH

153814980

DATE August 2, 1994

10-86  
220

PAY

NATIONAL CITY BANK \$20 and 00/100

\$ \*\*20.00\*\*

TO  
THE  
ORDER  
OF

Board of County Commissioners

NAME OF REMITTER

Hinderliter Construction

ADDRESS

DRAWER: NATIONAL CITY BANK

BY  
AUTHORIZED SIGNATURE

*Robert S. Cozart*

⑆022000868⑆ 8⑈ 153506 153814980



KEVIN BRYANT, ATTORNEY  
TRUST ACCOUNT  
COUNTY COLLECTION FUND  
P.O. BOX 3531  
EVANSVILLE, IN 47734

527

1-20 1995

71-7167/2863

Pay to the order of County Commissioners

\$ 2045.00

Two thousand forty-five

00/100 DOLLARS

FIRST FEDERAL  
SAVINGS BANK  
EVANSVILLE, IN 47712

*Kevin Bryant*

MEMO

⑆ 286371676⑆ 012101066517⑆ 0527

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: January 18, 1995 DEPARTMENT: Vanderburgh County Assessor

EMPLOYEE(S): Cheryl A.W. Musgrave

DATES OF TRAVEL: One (1)

DESTINATION: Indianapolis Indiana

PURPOSE: Testify before a committee

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

LODGING REQUIRED: \_\_\_\_\_

MEANS OF TRAVEL COUNTY VEHICLE NUMBER: \_\_\_\_\_

OTHER: Personal

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: Steve Parker  
Department Head

APPROVED: Cheryl A. Musgrave  
Office Holder **B**

APPROVED BY:  
VANDERBURGH COUNTY COMMISSIONER this \_\_\_\_\_ day of \_\_\_\_\_ 1995

Richard J. Borries  
Richard J. Borries, Present

Patrick Tuley  
Patrick Tuley, Vice Present

Richard Murdock  
Richard Murdock

Reception No.

Recorded this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19 \_\_\_\_\_, o'clock \_\_\_\_\_ M.

Recorder

**QUIT-CLAIM DEED**

**This Indenture Witnesseth**

That \_\_\_\_\_ The Board of Commissioners \_\_\_\_\_

of \_\_\_\_\_ Vanderburgh \_\_\_\_\_ County, and State of \_\_\_\_\_ Indiana \_\_\_\_\_

**RELEASE AND QUIT-CLAIM**

To \_\_\_\_\_ Laborers' International Union of North America, Local Union No. 561, \_\_\_\_\_  
\_\_\_\_\_ an Indiana Corporation \_\_\_\_\_

of \_\_\_\_\_ Vanderburgh \_\_\_\_\_ County, in the State of \_\_\_\_\_ Indiana \_\_\_\_\_ for the sum of  
One Dollar (\$1.00) and all other valuable consideration \_\_\_\_\_ Dollars

the following described REAL ESTATE in \_\_\_\_\_ Vanderburgh \_\_\_\_\_ County, in the  
State of Indiana, to-wit: \_\_\_\_\_

Part of Lot Three (3) in Block Six (6) in Parrett's Enlargement, an Addition to the City of Evansville, as per Plat thereof, recorded in Plat Book B, Pages 24 and 25, in the Office of the Recorder of Vanderburgh County, Indiana, more particularly described as follows:

Beginning at a point in the South line of said Lot a distance of One Hundred Fourteen (114) feet East of the Southwest corner thereof; thence East along the said South line a distance of Fifty-five (55) feet; thence North and parallel to the East line of said Lot a distance of Forty (40) feet; thence at right angles West a distance of Fifty-five (55) feet; thence South a distance of Forty (40) feet to the place of beginning.

Subject to all rights of way, easements, agreements and building and use restrictions of record which affect the real estate conveyed hereby.

IN WITNESS WHEREOF, The said Board of Commissioners of Vanderburgh County, Indiana, by its President, Richard J. Borries \_\_\_\_\_

Has hereunto set his hand and seal this 23rd day of January, 19<sup>95</sup>

Richard J. Borries (SEAL) \_\_\_\_\_ (SEAL)  
Richard J. Borries, President

\_\_\_\_\_  
(SEAL) \_\_\_\_\_ (SEAL)

\_\_\_\_\_  
(SEAL) \_\_\_\_\_ (SEAL)

STATE OF INDIANA, \_\_\_\_\_ Vanderburgh \_\_\_\_\_ County, ss.

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Board of Commissioners of Vanderburgh County, Indiana, by its President, Richard J. Borries, who acknowledged the execution of the foregoing Deed to be his voluntary act and deed.

WITNESS my hand and Notarial Seal this 23rd day of January 19<sup>95</sup>

Co. of Residence: Vanderburgh Billie J. Jarrell  
Notary Public

My commission expires 2-6 1996

This instrument was prepared by ALAN M. KISSINGER  
Attorney at Law

Exception No.

Recorded this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19\_\_\_\_, \_\_\_\_\_ o'clock \_\_\_\_\_ M.

Recorder

**QUIT-CLAIM DEED**

**This Indenture Witnesseth**

That The Board of Commissioners

of Vanderburgh County, and State of Indiana

**RELEASE AND QUIT-CLAIM**

to the Evansville Black Coalition, Inc., an Indiana Corporation,

of Vanderburgh County, in the State of Indiana for the sum of One Dollar (\$1.00) and all other valuable consideration Dollars

the following described **REAL ESTATE** in Vanderburgh County, in the State of Indiana, to-wit:

Southern Enlargement, Lot 14, Block 9, as per plat thereof, as recorded in Plat Book E, Page 20, in the Office of the Recorder of Vanderburgh County, Indiana.

Subject to all easements, rights-of-way, and building and use restrictions of record.

(778 S.E. 8th St., Pigeon Township)

IN WITNESS WHEREOF, The said Board of Commissioners of Vanderburgh County, Indiana, by its President, Richard J. Borries,

Has hereunto set its hand and seal this 23rd day of January, 1995

Richard J. Borries (SEAL) \_\_\_\_\_ (SEAL)  
Richard J. Borries, President

\_\_\_\_\_ (SEAL) \_\_\_\_\_ (SEAL)

\_\_\_\_\_ (SEAL) \_\_\_\_\_ (SEAL)

STATE OF INDIANA, Vanderburgh County, ss.

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named

Board of Commissioners of Vanderburgh County, Indiana, by its President, Richard J. Borries,

who acknowledged the execution of the foregoing Deed to be its voluntary act and deed.

WITNESS my hand and Notarial Seal this 23rd day of January 1995

No. of Residence: Vanderburgh Billie J. Carrel  
Notary Public

My commission expires 2-6 1996

This instrument prepared by:  
ALAN M. KISSINGER, Attorney at Law.



Reception No.

Recorded this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19 \_\_\_\_\_, \_\_\_\_\_ o'clock \_\_\_\_\_ M.

Recorder

**QUIT-CLAIM DEED**

**This Indenture Witnesseth**

That The Board of Commissioners

Vanderburgh County, and State of Indiana

**RELEASE AND QUIT-CLAIM**

To the Evansville Black Coalition, Inc., an Indiana Corporation,

of Vanderburgh County, in the State of Indiana for the sum of One Dollar (\$1.00) and all other valuable consideration <sup>XXXXX</sup> Dollars

the following described REAL ESTATE in Vanderburgh County, in the State of Indiana, to-wit:

Columbia Addition, Lot 9, Block 5, as per plat thereof, as recorded in Plat Book D, Page 432, in the Office of the Recorder of Vanderburgh County, Indiana.

Subject to all easements, rights-of-way, and building and use restrictions of record.

(623 E. Gum St., Pigeon Township)

IN WITNESS WHEREOF, The said Board of Commissioners of Vanderburgh County, Indiana, by its President, Richard J. Borries,

Has hereunto set its hand and seal this 23rd day of January, 1995

Richard J. Borries (SEAL) \_\_\_\_\_ (SEAL)  
Richard J. Borries, President

\_\_\_\_\_ (SEAL) \_\_\_\_\_ (SEAL)

\_\_\_\_\_ (SEAL) \_\_\_\_\_ (SEAL)

STATE OF INDIANA, Vanderburgh County, ss.

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named

Board of Commissioners of Vanderburgh County, Indiana, by its President, Richard J. Borries,

who acknowledged the execution of the foregoing Deed to be its voluntary act and deed.

WITNESS my hand and Notarial Seal this 23rd day of January 1995

Co. of Residence: Vanderburgh

Billie G. Jarrell  
Notary Public

My commission expires 2-6 1996

This instrument prepared by:  
ALAN M. KISSINGER, Attorney at Law.

Reception No.

Recorded this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19 \_\_\_\_\_, o'clock \_\_\_\_\_ M.

Recorder

**QUIT-CLAIM DEED**

**This Indenture Witnesseth**

That \_\_\_\_\_ The Board of Commissioners

\_\_\_\_\_ Vanderburgh \_\_\_\_\_ County, and State of \_\_\_\_\_ Indiana

**RELEASE AND QUIT-CLAIM**

To \_\_\_\_\_ the Evansville Black Coalition, Inc., an Indiana Corporation,

of \_\_\_\_\_ Vanderburgh \_\_\_\_\_ County, in the State of \_\_\_\_\_ Indiana \_\_\_\_\_ for the sum of  
One Dollar (\$1.00) and all other valuable consideration \_\_\_\_\_ ~~Dollars~~

the following described REAL ESTATE in \_\_\_\_\_ Vanderburgh \_\_\_\_\_ County, in the  
State of Indiana, to-wit: \_\_\_\_\_

Southern Enlargement, Lot 24, Block 16, as per plat thereof, as recorded in Plat Book E, Page 20, in the Office of the Recorder of Vanderburgh County, Indiana.

Subject to all easements, rights-of-way, and building and use restrictions of record.

(785 Line St., Pigeon Township)

IN WITNESS WHEREOF, The said Board of Commissioners of Vanderburgh County,

Indiana, by its President, Richard J. Borries,

Has hereunto set its hand and seal this \_\_\_\_\_ 23rd day of \_\_\_\_\_ January \_\_\_\_\_, 19<sup>95</sup>

Richard J. Borries (SEAL) \_\_\_\_\_ (SEAL)

Richard J. Borries, President \_\_\_\_\_ (SEAL)

\_\_\_\_\_ (SEAL) \_\_\_\_\_ (SEAL)

\_\_\_\_\_ (SEAL) \_\_\_\_\_ (SEAL)

STATE OF INDIANA, \_\_\_\_\_ Vanderburgh \_\_\_\_\_ County, ss.

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named

Board of Commissioners of Vanderburgh County, Indiana, by its President,

Richard J. Borries,

who acknowledged the execution of the foregoing Deed to be its \_\_\_\_\_ voluntary act and deed.

WITNESS my hand and Notarial Seal this \_\_\_\_\_ 23rd day of \_\_\_\_\_ January \_\_\_\_\_ 19<sup>95</sup>.

Co. of Residence: Vanderburgh  
My commission expires 2-6 19<sup>96</sup>

Billie J. Farrell  
Notary Public

This instrument prepared by:  
ALAN M. KISSINGER, Attorney at Law.

VANDEBURGH COUNTY HIGHWAY DEPARTMENT  
PROGRESS REPORT

FRIDAY, JANUARY 13, 1995 THRU THURSDAY, JANUARY 19, 1995

FRIDAY, JANUARY 13, 1995

One crew cleaned trucks.  
One crew worked on offices.  
Patch crew worked on Fisher and Colonial Garden Road.  
Gradall and one crew worked at 2916 Bromm Road.  
Grader, broom and one crew rocked Old Boonville Hwy.  
Tree crew worked on Roesner.  
All crews ran snow routes.

MONDAY, JANUARY 16, 1995

HOLIDAY

TUESDAY, JANUARY 17, 1995

Grader and two trucks rocked and graded Zimmerman Road.  
One truck hauled rock to Burdette.  
Trash crew ran routes.  
Two tree crews worked on Eichoff and Mesker Park Drive.  
One crew worked on offices.  
Two tree crews worked on Kleitz and Roesner.  
One crew cleaned trucks.

WEDNESDAY, JANUARY 18, 1995

One crew worked on offices.  
One crew cleaned trucks.  
Two trash crews ran routes.  
Three crews rocked roads in the Bottoms.  
One crew cleaned drains on Vogel, Covert and Virginia St.  
One crew cleaned garage.

THURSDAY, JANUARY 19, 1995

Two trash crews ran routes.  
Three trucks spread rock in the Bottoms.  
Two crews cut bleeders.  
One crew worked on offices.  
One crew cleaned trucks.  
One crew installed backup lights on trucks.

VANDERBURGH COUNTY BRIDGE CREW  
PROGRESS REPORT  
FRIDAY, JANUARY 13, 1995 THRU THURSDAY, JANUARY 19, 1995

FRIDAY, JANUARY 13, 1995

Crew #1 & Backhoe- pull guardrail on River Road east of Hwy 41 behind racetrack, pick up posts on Orchard Road.  
Crew #2 - replace driveway culvert at 2916 Bromm, take forms down on Fischer Road.

MONDAY, JANUARY 16, 1995

HOLIDAY

TUESDAY, JANUARY 17, 1995

Crew #1 & #2 - clean banks and straighten channel on Neu Road Bridge south of St. Joe Road.

WEDNESDAY, JANUARY 18, 1995

Crew #1 - saw and cut 5145 W. Franklin, 13113 Browning and 417 N. Elm, boiler pipe at 10340 Hogue Road.

THURSDAY, JANUARY 19, 1995

Crew #1 - fill hole on Boonville New Harmony by Seib, clean bridges.  
Crew #2 - repair pipe on Seminary, clean bridges.



## VANDERBURGH COUNTY ENGINEERING DEPARTMENT

201 Northwest Fourth Street · Suite 307  
Old Vanderburgh County Courthouse  
Evansville, Indiana 47708 · Tel. (812) 424-9603

### Agenda for January 23, 1995

1. Recommendation to award contract VC 94-11-01 (Overlay of Burkhardt Road at Columbia Street) to Law Construction in the amount of \$38,595.35 *Rm/PT*
2. Ohio Street bridge project utility agreement with Ameritech *PT/Rm*

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 1-23-95 DEPARTMENT: VAND. CO. HWY. DEPT.

EMPLOYEE (S): STAN LUTZ

DATES OF TRAVEL: 2-1-95 / 2-2-95

DESTINATION: WEST LAFAYETTE IN

PURPOSE: ATTEND COUNTY BRIDGE CONFERENCE

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

LODGING REQUIRED: (1) ONE NIGHT

MEANS OF TRAVEL: \_\_\_\_\_ COUNTY VEHICLES NUMBER: #21

OTHER: \_\_\_\_\_

REIMBURSEMENT CLAIMED:

_____	Milcage	_____ <input checked="" type="checkbox"/>	Parking
_____ <input checked="" type="checkbox"/>	Per Diem	_____	Registration
_____	Air Fare	_____	Other

APPROVED: William A. Mather  
Department Head

APPROVED: \_\_\_\_\_  
Office Holder

APPROVED BY:  
VANDERBURGH COUNTY COMMISSIONERS this 23<sup>RD</sup> day of Jan, 19 95.

Richard J. Borries  
Patrick Tuley, President

Richard J. Borries  
Richard J. Borries, Vice-President

Don L. Hunter  
Don L. Hunter, Member

Richard E. M... ..

# County Bridge Conference

Thursday, February 2, 1995  
Room 218, Stewart Center, Purdue University  
West Lafayette, Indiana

## Purpose

This conference explores various aspects of designing, constructing and maintaining county bridge structures. Each year new topics and speakers are sought to provide current information to those responsible for county bridges in the state.

## Who Should Attend

Local road and street personnel who are responsible for the design, construction and maintenance of county bridges, as well as consulting engineers, will benefit from the information presented at this year's County Bridge Conference.

## Program

*Conference Chairman: C. Douglas Sutton, School of Civil Engineering, Purdue University*

### **Morning**

- 8:15 **Registration** (Outside room 218)  
9:00 **Welcome and Introduction**  
Wai-Fah Chen  
School of Civil Engineering, Purdue University  
9:10 **Repair Procedures for Cover Plates with Fatigue Cracks**  
Mark D. Bowman  
School of Civil Engineering, Purdue University  
9:45 **Earthquake Response of Highway Bridges**  
Meté Sozen  
School of Civil Engineering, Purdue University  
10:25 **Break**  
10:45 **Bridge Constructibility Through Multimedia**  
Bobby G. McCullouch  
School of Civil Engineering, Purdue University  
11:20 **A Contractor's Perspective on Bridge Design**  
Bill Neckel  
Reith-Riley Construction Company  
Pat Kirchner  
Force Construction

### **Afternoon**

- 12:00 **Luncheon** (East and West Faculty Lounges, PMU)  
**HERPICC News**  
Charles F. Scholer  
HERPICC, Purdue University  
1:30 **Bridge Foundation Design Considerations**  
Richard J. Deschamps  
School of Civil Engineering, Purdue University  
2:05 **Bridge Railings and Other Current Issues**  
Thomas K. Saad  
Indiana Division, Federal Highway Administration  
2:55 **Break**  
3:15 **Bridge Management System for Indiana Counties**  
Kumares C. Sinha and Jeff Vitale  
School of Civil Engineering, Purdue University  
3:50 **The Indiana Bridge Management Committee**  
Nola Gentry  
Tippecanoe County Commissioner  
Bill Etzler  
Allen County Highway Engineer  
Tom Martin  
Parke County Road Supervisor

## Registration Information

The registration fee is \$25 for local government officials and \$45 for all others who pre-register before January 26. Late registration fees are \$35 and \$55. For room reservations at the Purdue Memorial Union Club, write or call the Purdue Memorial Union, Purdue University, West Lafayette, Indiana 47907, (317) 494-8913. Call HERPICC, at 1-800-428-7639 for more information.

## Refund Policy

A full refund of the registration fee will be made if cancellation is received in writing by January 31. After January 31, no refunds will be made. Purdue University is not responsible for expenses incurred due to cancellation of the program.

## Parking

The Grant Street Parking Garage (opposite the Purdue Memorial Union) has been torn down to make room for a larger garage. Parking at the \$3 daily rate will be available at all times in the Wood Street Garage, which is connected by subwalk to the Union.

## Continuing Education Units

Continuing Education Units (CEUs) are a standardized, nationwide method of recognizing and rewarding participation in non-credit educational activities. Participants will receive 0.8 CEU's, granted through Purdue University's Division of Continuing Education.

### **Registration Form**

2519 sls

County Bridge Conference  
February 2, 1995

Name: \_\_\_\_\_ Agency: \_\_\_\_\_

Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone \_\_\_\_\_

Please return by January 26th with check or claim form to:  
(Please duplicate this form for additional registrants.)

Continuing Education Business Office  
Purdue University  
1586 Stewart Center, Room 110  
West Lafayette, IN 47907-1586  
Fax: 317-494-0567

\_\_\_\_\_ Is enclosed: \$25 — Pre-registered government employees (after January 26 — \$35)  
\$45 — Pre-registered others (after January 26 — \$55)

\_\_\_\_\_ I require auxiliary aids and services because of a disability (please contact Sueann Smith at 317-494-7225)

Make checks payable to **Purdue University**  
An Equal Access / Equal Opportunity University

## AGREEMENT

This agreement is made and entered into on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_, by and between the Vanderburgh County, Indiana, acting by and through the Board of County Commissioners, hereinafter referred to as the "County", and the Department of Parks and Recreation of the City of Evansville, Indiana, hereinafter referred to as "DPR".

WHEREAS, the County is undertaking a bridge project that will replace the existing Ohio Street bridge that was constructed in 1891, thereby resulting in no further use of the 1891 bridge by motor vehicle traffic; and,

WHEREAS, the DPR has expressed an interest in using the 1891 bridge as a portion of the Pigeon Creek Greenway upon the County's completion of the new bridge;

NOW, THEREFORE, the County and DPR mutually agree as follows:

1. Upon completion of the new Ohio Street bridge, the County will prepare all necessary legal descriptions and transfer documents required to deed the 1891 bridge to the DPR in order for the DPR to use the 1891 bridge as a portion of a bicycle and pedestrian path;
2. Upon the completion of the transfer of the 1891 bridge from the County to the DPR, DPR will be responsible for all costs associated with the 1891 bridge. The County, through its cumulative bridge fund, or any other fund, will not be responsible for any repair, maintenance, or any other costs of maintaining the 1891 bridge. Any and all ownership responsibilities and liabilities previously held by the County in regard to the 1891 bridge will be assumed by the DPR;
3. DPR will be required to provide any necessary public utility easements across the 1891 bridge for any public utility that has a need to use the 1891 bridge to cross Pigeon Creek;
4. DPR and the County agree that, after the date that this agreement has been duly approved and signed by the parties, neither party shall have the option of voiding the agreement or refusing to abide by its terms; and,
5. DPR agrees to assume all liability for any property damage or personal injury which may occur as a result of DPR's use of the bridge, after the date of transfer, and DPR will hold the County harmless from any such liability.

DEPARTMENT OF PARKS  
AND RECREATION:

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VANDEBURGH COUNTY  
COMMISSIONERS:

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Richard Borries, President

---

Patrick Tuley, Vice-President

---

Richard Mourdock, Member

**ACKNOWLEDGMENT**

State of \_\_\_\_\_ County of \_\_\_\_\_ SS:

Before me, the undersigned Notary Public in and for said County personally appeared \_\_\_\_\_

(Name of signers, official capacities, agency name)

\_\_\_\_\_ and each acknowledged the execution of the foregoing agreement on this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ and each acknowledged and stated that he is the party authorized by the said agency to execute the foregoing agreement.

Witness my hand and seal the said last named date.  
My Commission Expires:

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Print or type name

**ACKNOWLEDGMENT**

State of \_\_\_\_\_ County of \_\_\_\_\_ SS:

Before me, the undersigned Notary Public in and for said County personally appeared \_\_\_\_\_

(Name of signers, official capacities, & agency name)

\_\_\_\_\_ and each acknowledged the execution of the foregoing agreement on this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ and each acknowledged and stated that he is the party authorized by the said agency to execute the foregoing agreement.

Witness my hand and seal the said last named date.  
My Commission Expires:

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Print or type name

SUBORDINATION AGREEMENT

PROJECT NO. STP-BRM-480 ( )  
Bridge #3C over Pigeon Ck.  
~~ROAD~~ on Ohio St. in Evensville  
INDOT CONTRACT NO. N/A  
COUNTY Vanderburgh

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_,  
19 \_\_\_\_\_, by and between the Vanderburgh County (hereinafter referred to as the "LPA"),  
acting by and through its Board of Commissioners thereunto duly authorized, and \_\_\_\_\_  
Ameritech  
(hereinafter referred to as the "Facility Owner").

WHEREAS, LPA, through the Board of Commissioners, has  
acquired certain lands for highway purposes, (hereinafter called "Highway Right of Way") as located by  
surveys and shown on plans on file in the office of the Vanderburgh  
County Engineer and designed as Project STP-BRM-480 ( )  
Bridge 3C on Ohio Street in Vanderburgh County, approved  
on Oct. 31 1994 which is generally described as:

Bridge No. 3C Relocation, Project No.: STP-BRM-480(), Des. No. 9286960

Beginning approximately seven hundred (700) feet east of the intersection of Ohio and Ninth Streets, and running to the east for approximately twelve hundred and eighty (1,280) feet and crossing Pigeon Creek approximately one hundred and eighty feet (180) feet north of the existing Ohio Street Bridge.

WHEREAS, Facility Owner is in possession of certain utility right of way in a portion of the same land(s) under grant(s) to Facility Owner or its predecessor and,

WHEREAS, the LPA has constructed or is about to construct, under the Highway Right of Way, a new or improved highway as contemplated by said project, and Facility Owner has made certain alterations and/or relocation of its existing facilities within, or adjacent to, the land covered by the Highway Right of Way to accommodate the new or improved highway;

NOW, THEREFORE, for and in consideration of the mutual covenants and undertakings herein enumerated and other good and valuable considerations, it is hereby agreed by and between the LPA and the Facility Owner as follows:

1. The LPA hereby acknowledges and accepts all rights, powers and privileges of the Facility Owner under its utility right of way, hereinafter referred to as "owner's rights", within the land covered by the Highway Right of Way, including any right it may have to construct, maintain and operate additional facilities in, along, across, above, under or adjacent to the Right of Way involved.

2. Facility Owner agrees that the utility right of way and its rights thereunder shall be subordinate and subject to the Highway Right of Way and the LPA's rights thereunder, to the extent that Facility Owner's exercise of the utility right of way and its rights thereunder interferes with the new or improved highway and for the maintenance and operation of such highway as originally constructed. In the event of the abandonment or other disposition for use for other than Highway purposes by the LPA, of the LPA's Right of Way or any part thereof covered by any Project Agreement, the subordination provided for and established by the foregoing provisions of this Section 2 shall thereupon cease and determine and shall be of no further force and effect as to the Right of Way so affected.

3. Any exercise by Facility Owner of the utility right of way or any of its rights thereunder shall be subject to the LPA's rules and regulations reasonably necessary to the protection of the highway and the public use thereof.

4. Any alteration and/or relocation of any Facility Owner now or hereafter installed subject to Section 3 above, within or adjacent to the land covered by the Highway Right of Way, which is required, either by order of the LPA or by the accepted standards of good industry construction practice, in connection with any exercise by the LPA of the Highway Right of Way or any of its rights thereunder after completion of the original construction of the new or improved highway, shall be performed by Facility Owner but the LPA shall reimburse Facility Owner for the actual reasonable cost to Facility Owner of such performance.

5. This Agreement shall bind and inure to the benefit of the successors and assigns of Facility Owner and the LPA, respectively.

EXECUTED as of the date first herein written.

FACILITY OWNER:

ATTEST:

AMERITECH  
(Facility Name)

\_\_\_\_\_  
(Secretary)

Gary G. Potts  
(Signature of Officer)

\_\_\_\_\_  
(Secretary's Name Printed or Typed)

GARY G. POTTS  
(Officer's Name Printed or Typed)

ENGINEER  
(Officer's Position)

ACKNOWLEDGMENT

State of Indiana County of Vanderburgh, SS:

Before me, the undersigned Notary Public in and for said County, personally appeared \_\_\_\_\_

Gary Potts  
(Names and offices of signers of Facility Owner)

Ameritech  
(Name of Facility Owner)

and acknowledged the execution of the foregoing contract on this 17th day of January, 19 95.

Witness my hand and seal the said last day.

Cynthia L. Evans  
(Signature)

My Commission expires  
9/22/95

Cynthia L. Evans  
(Notary Public Name Printed or Typed)

BOARD OF COUNTY COMMISSIONERS

Richard J. Borries  
Signature

Richard J. BORRIES, Commissioner  
(Print or Type Name and Title)

Patrick Tuley  
Signature

PATRICK Tuley, Commissioner  
(Print or Type Name and Title)

[Signature]  
Signature

Richard E. Mendenhall  
(Print or Type Name and Title)

ATTEST:

[Signature]  
Auditor

Suzanne M. Couch  
(Print or Type Name)

ACKNOWLEDGMENT

STATE OF INDIANA

COUNTY OF Vanderburgh

On this 23<sup>rd</sup> day of Jan., 1995 there appeared before me, a Notary Public in and for said (County) \_\_\_\_\_ 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 23<sup>rd</sup> day of Jan, 1995  
My Commission Expires:

2-6-96

Billie J. Farrell  
Notary Public

My County of Residence:  
Vanderburgh

BILLIE J. FARRELL  
(Printed)

CONTRACTORS BID FOR PUBLIC WORKS

PART I

(To be completed for all bids)
(Please type or print)

Date: January 17, 1995

- 1. Governmental Unit: Board of County Commissioners of Vanderburgh County, In
2. County: Vanderburgh
3. Bidder (Firm): Law Construction, Inc.
Address: 8114 Burch Park Road
City/State: Evansville, In 47711
4. Telephone Number: 812-867-5959
5. Agent of Bidder (if applicable):

Pursuant to notices given, the undersigned offers to furnish labor and/or material necessary to complete the public works project of Board of County Commissioners of Vanderburgh County, In (Governmental Unit) in accordance with plans and specifications of said unit for the sum of Thirty Eight Thousand Five Hundred Ninety Five Dollars and thirty five cents \$ 38,595.35. The undersigned further agrees to furnish a bond or certified check with this bid for an amount specified in the notice of the letting. If alternative bids apply, submit a proposal for each in accordance with the notice.

If additional units of material included in the contract are needed, the cost of units must be the same as that shown in the original contract. If the bid is to be awarded on a unit basis, the itemization of units shall be shown on a separate attachment. The Contractor and his subcontractors, if any, shall not discriminate against or intimidate any employee, or applicant for employment, to be employed in the performance of this contract, with respect to any matter directly or indirectly related to employment because of race, religion, color, sex, national origin or ancestry. Breach of this covenant may be regarded as a material breach of the contract.

CERTIFICATION OF USE OF UNITED STATES STEEL PRODUCTS
(If applicable)

I, the undersigned bidder or agent as a contractor on a public works project, understand my statutory obligation to use steel products made in the United States. I.C. 5-16-8-2. I hereby certify that I and all subcontractors employed by me for this project will use U.S. steel products on this project if awarded. I understand that violations hereunder may result in forfeiture of contractual payments.

NON-COLLUSION AFFIDAVIT

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.

OATH AND AFFIRMATION

I affirm under the penalties of perjury that the foregoing facts and information are true and correct to the best of my knowledge and belief.

Dated at Evansville, In this 17th day of January, 1995

Law Construction, Inc.
(Name of Organization)
By Daniel Peters
Daniel Peters
Vice-President
(Title of Person Signing)

ACKNOWLEDGEMENT

STATE OF Indiana )
COUNTY OF Vanderburgh ) ss:

Daniel Peters being duly sworn, deposes and says that he is Vice-President of the above Law Construction, Inc. and that the

statements contained in the foregoing bid, certification and affidavit are true and correct.

Subscribed and sworn to before me this 17th day of January, 1995

Mary O. Biggerstaff
Notary Public

My Commission Expires: 2-19-95

County of Residence: Vanderburgh

ACCEPTANCE

The above bid is accepted this 23<sup>rd</sup> day of Jan, 1995, subject to the following conditions: \_\_\_\_\_

Contracting Authority Members:  
Richard J. Davis  
Vernon J. Juley  
Robert J. Threlkeld

PART II

(Complete sections I,II,III, and IV for all state and local public works projects as required by statutes.)

Governmental Unit: Board of County Commissioners of Vanderburgh County In  
 Bidder (Firm): Law Construction, Inc.  
 Date: January, 17, 1995

These statements to be submitted under oath by each bidder with and as a part of his bid. Attach additional pages for each section as needed.

SECTION I EXPERIENCE QUESTIONNAIRE

1. What public works projects has your organization completed?

	Contract Amount	Class of Work	When Completed	Name and Address of Owner
Veterans Mem Pkwy	267,861	Concrete	Dec 94	BPW City of Evansville, In Room 321, Civic Center Complex
Main Street	500,525	Concrete	July 94	City of Vincennes, 205 Vigo Street Vincennes, Inddiana 47591
S Walnut St Bloomington	212,927	Concrete	Jan 95	Indiana Dept of Transportation, 100N Senate Ave Indianapolis, In 46204-0249
Vanderburgh County In	99,780	Concrete	May 93	Vanderburgh County Commissioners, Room 305 Civic Center, Evansville, In 47708

2. What public works projects has your organization now in process of construction?

	Contract Amount	Class of Work	When to be Completed	Name and Address of Owner
Lynch Road	23,158	Concrete	1995	Vanderburgh County Commissioners, Room 305 Civic Center Complex, Evansville, In 47708
SR 162	99,864	Concrete	1995	Indiana Dept of Transportation, 100N Senate Ave Indianapolis, In 46204-0249
Warrick Ind Park	338,644	Concrete	1995	Warrick County Commissioners, 109W Main St Boonville, In 47601
US 41S	73,039	Concrete	1995	Indiana Dept of Transportaion 100N Senate Ave Indianapolis, In 46204-0249

3. Have you ever failed to complete any work awarded to you? No If so, where and why?

4. Blankenberger Bros., Inc. R.R.1, Box 69 Cynthiana, In 47612: 812-845-2717 Mr Steve Blankenberger  
Koester Contracting Corp., 14649 Highway 41N, Evansville, In 47711: 812-867-6635 Mr Homer Fruit  
Bussing & Associates, 3 Brentwood Drive, Evansville, In 47715: 812-477-8911 Mr Bud Bussing

4. Continued List references from private firms for which you have performed work.

- Metzger Construction Inc., 655 Center Rd., Boonville, In 47601: 812-925-7544 Mr Harlan Metzger  
Reith-Riley Const. Co. Inc., P.O. Box 477, Goshen In 46203: 219-875-5183 Mr Larry Mills  
E & B Paving Co., 5342 Elmwood Ave., Suite A, Indianapolis, In 46203: 317-781-1030 Mr George Gephart  
Rogers Group, Inc., P.O. Box 109, Washington, IN 47501: 812-254-0978: Mr Maurice Holscher  
Calvin Dentino & Associates, 111 S.E. 3rd St, Evansville, In 47701: 812-428-2887 Mr Dentino

SECTION II PLAN AND EQUIPMENT QUESTIONNAIRE

1. Explain your plan or layout for performing proposed work. Complete per plans & specifications as fast and safe as possible.
2. If you intend to sublet any portion of the work, state the name and address of each subcontractor, equipment to be used by the subcontractor, and whether you expect to require a bond. At present we do not know which sub we will use for stripping and HAC. No bond required.
3. What equipment do you intend to use for the proposed project? See list in 96A
4. Have you made contracts or received offers for all materials within prices used in preparing your proposal? Yes

SECTION III CONTRACTOR'S FINANCIAL STATEMENT

Attachment of bidder's financial statement is mandatory. Any bid submitted without said financial statement as required by statute shall thereby be rendered invalid. The financial statement provided hereunder to the governing body awarding the contract must be specific enough in detail so that said governing body can make a proper determination of the bidder's capability for completing the project if awarded.

SECTION IV OATH AND AFFIRMATION

I hereby affirm under the penalties of perjury that the facts and information contained in the foregoing bid for public works are true and correct to the best of my knowledge and belief.

Dated at Evansville, In this 17th day of January, 1995

By Law Construction, Inc.  
(Name of Organization)  
Daniel Peters  
 Daniel Peters, Vice-President  
(Title of Person Signing)

ACKNOWLEDGEMENT

STATE OF Indiana )  
 COUNTY OF Vanderburgh ) SS:

Daniel Peters being duly sworn, deposes and says that he is  
Vice-President of the above Law Construction, Inc. and that the  
(Title) (Name of Organization)

answers to the questions in the foregoing questionnaires and all statements therein contained are true and correct.

Subscribed and sworn to before me this 17th day of January, 1995

Mary O. Biggerstaff  
 Notary Public  
 Mary O. Biggerstaff

My Commission Expires: 2-19-95

County of Residence: Vanderburgh

BID OF

Law Construction, Inc. (Contractor)

8114 Burch Park Road (Address)

P. O. Box 4666  
Evansville, In 47724-0066

FOR  
PUBLIC WORKS PROJECTS  
OF

Board of County Commissioners  
of Vanderburgh County Indiana

PROJECT: VC 94-11-01  
Overlay of Burkhardt Road  
at Columbia Street

Evansville, Indiana

Filed \_\_\_\_\_, 19 \_\_\_\_\_

Action taken \_\_\_\_\_



BOARD of  
COMMISSIONERS  
of the County of Vanderburgh

RICHARD J. BORRIES, PRES  
PATRICK TULEY, VICE PRES  
RICHARD MOURDOCK, MEM.

### AGENDA REQUEST

NAME OF REQUESTOR: Jerry Robbins

REQUESTOR TITLE: Env. Sec.

DEPARTMENT: Env. Health

REQUEST(S) BEING MADE:

see attached

DATE TO BE PLACED ON AGENDA: next available date

ACTION \_\_\_\_\_ CONSENT \_\_\_\_\_ OTHER \_\_\_\_\_

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 1-19-95 DEPARTMENT: ENV. HEALTH

EMPLOYEE(S): CHRIS BOROWIECKI  
TERRY ROBBINS  
...

DATE(S) OF TRAVEL: FEB. 7 & 9, 1995

DESTINATION: ISDH - INDIANAPOLIS IND.

PURPOSE: LOCAL HEALTH DEPT. STAFF TRAINING ON SITE SEWAGE DISPOSAL

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

LODGING REQUIRED: Yes

MEANS OF TRAVEL: COUNTY VEHICLE NUMBER: 873  
OTHER: \_\_\_\_\_

REIMBURSEMENT CLAIMED	_____ Mileage	_____ Parking
	_____ Per diem	_____ Registration
	_____ Air fare	_____ Other

APPROVED: Sam Elders  
Department Head

APPROVED: \_\_\_\_\_  
Office Holder

APPROVED BY:  
VANDERBURGH COUNTY COMMISSIONERS this \_\_\_\_\_ day of \_\_\_\_\_, 1994

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

XXXXXXXXXXXXXXXXXXXX  
(317) 383-6100; Fax: (317) 383-6779



Indiana State Department of Health

An Equal Opportunity Employer

**DATE:** January 10, 1995

**TO:** Local Health Departments

**FROM:** Alan M. Dunn, R.E.H.S., Supervisor *AMD*  
Residential Sewage Disposal  
Sanitary Engineering  
(317) 383-6160

**SUBJECT:** Local Health Department Staff Training  
On-Site Sewage Disposal  
February 7, 8, and 9, 1995

The annual on-site sewage disposal training course for local health department personnel will be held on February 7, 8, and 9, 1995, in Rice Auditorium, Indiana State Department of Health (ISDH) building.

This course is being provided for local health department personnel who are involved with their residential on-site sewage disposal programs and is primarily for "inexperienced" local health department staff.

Attached is an agenda for the course. As you can see, we are planning a fairly early start on the first day in order to cover as much information as possible during these three days.

A registration fee is not required and there will be no scheduled group meals. Coffee and other food and drink items will be available at the ISDH snack bar during breaks. Personnel attending will be responsible for their own overnight lodging, transportation, meals, etc. We hope that the cost will not be a deterrent to your attendance.

Parking will be handled in a special way and these procedures must be followed to prevent any difficulties such as having your vehicle towed if illegally parked.

Park in the visitors parking lot (south side of the ISDH building). If that lot is full, please go to the front desk inside the front entrance, identify yourself, explain why you are here, and ask the receptionist for a temporary parking pass and directions as to where you are to park.

*"The health of the people is really the foundation upon which all their happiness and all their powers as a state depend."*

January 10, 1995

Those who are planning to attend should fill out the attached form and return it to me by January 31, 1995. If you have any questions, please contact staff member Tim Decker at (317) 383-6188.

We hope to see you in February.

Attachments

cc: Durland H. Patterson

EVANSVILLE - VANDERBURGH COUNTY EMERGENCY MANAGEMENT AGENCY  
1 N. W. MARTIN LUTHER KING JR., BOULEVARD  
ROOM 18  
EVANSVILLE, INDIANA 47708-1839

MEMORANDUM

TELEPHONE

812 426-5602

FACSIMILE

812 426-5606

TDD/HEARING IMPAIRED

812 426-5483

SHERMAN G. GREER,  
DIRECTOR

JANE SHELLING,  
ASST. DIRECTOR

LISA PATTERSON,  
ADM. ASSISTANT

COMMUNITY SERVICE THROUGH  
RESOURCE COORDINATION FOR

MITIGATION

PREPAREDNESS

RESPONSE

AND

RECOVERY

VOLUNTEERS

ARE THE STRENGTH OF AMERICA

TO: MAYOR FRANK F. MCDONALD II  
FROM: SHERMAN G. GREER, EMA DIRECTOR   
DATE: JANUARY 18, 1995  
RE: OUT OF TOWN TRAVEL, FEBRUARY 14, 1995

I request your approval for out of town travel to Springfield, IL to attend the Post Earthquake Damage Assessment Course in which Mr. R.O. Stanley, SEMA Chief Population Protection Planner has asked me to attend.

The Central United States Earthquake Consortium will pay mileage round-trip, per diem up to \$28.00 per day, and lodging for one night. Transportation will be by EMA vehicle.

With your confirmation I will be leaving Evansville the afternoon of February 13 and return the evening of February 14.

Thank You.

SGG/lp

cc: Rick Borries, President, County Commissioners  
Roger Lehman, EMA Advisory Council Chairman  
file

*new-business*

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 1/23/95 DEPARTMENT: County Auditor

EMPLOYEE(S): Suzanne Crouch  
Bill Fluty  
...

DATE(S) OF TRAVEL: Saturday, January 28, 1995

DESTINATION: Indianapolis

PURPOSE: See attached brochure

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 fare                       Other

\*Registration has already been paid, but we are asking for reimbursement.

APPROVED: \_\_\_\_\_  
Department Head

APPROVED: [Signature]  
Office Holder

APPROVED BY:  
VANDEBURGH COUNTY COMMISSIONERS this 23<sup>rd</sup> day of Jan, 1995

[Signature]  
RICHARD J. BORRIES, PRESIDENT

[Signature]  
PATRICK TULEY, VICE-PRESIDENT

[Signature]  
RICHARD MOURDOCK, MEMBER

SUZANNE

VANDERBURGH COUNTY  
**ANNOUNCING**  
**NEWLY-ELECTED**  
**COUNTY OFFICIALS**  
**SEMINAR**

Saturday, January 28, 1995  
Radisson Plaza Hotel  
Keystone at the Crossing, Indianapolis



Sponsored by:

Association of Indiana Counties  
101 West Ohio Street  
Suite 1792  
Indianapolis, Indiana 46204  
(317) 684-3710  
FAX (317) 684-3713

## So You've Been Elected, Now What?

In the campaign you had some important goals and objectives. Perhaps you made a few promises. How do you proceed to carry out your ideas and accomplish all the things you want to do? What is your appropriate role toward other county officials? And what legal responsibilities do you have?

Becoming a knowledgeable and effective county official takes time, energy and hard work. To get you started off on the right foot, the Association of Indiana Counties is offering the *Seminar for Newly-Elected County Officials*. The one-day seminar is designed to be a basic orientation to county government -- its powers, functions, financing and procedures.

The sessions throughout the day will be presented by the AIC staff, veteran officeholders and resourceful experts. In addition to the topics listed, there will be ample opportunity for questions and discussion.

Any Indiana elected county official is eligible to register for the seminar. Cost for the program is \$40, which includes lunch, coffee breaks and a revised copy of the *Handbook for Indiana Elected County Officials*.

If your office does not have a training or travel budget, consult your commissioners about other available funds and stress the importance of this seminar.

## Seminar Registration & Hotel Information

You may register for the seminar by completing and returning the attached form to the AIC with a check or claim for \$40 per person. Limited walk-in registrations will be available, but the cost will be \$50 per person at the door.

To ensure the comfort of all participants, the seminar is designated as non-smoking.

The Radisson at Keystone at the Crossing will have rooms available for participants who plan to stay overnight on Friday, January 27, at a rate of \$65 single/double occupancy, subject to availability. Rooms can be reserved by calling the hotel directly at 317-846-2700. Please identify that you are with the AIC seminar to qualify for the special rate.

The Radisson at Keystone at the Crossing is located on the north east side of Indianapolis, near the intersection of I-465 and Keystone Avenue. The entrance to Keystone at the Crossing is east of Keystone Avenue, on the north side of 6th Street. On the north side of the hotel is a free parking garage which is connected to the Radisson via skywalk.



## AGENDA

8:00 - 8:30	Registration
8:30 - 8:35	Welcome & Introductions
8:35 - 8:45	What Is the AIC?
8:45 - 9:00	Overview of County Government —Sources of County's Powers —County Functions, Structure & Organization
9:00 - 9:45	County Finances —Revenue Sources —Debt Financing
9:45 - 10:00	Break
10:00-10:45	County Budgeting —Process & Procedures
10:45-11:45	Official Business & Legal Requirements —Open Door Law & Public Record —Liability —Personnel Issues: Patronage & Other
11:45-12:00	State Agency Functions —State Board of Accounts —State Tax Board
12N - 1:00	Lunch
1:00 - 3:00	Affiliate Breakouts
3:00 - 3:15	Break
3:15 - 3:45	Saving Counties Money — AIC Men's Services
3:45 - 4:00	County DIPLOMA Program
4:00	Adjourn





GIVEN & SPINDLER, INC.  
Property Payroll Disbursement Receipt  
Payroll Period: From 12-24, 1994 to 1-7, 1995  
Pay Date: 1-13, 1995

Property Name Auditorium  
Property Code e1

Check # 743 Amount \$ 1,756.56

<u>Account Number</u>	<u>Name of Account</u>	<u>Debit</u>	<u>Credit</u>
6591	Manager/Leasing Wages	<u>1,270.77</u>	
6594	Maintenance/Cleaning Wages		
6596	Clerical Wages		
6597	Officers Salaries		
6593	Box Office Manager	<u>485.79</u>	
1121	Cash in Bank/Checking		
	TOTAL		<u>1,756.56</u>



SUMMARIZATION OF COLLECTIONS  
RECEIVED OCTOBER 1, 1994 TO DECEMBER 31, 1994

AMBULANCE

<u>DATE</u>	<u>NAME</u>	<u>PAYMENT</u>	<u>AMOUNT TO BRYANT</u>
10/20/94	David Key	10.00	5.00
10/21/94	Caroline Cobb	10.00	0.00
10/10/94	Roscoe Carroll, Jr.	20.00	10.00
10/24/94	Terry Lefler	30.00	15.00
10/6/94	John Richards	25.00	12.50
10/4/94	Daniel Smith	268.82	96.91
10/14/94	Roscoe Carroll, Jr.	20.00	10.00
10/14/94	David Key	10.00	5.00
10/23/94	Don Reynolds	25.00	0.00
10/28/94	Roscoe Carroll	40.00	20.00
10/26/94	David Key	10.00	5.00
11/4/94	Faye West	40.00	20.00
11/4/94	Carol Grannon	20.00	0.00
11/4/94	David Key	10.00	5.00
11/11/94	David Key	10.00	5.00
11/3/94	Pearl Brewer	5.00	2.50
10/31/94	Tiffany Hill	10.00	0.00
11/7/94	Roscoe Carroll, Jr.	20.00	10.00
11/12/94	Roscoe Carroll, Jr.	23.00	11.50
11/12/94	Phyllis Ruby	10.00	0.00
11/8/94	Cecila Wardrip	142.00	33.50
10/10/94	Don Reynolds	25.00	0.00
11/12/94	Paul D. Ewing	100.00	15.00
11/11/94	Eva Carlton	20.00	10.00
11/18/94	Michelle Lewis	79.25	39.62
11/13/94	Larry Fischer	20.00	2.50
11/10/94	Ada Davis	15.00	0.00
11/28/94	Larry Elliott	204.92	64.96
11/19/94	Larry Fischer	20.00	10.00
11/19/94	Paul Ewing	127.76	26.38
11/16/94	David Key	10.00	5.00
11/24/94	David Key	10.00	5.00
11/29/94	Larry Fischer	10.00	5.00
12/5/94	Larry Fischer	10.00	5.00
12/6/94	Tiffany Hill	10.00	0.00
12/2/94	Melissa Straub	50.00	0.00
12/2/94	David Key	10.00	5.00
12/2/94	Pearl Brewer	5.00	2.50
12/2/94	Eva Carlton	50.00	25.00
12/5/94	Joe Byrne	110.00	17.50
12/9/94	David Key	10.00	5.00
12/15/94	David Key	10.00	5.00
12/16/94	Donald Reynolds	25.00	12.50
12/18/94	Larry Fischer	10.00	5.00
12/6/94	Ada Davis	15.00	0.00
12/10/94	Tommy Ferrari	250.00	125.00
12/29/94	Carol Grannon	20.00	0.00

SUMMARIZATION OF COLLECTIONS  
RECEIVED OCTOBER 1, 1994 TO DECEMBER 31, 1994 (continued)

AMBULANCE

<u>DATE</u>	<u>NAME</u>	<u>PAYMENT</u>	<u>AMOUNT TO BRYANT</u>
12/31/94	Freida White	10.00	0.00
12/7/94	Gary Pezikan	30.00	0.00
12/24/94	David Key	10.00	5.00
12/31/94	David Key	<u>10.00</u>	<u>5.00</u>
TOTAL PAYMENTS RECEIVED (AMBULANCE)		\$2,045.75	\$667.87

VANDEBURGH TREASURER

TOTAL PAYMENTS RECEIVED (TREASURER)	\$ 0.00	\$ 0.00
--	---------	---------

RECAPITULATION

COLLECTIONS RECEIVED (AMBULANCE & TREASURER)	\$2,045.00	\$ 667.87
CASES ACCEPTED (AMBULANCE)	18 @ 75.00 ea	\$1,350.00
	0 @ 37.50 ea	<u>0.00</u>
TOTAL DUE BRYANT. . . . .		\$2,017.87







# Invoice

Digital Equipment Corporation

100 NORTHWEST POINT BLVD  
ELK GROVE VILLAGE IL 60007  
FOR ASSISTANCE, CALL (708) 806-7423

Invoice Date

22-DECEMBER-1994

Customer Order No. 001941872 & 00294430 9	DEC No. 95034729M	Invoice No. 205173695
---	----------------------	--------------------------

Invoiced To  
0703522  
RM 205  
COMPUTER SERVICES CORP  
ADMINISTRATION BUILDING  
1 NW MARTIN LUTHER KING  
EVANSVILLE IN 47708-1832

Delivered To:  
CITY OF EVANSVILLE/V  
EVANSVILLE IN 47708



E000119-3-02-04

Line Item	Model No.	Description	Qty/ Hour	Unit Price	Net Amount
		Invoice Prepared by DEBBIE SEARS 502-228-9271 Service Request/Log:L93AA3 Work Completed Date:19-DEC-94 Work Approved By: P R CAPPELLETTI 812-435-5245 *****			
0001	17-03566-15	CABLE ASSY, 50 COND MATERIAL REPORT NO. 1736969	1.00	138.00	138.00
0002	17-03831-01	CABLE ASSY MATERIAL REPORT NO. 1736969	1.00	125.00	125.00
0003		FLAT RATE DEINSTALL/REINSTALL LABOR REPORT NO. 1736969	1.00	4757.00	4,757.00

REMIT TO: DIGITAL EQUIPMENT CORPORATION  
DUNS 15-779-7515  
PO BOX 93831  
CHICAGO, IL 60673

PAYMENT TERMS: ON RECEIPT

PAGE 1

Export of these products requires prior written authorization from the U.S. Department of Commerce.

5150Z (revised 02/19/92)



# Invoice

Digital Equipment Corporation

100 NORTHWEST POINT BLVD  
ELK GROVE VILLAGE IL 60007  
FOR ASSISTANCE, CALL (708) 806-7423

Invoice Date  
22-DECEMBER-1994

Customer Order No. 001941872 & 00294430 9	DEC No. 95034729M	Invoice No. 205173695
---	----------------------	--------------------------

Invoiced To  
0703522  
RM 205  
COMPUTER SERVICES CORP  
ADMINISTRATION BUILDING  
1 NW MARTIN LUTHER KING  
EVANSVILLE IN 47708-1832

Delivered To:  
CITY OF EVANSVILLE/V  
EVANSVILLE IN 47708



E000119-2-01-04

Line Item	Model No.	Description	Qty/ Hour	Unit Price	Net Amount
				SUBTOTAL	5,020.00
				NET TOTAL PRICE	\$5,020.00

REMIT TO: DIGITAL EQUIPMENT CORPORATION  
DUNS 15-779-7515  
PO BOX 93831  
CHICAGO, IL 60673

PAYMENT TERMS: ON RECEIPT

SIS02 (revised 02/19/92)

NOTE: 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  
 CONFIRMING PO

DATE 08/26/94      REQ. NO. UC5954      SHIP TO:      P.O. NO. 001941872

000000001318

DIGITAL EQUIPMENT (DEC)

PHONE 15-779-7515  
 P O BOX 93831  
 CHICAGO IL 60673

BILL TO:  
 COMPUTER SERVICES  
 RM 205 ADMINISTRATION BUILDING  
 1 NW MARTIN LUTHER KING BLVD  
 EVANSVILLE IN 47708 1832

TERMS: NET 000      ACCOUNT NUMBER 1000130038600000

QUANTITY	UNIT	DESCRIPTION	UNIT COST	AMOUNT
1.00		DE-INSTALL SVCS FOR SA 600 CABINET, INCLUDING 2-RA72, 3RA90, 3-RA92 DRIVES, 1-H3C40, 1-TA867 TAPE UNIT	2939.290	2939.29
1.00		INSTALL H5J40 STORAGE WORKS SYSTEM WITH SW512BC COMPONENTS  CITY/COUNTY SPLIT 71.69%  PER BID #089421, SECTION 2.1	659.550	659.55

*Approved 11/11/94*

THIS ORDER ISSUED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA	MAIL ALL INVOICES AND CLAIMS TO THE DEPARTMENT AS LISTED IN THE "DELIVER TO" SECTION OF THIS PURCHASE ORDER	<b>TOTAL ORDER</b> 3598.84
		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

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department # 1020

County Auditor

*sh*

## APPOINTMENTS MADE

NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1228- Joanne Matthews	<i>[Handwritten Signature]</i>	Admin. Sec.	24,037.00	4/20/95

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*[Handwritten Signature]*

DATE

1/23/95

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department SCOTT TOWNSHIP ASSESSOR

*sh*

## APPOINTMENTS MADE

NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
249-116-1990 Kathryn R. Donnan	5040 Seven Hills Rd Evansville, In. 47711	Deputy	Hourly	1-13-95
249-116-1990 Ernestine S. Williams	5312 Nolan Ave Evansville, In. 47720	Deputy	Hourly	1-13-95
249-116-1990 Douglas G Fisher	11000 Country Homes Dr Evansville, In. 47720	Deputy	Hourly	1-13-95

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*[Handwritten Signature]*

DATE

1-13-95

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department CIRCUIT COURT

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
136-1990	VICTORIA MATLOCK		TYPIST	5.00	HR	1-5-95
136-1990	DANA WILSON		TYPIST	5.00	HR	1-10-95
136-1990	TODD SNYDER	YVONNE VANDEBURGH LAW	INTERN	4.75	HR	1-9-95
136-1970	TODD WOODMANSEE		PART-TIME BAILIFF	5.00	HR	1-5-95

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
136.1-1980	TODD WOODMANSEE	EMP.#05722	INTERN	5.00	HR	1-4-95

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

JUDGE, CIRCUIT COURT

DATE

1/18/95

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department CIRCUIT COURT

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
36.1-1980	EMILEE FRESON		INTERN	5.00	HR	1-9-95
36.1-1990	JEFFREY BARTON		PART-TIME CORRECTION OFFICER	5.00	HR	1-3-95
60-1980	PATSY O'BRIEN	EMP.#05745	QMA	7.00	HR	1-3-95
60-1980	REGINA JOHNSON	EMP.#05173	OTHER			1-16-95

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
69-1980	PATSY O'BRIEN	EMP.#05745	QMA	6.00	HR	1-2-95
05Z-1990	ADAM STOCKER	EMP.#05733	PART-TIME CORRECTION OFFICER	7.00	HR	12-24-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

1/18/95

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department 213.2

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1110	Jan McBride	1309 S. Roosevelt Dr. Evansville, IN 47714	Clerk	15,860 <sup>1</sup> 00	1/11/95

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1110	Jan McBride	1309 S. Roosevelt Dr. Evansville, IN 47714	Clerk	15,132 00	1/11/95

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY *[Signature]*

DATE 1-11-95

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department Prosecutor - Victims Assistance 505-108-N

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
108N1110	Susan G. Mattingly	940 Wessel Lane	Director	28,331 00 13.6206/hour	1-1-95

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
108N1110	Susan G. Mattingly	940 Wessel Lane	Director	26,513. 96 12.7471/hour	12-31-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY *[Signature]*

DATE 1/17/95

MINUTES OF THE  
VANDERBURGH COUNTY COMMISSIONERS

JANUARY 30, 1995

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The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, January 30, 1995.

**RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE**

President Borries: The meeting will begin immediately here on January 30, 1995. I'm sorry for the late starting time, let the record show that there was an Executive Session held prior to this meeting for the purposes of pending litigation and certain personnel matters for this Board to consider. There were no decisions made in that meeting.

May I at this point introduce the members here of the Board:

Cindy Mayo, Superintendent of County Buildings and Office Manager  
Alan Kissinger, County Attorney  
Commissioner Pat Tuley  
Commissioner Richard Mourdock  
Suzanne Crouch, County Auditor  
B.J. Farrell, Recording Secretary

Having introduced himself, President Borries asked the group to stand for the Pledge of Allegiance.

**RE: APPROVAL OF MINUTES**

President Borries: We do have approval of certain Minutes this evening and the most recent I think that I have before me this evening are Minutes from the Meeting of January 17, 1995 and also Minutes from January 23, 1995. Those are the most recent, we'll have some others I believe to consider this evening. Commissioners, may I have approval if you've had the opportunity to review these?

Commissioner Tuley: So moved.  
Commissioner Mourdock: Seconded.  
President Borries: So ordered.

President Borries: We have certain other Minutes that have now been submitted by the Auditor and I would like to enter this for the record, it is the Minutes of a previous meeting that was held December 18, 1989. Because there was not a quorum present of this current Board for that meeting except one, I want you to enter these and have these filed with the Vanderburgh County Auditor as a record of what went on at that particular time. And to the best of our knowledge we will verify that those are official Minutes of December 18, 1989.

**RE: ACTION ITEMS**

President Borries: In order to have certain persons speak who often times are not able to call our office at the appropriate time and again in the interest of serving the public, we do have an item B, 'any group or individual wishing to address the Commission' and we have one very quick item just for a signature, Mr. Cappelletti, would you identify yourself please and what this request is so we can take care of you immediately.

Mr. P.R. Cappelletti: Thank you, President Borries. My name is Richard Cappelletti and I'm the Director of Computer Services Department. I have before me four copies of the Agreement that was entered into between the City and County concerning the split

COMMISSIONERS MEETING  
JANUARY 30, 1995

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percentage for Data Processing Services between City and County. This was approved in 1994 by the Data Processing Review Board and it was an oversight of mine that I didn't bring it before the Board of Commissioner and the Board of Public Works prior to this time. I'm requesting that the Board of Commissioners approve this Agreement. It shows that the split for 1995 between the City and County shall be the City - 33.1% and the County - 66.9% and I had documentation in the folder to show that the item was brought up on the May 24, 1994 Data Board Agenda and then finally approved on the June 28, 1994 meeting and it also shows the spreadsheet that shows the distribution of resources that lead to the calculation of the split.

President Borries: Questions of Mr. Cappelletti?

Commissioner Mourdock: Yes, Mr. Cappelletti, since I'm a rookie at this part of, a lot of parts of this actually, but especially of the data processing area, would you give me just maybe a minute of history, the breakdown that you just quoted there, the 66.9% versus 33.1%. That's nice round numbers, is that actually from a use system or how is that arrived at?

Mr. Cappelletti: Correct, I have the copy of the spreadsheet here that was presented to the Data Processing Review Board and that contains a calculation that has been approved by the Data Processing Board and it looks at items concerning disc space usage, the number of devices and users on the system, CPU time used, the elapsed time used, and the number of pages printed and all of those are assigned in allocation and result in a mathematical compilation that indicates the 1995 split to be 33.1% and 66.9% respectively, City and County. The 1994 split was 28.31% and 71.69%.

Commissioner Mourdock: Okay, so 2/3 roughly rounded out.

Mr. Cappelletti: Correct.

Commissioner Mourdock: I thought that was the actual time derived but that's a projection from what was approximately that last year.

Mr. Cappelletti: That was an actual calculation and we follow those on a month to month basis and within a fraction of a percent so far the last few months has been right on.

President Borries: Other questions? May I have approval?

Commissioner Tuley: So moved.

Commissioner Mourdock: Seconded.

President Borries: So ordered.

President Borries: Are there other persons this evening who wish to speak to our Board?

My name is Jerry Evans. I'm representing Bassemier Transportation on, they have a contract with you to provide services. It has come to our attention that they were lacking in a particular type of permit that previous providers of this service with you did likewise lack because our recommendation that they comply with the law and obtain the necessary permits to provide services on a contract basis as opposed to a trip basis so I present it to you all, a copy of a form to sign where you

would recommend that we obtain emergency permission from the Indiana Department of Revenue to obtain this license on an emergency basis so that everything is legal and above board and we do have the proper permits to perform under our contract. One of the provisions in the form that we have presented to you so that we can obtain that proper permit says that 'you are aware that there are others who may be interested in acquiring a similar permit for purposes of bidding this contract to be bid at another time and that you in no way, shape or form are endorsing us as an exclusive of this County or anything like that' but it simply that we have the contract with you now and we would prefer that our client do it totally legally with all the licenses instead of without them as the predecessor did and as we've done to date which we apologize for.

President Borries: Again, Mr. Evans then is requesting I think basically our official signage just to move this thing forward so that all full compliance can be taken care of.

Commissioner Mourdock: What license was it, what didn't you have?

Mr. Evans: The license they have is on a trip basis as opposed to on a contract carrier basis so that technically there should be a charge for each trip that's made at a tariff rate as opposed to saying that we will provide a bulk service to you for a fixed contract rate and the previous people as well as us simply had the trip rate which, we have licenses and the vehicles are all proper and all that, it's just that this technicality of the difference of charging for trip and charging at a bulk rate, our contract's a bulk rate and we'd like to have a permit that matches instead of this technical breach of doing it under a charge per trip.

Attorney Kissinger: Mr. Evans, is this based on recent communications with the Department of Revenue?

Mr. Evans: Yes.

Attorney Kissinger: Is this a suggestion that they made?

Mr. Evans: It's a suggestion they made and also some specialized counsel in Indiana Taxi Law we've engaged in Bloomington to assist in getting this done quickly so that we don't stay out of compliance with license while they actually prepared this Affidavit based on our communications.

President Borries: Further questions?

Attorney Kissinger: With the understanding that this does not affect the existing contract and Mr. Evans I think you are aware we're basically on a month to month

. . . .

Mr. Evans: Right, what this does is it just means we can legally do that and go on and just that technicality between, we're supposed to with our current tariff and the contract charge per trip which is not the specs and that's not what we want to do, we want to have a license that squares with what you want and what we're doing and that's what this is for and this would assist in getting it on an emergency basis as opposed to going through the longer process which we'll then go through but this brings us

COMMISSIONERS MEETING  
JANUARY 30, 1995

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into technical compliance which is what we recommend to Mr. Bassemier.

Attorney Kissinger: With that in mind, without recommending that the Commissioners look favorably or unfavorably upon this, I don't see any legal reason why we can't enter into this agreement.

President Borries: May I have a motion then?

Commissioner Tuley: So moved.

Commissioner Mourdock: Seconded.

President Borries: So ordered. Motion is approved.

President Borries: Are there other persons at this time who wish to speak to the Board? Rose?

Ms. Rose Zigenfus: In light of the fact that Dave Savage is here and Jim McKinney with regard to the Crosspointe signal, can we discuss that now?

President Borries: Sure.

Ms. Zigenfus: On Friday afternoon, I presented this office with three copies of an agreement between the developers and the Indiana Department of Transportation (INDOT) to install a traffic signal at the Crosspointe Blvd. and Lloyd Expressway intersection. The developers have agreed to fund the entire cost of the project with the exception of the phrase that's in the agreement that spells out Vanderburgh County as the entity to absorb the energy costs for the signal. Like I said, Mr. McKinney and Mr. Savage are here if you have any questions.

President Borries: Any questions? As the Commissioners are reviewing and there may be something come up here, I will make a statement, it's not so much of a question. Last week I met with the new INDOT Commissioner, Mr. Smith, we invited him to come down. He seems very sensitive to some of our concerns and some of my concerns are actually included in this particular document in this sense. If my understanding is correct, the south side of the Lloyd Expressway is in the incorporated city limits of Evansville; the north part is the County. So for whatever reason, I guess the City of Evansville got off on this, apparently they are not sharing in the energy costs. And the other thing as I mentioned to you particularly because I don't want to be labeled here an obstructionist in this, I believe that the light is needed but what I guess I don't see is what INDOT is doing in this whole thing frankly. It's just another classic example of what we've talked about and I guess sometimes why people get angry and what ultimately maybe some of the governors, their concerns were what the federal government is going to do to them. My concern has always been what the State seems to do to us in this thing so with your permission, the Board member's of this, at least if we could have a side letter expressing our concern as to exactly what INDOT is doing or what the State of Indiana is doing in this whole thing. The light is needed. We know we're creatures of the state but we build an overpass at USI on state property, we're a state university, local funds, and here again, I guess I don't know how this whole agreement was negotiated and again I commend the developers for moving forward on this because certainly they know as well that to get into their property and their development and to insure that kind of

COMMISSIONERS MEETING  
JANUARY 30, 1995

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safety, that needs to be done but it's just remarkable to me how we as the County unit literally get stuck with this and INDOT just kind of says go to it, you know, you get your light, this is all great and they don't see where they put out a dime in this nor I don't know whose responsibility it is should the energy go off at some point. If I sound a little concerned or angry, again I guess it's just the same kind of thing that we fight with so much in this kind of situation and again, do you know why the City of Evansville was not?

Ms. Zigenfus: No, like I said, I saw that Friday afternoon. What I am, I've talked with Alan Kissinger before the meeting and what I'd like to do is have you execute the agreement tonight and then I could pursue conversations with the State to see if we could amend that to get that removed. I really don't understand why it's there either.

President Borries: Each one of these I'm sure as you've seen too is somewhat of a hybrid thing, but don't you think that we have a concern here, Rose?

Ms. Zigenfus: I do, I agree.

President Borries: A valid concern?

Ms. Zigenfus: I agree with you, I think that perhaps for whatever reason they assume that the County would absorb that cost but from my understanding that was not done elsewhere.

President Borries: If it was on Burkhardt Road, a county road, no problem, I understand that, Green River Road, but this is on the Lloyd Expressway, this is State Road 66.

Ms. Zigenfus: That's right, so I can pursue that if you so choose.

President Borries: Would it be agreeable with you all to pursue that?

Commissioner Mourdock: I have no problem with that as far as you termed side letter or something like that to go along. I think we certainly deserve some sort of answer to that. Don't know that we'll get one but we deserve one.

Commissioner Tuley: You've said it about as well as it could be said. There's no argument their light has to be there with that future development, continued development out there, like you said once again, here we go again. How much, does it even state in there what our cost is, where is it coming out of, what funds is it coming out of John?

John Stoll: Inaudible.

President Borries: Well, we've got to move forward on it, there's little doubt about that but it's just remarkable again how these things are executed in Indianapolis often times with folks that have never been to Evansville but again it's clear that the south side of this intersection is the City of Evansville if I'm correct.

Commissioner Mourdock: Rose, couple of questions. One along this same train of thought here, I see there's a comment in, if

COMMISSIONERS MEETING  
JANUARY 30, 1995

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INDOT decides to pull the light at some future date who pays to take it out?

Ms. Zigenfus: They will.

Commissioner Mourdock: Who they.

Ms. Zigenfus: INDOT would.

Commissioner Mourdock: INDOT would pay in that situation? Also I notice in here pavement markings and such as part of this contract, does that mean that the signator, Stop Light Associates, will be paying for those?

Ms. Zigenfus: That's all done as part of the construction of installation of the signal.

Commissioner Mourdock: And I heard you mention Jim McKinney, although I guess, oh, there he is. Who is Stop Light Associates? I would presume that's more than just Regency.

Ms. Zigenfus: It's Jim McKinney, it's.

Commissioners, my name is Jim McKinney. Stop Light Associates is a firm that's been put together interestingly enough just to put this light into place. It's comprised of the four developing groups out there at that intersection, Mr. Woodward, Mr. Dunn, Joe Reame representing the Hartmann interest, and myself representing Crosspointe. And our respective interest are in relationship to the total acreage we have around that intersection.

Commissioner Mourdock: So you, as a partnership as such, use that intersection?

Mr. McKinney: That's exactly right. And I wish to add too that although you are only this evening executing this and we have yet to have the State to execute this subsequently, we have already contracted with Mr. Savage to proceed to design this and have even asked him because there's some sort supplies on certain materials, controllers and poles, we're going ahead and purchasing or seeing if we can acquire them at this time, reserve them, because recent interest in the media and others in the necessity of urging this project along, we wish to go ahead and proceed on this even though we know we have a few weeks or some time before it will be signed by the State yet but we're going ahead and proceeding with it as though it's going to be signed.

Commissioner Mourdock: I have no further questions.

Commissioner Tuley: No I don't either, I mean, we're not arguing with you guys, we've got no problem, we understand you need to do it and you guys are putting a lot of money into it too obviously.

Commissioner Tuley: I move it be approved.

Commissioner Mourdock: Seconded.

President Borries: So ordered.

President Borries: Are there other persons who wish to speak to our Board this evening?

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Mr. President, Dennis Feldhaus, County's insurance agent would like to speak to the Board this evening. I was inadvertently left off the agenda and I'm more than welcome to speak when you want me to speak, now or later in the meeting.

President Borries: You're up there now, Mr. Feldhaus.

Mr. Feldhaus: Thank you, Mr. President. The purpose for my coming before you this evening is the renewal of the property and casualty insurance for the County of Vanderburgh which renews February 1, 1995 through February 1, 1996. At this time, I would like to distribute that renewal proposal. The County's insurance program is very broad in nature, very cumbersome in parts, I'll try to be as brief as I can for the interest of the meeting. What you have is a cover letter basically starting under Point A is a coverage comparison of the renewal to the expiring policy. Briefly highlight in the points in my opinion that are of concern to the County as we increase our property limits, as we increase our auto fleet number of units, as we increase the premium basis for liability and work comp which is your payroll and your budget and the last item basically is a new carrier that we have had to market for the excess work comp portion of the package. All that normally means higher premiums. The good news is under B is the price comparison of the renewal to the expiring policy, \$564,776 is the expiring policy, the renewal apples to apples, \$557,924. That is a decrease of \$6,852 or 1.2% on an apples to apples comparison. That is good news for Vanderburgh County and the Commission. Under Point C I would like at this time now that I gave you a little back, I want it back in the form of better coverage. It is my strong recommendation that the Commission consider a liability limit of \$10 million versus the current \$5 million, this is for general liability. And this day and age, public entities are becoming more and more under the scrutiny of wrongful acts, negligence, if you will. We have an opportunity this year to double our liability limit protection basically at a cost of 3.8% over the expiring premium or \$21,708, a very small investment for what I believe to be \$5 million of additional coverage that is well needed. That is my recommendation for the Commission this evening, for your approval, of that new premium of \$586,484, C4 breaks that out into general fund and highway fund and under D is the contractual service agreements that are part of the insurance package of which I have attached to your cover sheet. The first being the appraisal and the second being the loss control, neither of which have changed in any way from the expiring agreements with Mr. Schenk & Associates, except for the term. I would like to point out that the term for these agreements are February 1 through May 1. The reason being is that Mr. Schenk is not in good health and I do not want to tie the County to a one year contract at this point in time, we may have a need to bid those services out between now and May 1. The price in the fees for Mr. Schenk have not changed, it is one-fourth of what the expiring contractual fees were and the wordage in those has not changed except for the numbers involved in the update of appraisals for county property, those were decreased by three properties simply because we decreased the term of the contract. And the last item is a Group Benefits Agreement between myself and the County as the group liaison and consultant for the insurance committee and the group health and group life products that the employees have which I have served on that committee and I am asking for a larger fee this year from \$8,250 to \$10,000. That increase is a request based on the time allotted this past year far exceeded what I imagined it might

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have been and I am hopeful that the Commissioners feel they're getting their money's worth there. With that, that's the end of my proposal. I ask that you approve the recommended coverages and the contractual service agreements. The insurance expires again on February 1 and I do appreciate your getting me in this meeting because without approval, we're without coverage Wednesday.

President Borries: Questions?

Mr. Feldhaus: Again, Mr. Mourdock, I apologize for not having these items before you prior to this evening. There's a lot there to comprehend and I would be more than happy to discuss any questions that you might have.

Commissioner Mourdock: Where to begin? Let me just kind of go backwards through the list here a little bit with a list of questions that popped up here quickly. Define for me what, under the Contractual Service Agreement, the appraisals are and I know what an appraisal is, but this indicates to me that they're done almost, what quarterly?

Mr. Feldhaus: No, sir, they're done, not all County properties are done. We have some 60 pieces of County property that are on the blanket policy for blanket property coverage starting with the Coliseum, the Auditorium, all the property at Burdette, the contents here are all county owned property. The Washington Hillcrest Home, of those there are about 12 locations that are millions in replacement value. The insurance carrier, Penco through Lloyds of London and Northfield, require the County to provide 100% insurance relative to replacement value for the package. Given that, we've tried to at least every three years get all of those units re-appraised so we did not appraise every building every year but we do the big ones.

Commissioner Mourdock: So what this says is for \$2,500, Mr. Schenk will, between the period of February 1 and May 1, appraise those four and then at some point subsequent to that, someone else is going to do maybe another four and then another four and just keep cycling through.

Mr. Feldhaus: Could well, yes, yes.

Commissioner Mourdock: Obvious question, why don't we do them all on a more regular basis?

Mr. Feldhaus: Two answers, one they cost the County to have them appraised and two, they're not required on that frequency, the insurance carrier, the Lloyds of London contract is a three year program so as long as we get them all in in that three year term.

Commissioner Mourdock: Did I hear you say though 12 of them are what we had to appraise?

Mr. Feldhaus: Twelve, yes, and that's subject to change from year to year if an underwriter wants to take a look at one that we've not appraised.

Commissioner Tuley: Dennis, does that mean between 2/1/95 and 2/1/96 these have to be done?

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Mr. Feldhaus: No, that means four of the 12 have to be done every year and what I'm trying to do is get all four in a three month period and Mr. Schenk has the capability of doing that because he has done all the leg work and stat work, it's all in the computer and for Mr. Schenk in some respects, unless there has been some building renovations or building improvements, the re-appraisal is a calculation as opposed to an on-site visit.

Commissioner Mourdock: So in putting this package together then, did you put that out to bid, that Mr. Schenk was the low bidder for doing those appraisals?

Mr. Feldhaus: He's the only one qualified presently, locally, that can do them and so the answer to your question is no, we did not put it out to bid unless we go out of town.

Attorney Kissinger: Also Mr. Mourdock, it's considered to be a professional service and as such not required to be bid.

Commissioner Mourdock: Oh, sure.

Commissioner Tuley: Dennis, correct me if I'm wrong, Rich, I think what he was trying to get at was he's looking at \$7,500 a year and the reality of it is we're going to get it done in four months for the \$2,500, that takes care of us for the year of 1995.

Mr. Feldhaus: That's correct. That doesn't mean that we would not need some type of contract from May 1 to February 1, whether or not we utilize the service, we still need a contract but I'm trying to get . . .

Commissioner Tuley: Because of his health, you can notify us. . .

Mr. Feldhaus: That's correct. Commissioner Mourdock, did you have additional questions?

Commissioner Mourdock: Yeh, I'm going to be blunt with one here. Obviously if this is due Wednesday, has it been normal and customary that the meeting before this is due, everything drops on us?

Mr. Feldhaus: It would be nice, I received these figures Friday evening from Lloyds of London in England so.

Commissioner Mourdock: Slow fax.

Mr. Feldhaus: Yes, yes.

Commissioner Mourdock: One general one then, I guess, how is it that your Item B and the price comparisons to the expiring policy, our premiums going down 1.2%, is that basically just that our depreciation was in excess of what appreciation might have been on the value of the properties, is that essentially it?

Mr. Feldhaus: That's a good question, I'm glad you pointed that out. The reason it went down is because of Item A4, we basically have an excess work comp policy that we switch carriers and we did bid that out, we did get a much lower price on the excess work comp so that's basically the savings. Actually, the savings on the work comp exceeds \$6,852 and some of that savings was ate up because their liability is higher because of A1, 2 and 3. Our

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retire early and I think the response was, there had been a study done and there were four or five, a handful, and I was just curious in the years beyond 1995, have we looked at.

Mr. Feldhaus: We did not crunch the numbers beyond simply because the amendment, the ordinance, excuse me, can be amended from time to time which is annually, so if there would be a need because of the numbers to have to finance over and above the allocations now within the individual line items for health insurance, if there would be a need to go to counsel, then I would come to Commissioners first to discuss that and we would have to possibly take a relook as to how the County is handling that early retirement ordinance. Again, it's not a question of what you offer, it's how much you're paying of what you're offering and that probably will need to be looked at annually.

Commissioner Mourdock: Thank you.

President Borries: Thank you, Dennis. Are there other persons that wish to speak? Pat, I thought would at some point.

Rick, Jayne needed to get out of here.

President Borries: Could we just defer what we have, one person here who works for the Board of Finance. No, wait a minute, gentlemen, I know you are both distinguished here and very patient, if we could get our County Treasurer here, though, to do her thing. I will assure you that this will be very brief, she's a very brief person so we know she'll get right to the heart of the matter here. Mrs. Bland.

Jayne Berry-Bland: Well, I have four little items here. The first one is, our Board of Finance, by law before the end of January we have to select according to I.C. 5-13-7-6 a president and a secretary. We only meet once a year, every other year, on even years in November, we have to solicit the proposals from the banks so they can be depositories. This is simply establishing the Board of Finance and electing a president and a secretary.

Commissioner Tuley: Does that mean that we don't have to do anything else this year? I'd be president of that Board.

President Borries: You got it. Are you the secretary?

Mrs. Bland: Well, I will be secretary if you want me to be secretary, I did bring my recorder, I have no Dictaphone equipment or any way to, I probably will have to type this myself, I know no one feels sorry for me but I will try to get it translated because the law does say that all meetings of the Boards of Finance, that the secretary of each board shall keep the record of the proceedings which shall be approved and signed by the president of the Board and attested by the secretary. And it has to be available for public inspection, I mean we meet once a year, I don't get it, it's another one of our laws. The Board of Finance, see this law changed in 1993, it no longer constitutes the Auditor's office, it's strictly the Board of Finance, are the three Commission members plus the County Treasurer.

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up because their liability is higher because of A1, 2 and 3. Our liability and property is up, the excess work comp is way down, so the offsetting factor is still an increase.

Commissioner Mourdock: I did think of one last one then, my third last question. On your fee for doing this, does this include this service that you provide also for the employees health policies, I know before the end of the year, there was a change to some policies so this is all under one fee?

Mr. Feldhaus: Yes.

Commissioner Tuley: No, I'm just kind of following his questions so I can give input.

President Borries: Yeh, and I do want to commend Dennis, I know he works very effectively with the group that has been started and again like so many issues has multiple complexities and when he puts Commissioners as an attorney as needed, there are lots of hours here that are involved in terms of working with that to come up with current benefits and examining it so you do a fine job.

Mr. Feldhaus: Thank you, sir.

President Borries: May I have a motion to accept these agreements?

Commissioner Tuley: I will so move at this time.

Commissioner Mourdock: Seconded.

President Borries: So ordered.

Commissioner Mourdock: So you go, Dennis, I do have one other questions, having sat through the meetings before I was sworn in, did you put together any actuary tables, I remember there was a discussion on the extension of the benefits to County employees who retired, are you familiar with what I'm talking about?

Mr. Feldhaus: The ordinance for early retirement?

Commissioner Mourdock: Right.

Mr. Feldhaus: Yes.

Commissioner Mourdock: Do we have a good handle or any kind of model information available as to what that's going to cost?

Mr. Feldhaus: The only number crunching that I've done internally through the Auditor's office and the number of people who are eligible in 1995, we did a feeler as to of those numbers how many would definitely want to, most of them said they weren't sure or know, four of 17 I believe.

Commissioner Mourdock: But we only carried that out for one year then?

Mr. Feldhaus: No, we carry that to age 65.

Commissioner Mourdock: I didn't word the question very well. I remember the question being asked and I think Commissioner Borries asked the question as to how many people might be expressing an interest in somewhat of an incentive program to

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President Borries: Okay, well we're going to assume that we can incorporate this within one of our regular meetings, but at this time, I would nominate you as secretary for this Board.

Commissioner Tuley: I second it.

Mrs. Bland: Thank you very much.

Commissioner Tuley: But Jayne, I mean basically what you're saying is, I mean the way this is written, this is almost I don't want to say silly but choose a better word for it. This year we have no responsibilities or duties per se yet we still have to meet and organize the Board to do nothing. It sounds like government in action.

Mrs. Bland: Well, we have to in case of wanting to sue or if, shall we get sued, we have to have this Board established with the president and the secretary. Also in case of a bank failure or maybe a bank not living up to filling out the forms they are required to provide to the Board of Finance monthly, then we could reconvene and ask maybe that we not use them as a public depository.

Commissioner Mourdock: To do that, do we have to get authority to do that?

Mrs. Bland: Yes.

Attorney Kissinger: If I may as a matter of fact, we ought to show this as our meeting because it says each local Board of Finance shall meet annually after the first Monday and on or before the last day in January, this is it, nearly.

Mrs. Bland: It's here. This is our official meeting. See, before we always incorporated the secretary of the Commissioners to just pull out this little section of the Board of Finance and have them type it out because they're going to type it out anyway because it's part of the Commissioner's meeting and we just always had them pull this little section to be our Board of Finance minutes.

President Borries: Why can't we continue to do that?

Mrs. Bland: Well, I would hope that we could.

Commissioner Mourdock: The one difference though if I understood was the Auditor was on that Board and is not now on the Board.

Mrs. Bland: The Auditor was never really on the Board, we always appointed the secretary to the Commissioners as the secretary to the Board of Finance which is kind of silly for two people to do one job but I am prepared.

President Borries: I think Mrs. Farrell, in her many subheadings, we can enter as part of the official record, that the Board of Finance was formed and did meet and elected officers.

Mrs. Bland: Item #2, I would just like to leave with you some forms from Old National Bank which is our new cash management bank for 1995-1996. They have some forms that they would like for the Commissioners, myself, and the Auditor needs to approve

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it to do wire transfers and I think to make it legal, they have to have these signatures. I'd like to leave these, there are three copies of the same form apparently they don't want xerox copies.

President Borries: I think these are pretty routine here, may I have, all of us here will sign at this time.

Commissioner Tuley: So moved.  
Commissioner Mourdock: Seconded.  
President Borries: So ordered.

Mrs. Bland: This is another one of those laws, 36-2-2-18, annual settlement by Executive and County Treasurer. At the regular meeting of the Executive in January of each year, the Executive and the County Treasurer shall make a settlement for the preceding calendar year, a copy of the settlement sheet shall be copied in the order book of the Executive. We do settlement twice a year by, in June and December, both copies of my settlement are there and you can now put them in your order book.

President Borries: It appears we don't have to take any action on that.

Mrs. Bland: No.

President Borries: Just enter it for the record?

Mrs. Bland: Right, strictly for the record. The final item that I have once again, let me pass these out. I am requesting again, I've requested in April of 1993, I let 1994 go past and did not request, I would like to request again an ordinance to charge \$15 on all returned checks to the Vanderburgh County Treasurer's Office. It's done probably in 90 to 95% of the counties in Indiana. This would help to reimburse for the postage because we have to send certified mail in order to prosecute in case of failure to pay. By law, any fee collected would be deposited in the County general fund and I would like for this to be taken under advisement if possible to get this ordinance. I have attached a copy of an ordinance from Tippecanoe County. There's very few counties that do not charge a fee and I think we all know that all businesses do. And I have attached a copy of the law that says I am entitled, if I can get an ordinance through the Commissioners, to charge a fee on returned checks. That's it.

President Borries: Mrs. Bland, the County Treasurer, has asked that this be referred to the County Attorney for his review and possible recommendation, may I do so?

Attorney Kissinger: If I may as a matter of fact, since approximately two years ago when we talked, there is statutory authority for doing this. I don't know what kind of collections we would make on this. Nonetheless, it certainly can be done legally, it can be done under home rule and there's specific statutory authority for doing it even otherwise without home rule so if the Commissioners believe that it is something that we should undertake or that the Treasurer's Office should undertake, we certainly have the authority to do so from two different sources.

Commissioner Tuley: Do we have to advertise . . . do you think?

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Attorney Kissinger: We must adopt the ordinance but if you instruct me to go ahead and prepare the ordinance, then I need not research whether or not we can do it, it's just whether or not you want to do it.

President Borries: Motion to that affect.

Commissioner Tuley: So moved.

Commissioner Mourdock: Seconded.

President Borries: So ordered.

President Borries: And that motion again is asking you to prepare the ordinance.

Attorney Kissinger: Yes, it might be appropriate to say now, Jayne, I won't be here next week so it will probably be a couple of weeks at least before the ordinance gets initially introduced.

Mrs. Bland: I will not have to be here for that I hope, I'm going to be on vacation, I will be in the Bahamas, way gone. Thank you very much.

Mr. Borries, Mr. Tuley, Mr. Mourdock, I'm Jack Schroeder, this is Don Fuchs, I own a title company and Don is part owner of a competing title company and I want to apologize because in all honesty we don't know why we're here. But I would just like to take one minute since we are here, as I'm sure you are aware, there is a dispute that's reaching a climax now between the title companies and the Recorder. And we merely heard today that the Recorder was going to meet with you and our purpose in being here was to listen to that testimony and to supplement it in any way that we felt you would be interested in having the additional information. You may indirectly ultimately be involved in this dispute and in one way, I would just throw this one way out, is that there is a procedure and Mrs. Hermann has indicated the willingness to sell microfilm copies to us and as we read the law, and I think the law is pretty clear, any such arrangement if she's willing to do that, would require legislation adopted by this Board. Our only concern is, there may be various rumors flying around as to what this dispute is over, what is the factual background of it, and basically it boils down to, can she charge a dollar a page to persons who have access to the Recorder's Office rental space adjacent to the Recorder's Office with their own xerox machines who are making their own copies. Basically it comes down to that. Now it gets a little more complicated because Don and myself, our companies do a more complete search, and by a complete search, a complete copying search every day. Other companies only make a summary copy search and what happens, we don't want to waste a lot of your time going through the details of this but it may be in your interest at some time to seek additional information because she may be involved insofar as possibly legislation that in the event we would be able to negotiate something with Mrs. Hermann insofar as what she would charge to sell her copies rather than for us to make our own copies every day on what we call a take off. But our main purpose in being here in the event that Mrs. Hermann was going to give you some additional information just to understand what that information was and possibly supplement it if there was any relevance to that. That's our only purpose in being here, it isn't any decision that we're asking you to make.

President Borries: Questions of Mr. Schroeder?

Commissioner Tuley: Well, I'm trying to follow, Mr. Schroeder, what you were saying in terms of some sort of arrangements or agreement with the Recorder's Office in terms of providing you with copies as opposed to you making your own?

Mr. Schroeder: That's right, the statute contemplates and a lot of Recorders do this, I mean she makes a microfilm copy of all the documents every day, and we make our copies basically from her copies.

Commissioner Tuley: From the microfilm copies?

Mr. Schroeder: Don makes them from microfilm copies and we were making them from the original copy before it was mailed back to the person that filed it. But in a lot of counties, the Recorder sells copies of her own microfilm and the statute contemplates that. I don't say that the statute requires her to sell those copies but she's authorized to sell the copies but in selling the copies and we'd be interested in buying the copies but in selling it does contemplate that it requires a legislative ordinance and there would be, I assume, hearings on that as to what price would be for those copies and it not be, and I think the law is very clear on this, not be an arbitrary decision by the Recorder as to what those copies would sell for. Now those are copies of all the documents filed every day, not isolated copies that we would request on an individual basis, on an individual order. That would be on a day to day basis.

Commissioner Tuley: Have you had this discussion with her too?

Mr. Schroeder: There has been some discussion with her and she may, I'm not exactly sure of the status of the discussion insofar as she has suggested a proposal and I think it is in her discretion, I mean she does not have to do that. And obviously it would boil down to how much that charge should be within the scope and the purpose and when you see the statute, how it reads insofar as what is a fair charge.

Commissioner Tuley: Betty, do you have?

Mrs. Betty Hermann: The state statute said that all copies for everyone is one dollar. So for these gentlemen, you know, we have had much, much discussion here and all I really asked for and with these gentlemen and this gentleman back here is a letter that I asked for and I think this should be read now and be put on so the public can understand because the public is very interested now. I asked for a letter, Mr. Kissinger gave me this letter, and the letter states 'pursuant to your request I have researched the applicable Indiana statutes and cases regarding fees to be charged by county recorders for recording provided copies and other services rendered. I have also discussed this matter with some of the attorneys who use your office for title work and employees of the State Board of Accounts. The following is my opinion regarding your duties. I.C. 36-2-7-10 prescribes the various fees to be collected by county recorders. The statute is specific in setting out the various fees to be charged, the various funds into which the fees collected are to be deposited. And how those funds are to be used. The statute also sets out specific services to which fees may not be collected. County recorders are required to post a

list of these fees in the recorder's office in a location readily accessible to the public. In my understanding he states that attorneys and title companies are objecting to the payment of fees in instances in which they are making the copies themselves. It is also my understanding that an opinion has been requested from the State Board of Accounts regarding that practice. As of the date of this memorandum, no such opinion had been rendered. It is also my opinion that notice should be provided to all which I have done, attorneys, title companies as of January 31, 1995'. Now this is from my attorney, or was. 'All services rendered by the Vanderburgh County Recorder as those services are described in the above-cited statute based on your interpretation of the appropriate fees to be collected. It should also be explained that it is your statutory duty to collect the prescribed fees in the absence of a written opinion in the contrary'. Okay, then after much discussion with these people, your page, I'll give you all so you all can follow here, after much, much discussion with these gentlemen, Mr. Toby Shaw, I would like to go on record, Mr. Toby Shaw does not rent from the County, he does not have space with the County, he has a half of a machine in the Recorder's office. This is in response to your letter received in the offices regarding the photocopy charge by statute that the Recorder shall impose. You state that your company has its own copying, he's writing this, Mr. Urid is writing this to Toby Shaw, I would like to go on record, Mr. Shaw does not rent from the County. Control of the records in the Recorder's office, including any copying storage and retrieval is the responsibility of the county recorder. Furthermore states that public agency may not deny or interfere with the exercise of a person's right of inspecting or copying a public record. Have I done that, have I ever kept any of you from copying a record?

Mr. Schroeder: We're talking about starting Wednesday.

Mrs. Hermann: I'm not going to stop you then. It further states that, and we get down to equipment and other things at this point, but based on this historically, this is from the State Board, our audit position has been that the Board of County Commissioners has entered into a written agreement with the abstract companies, this is what was based on their legal opinion. Now, it goes on into the third, fourth, fifth and sixth letters but at this point, what I have asked for many times since Mr. Kissinger gave me this copy, I've asked for him, he's saying that this, that I shouldn't pursue this or whatever, I've asked for something in writing stating that if the County Attorney has a legal basis to issue a new legal opinion stating certain taxpayers are exempt from such fees including which taxpayers are exempt I would be comfortable as an officer of the County to not collect such fees but remember now, two abstract companies who pay a dollar for every copy, are waiting also for the outcome because they want to know up front why they can't have a machine in the Recorder's Office. Also we had many other people who have requested machines who, people, the public sector and the second issue addressed by Mr. Kissinger in his memo on copying equipment, is the recorder's office should be addressed over the years, various arrangements have been made with these gentlemen, I think you've been here, what 20 some years? I think it would be in the County's best interest to establish consistent rental rates if the abstractors are allowed to remain and who pays the electricity and have all of this written down in these contracts. I also want the Commissioners to address the abstract companies, they have allowed to rent space in the middle of my floor. I

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also would like it addressed, we have one abstract company, lovely people, but they're renting in the middle of my floor. When was this rented, two weeks before I went there or the other person went out of office and it was okayed by this Commission, however, their lease expired October 31, 1994 so I would like for you to renew this. So all I'm asking really.

Commissioner Tuley: Betty, I asked you this in the other meeting and I want you to state it for the record, that even though this was done two weeks prior to you coming in the office, it was done at the recommendation of the outgoing recorder who is now . . .

Mrs. Hermann: No, I won't state that it was, Mr. Boyle, right here, went to I guess the recorder and, did you, okay.

Commissioner Tuley: What I'm getting at, the Board didn't do this without the input of the recorder at the time.

Mrs. Hermann: Oh, no, and I didn't mean to imply that.

Commissioner Tuley: If it expired and it's in your way, I agree with you that this location obviously has to be.

Mrs. Hermann: All I have to do is give 60 days notice.

Commissioner Mourdock: Excuse me, Suzanne just pointed out, if you're going to speak, the microphone doesn't pick up things very well so please move towards the mike. Betty, before you, I was just going to ask the question, here again, I want to clarify because the issue of rather the fees are owed if people are using their own copiers versus the general public, if you will, walking in the door where you are actually physically making the copies seems to be a key question. And I heard you say a moment ago, this is a quote "I am looking in writing to hear from the County Attorney which taxpayers are due an exemption from the fees." Is that right? With that I would like to turn to our attorney here and have you state, if you would, Alan, I think what Mrs. Hermann is asking for is in essence a legal opinion. Obviously this one isn't in writing but if you would state what your opinion is on that.

Attorney Kissinger: If I can give you a brief history. Originally, when I was contacted on this, I was told by Mrs. Hermann that she was concerned that she was not charging some fees that were required to be charged by any recorder by state statute. She provided me with a copy of something that I assume was prepared by the Indiana Association of Counties, Indiana Association of Recorders, whomever, but basically the statute says 'an officer who knowingly: #1 taxes any fees or makes any charges for services he does not actually perform; #2 charges for any services any rate or fee other than that allowed by statute or #3 fails to enter tax or charge at the proper time, the proper fees or services commits a Class A misdemeanor, is liable personally upon his bond for any damage or loss sustained by the County.' With that in mind, I researched the various statutes involved and provided memorandum to determine, referred to, which I think is dated I'm not sure, January 12, and you will note in the January 12 memorandum I indicated that I had been told that we were supposed to get an opinion from the State Board of Accounts. When I wrote that memorandum, that opinion had not yet been received and I didn't know if it was going to be received and I said in the absence of that, the interpretation of the

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sent its memorandum, quite frankly they did some research that I didn't, as a matter of fact, they did some research that a lot of people didn't.

Commissioner Mourdock: You're referring now to January 17?

Attorney Kissinger: January 17, and they referred specifically to a statute identified as I.C. 5-14-3-3(b) and I will go to that statute but I will read to you not only subsection (b) but I'll read it from the beginning and 3-3 has to do specifically with access to public records. And it says, 'right of inspection of public records. Any person may inspect and copy the public records', and I want to refer back to I.C. 5-14-3-2 because it says, 'any person may inspect and copy the public records'. I.C. 5-14-3-2 contains definitions used in the chapter, copy includes transcribing, by hand writing, photocopying, xerography, duplicating machine and reproducing by any other means. And then I.C. 5-14-3-3 goes on to say 'and copy the public records of any public agency during the regular business hours of the agency except as provided in Section 4 of this chapter'. And Section 4 basically I believe is an exclusion based on certain secured records, etc. 'A request for inspection or copying must identify with reasonable particularity the record being requested and be at the discretion of the agency in writing or in a form provided by the agency'. Now, it is understood that in this particular case the County Recorder's Office is not an office in which you have to go in and request in writing, etc., any particular form, it's a type of office in which certain records are out open to the public and available. 'No request may be denied because the person making the request refuses to state the purpose of the request unless such condition is required by other applicable statute. A public agency may not deny or interfere with the exercise of the right stated in subsection (a). The public agency shall either provide the requested copies to the person making the request or allow the person to make copies (a) on the agency's equipment or (b) on his own equipment. Notwithstanding subsections (a) and (b), the public agency may or may not do the following'. It talks about non-discriminatory policy, etc., after that. Now, I.C. 5-14-3-3 was pointed out to us by the State Board of Accounts and the State Board of Accounts said 'based on this historically, our audit position has been that if the Board of County Commissioners enter into a written agreement', etc., and then it goes down to say 'however, it has been brought to our attention the county recorder will receive an opinion in writing as to the fees from the county attorney although we've not seen this opinion. During the next audit of the County, we would respect the opinion of the county attorney. It is my opinion that, in order to tell someone, anyone, that they can't make a copy of a document in the Recorder's Office, on that individual's private copying equipment as defined by this statute, would be a denial of the right of inspection of public records as provided in I.C. 5-14-3-3. For the same reason that a copy is defined as transcribing by handwriting, photocopying, etc., the County Recorder would not charge for a handwritten copy that any individual, be he taxpayer or otherwise, went into the County Recorder's office and made, if someone by some electronic means whether it be scanner, copy machine or whatever or goes in and takes a photograph of a document in that office on their own equipment, I do not believe and I will tell the Recorder directly at this point, I believe, it is my opinion legally that the Recorder is not required to charge for that copy. Now, if the Recorder decides that she's going to charge for that copy anyway,

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then I anticipate that a legal opinion or a Court opinion, a judgment in a case such as this could very well indicate that the Recorder had violated this statute by charging for that copy. Now I understand that there is a separate discussion that has been going on for a long time in reference to the leases, whether or not certain copying machines should be in that office or not, I think it may be appropriate for the Commissioners to take that up at another time but on a temporary basis, it is my opinion and I'm advising the County Recorder, that she is not required to charge for copies made by individuals who have their own private copying equipment available there, if they already have it sitting there or if they wheel it down the hall and into the office, if it is there and they can use it without disrupting the Recorder's business, then they can make those copies on their own private machines.

Mrs. Hermann: Are you stating that these other people, Mr. Kissinger, can roll machines into the Recorder's office?

Attorney Kissinger: No, that's not what I'm saying but I'm saying if they can come in there with their Polaroid camera and make a copy, they can certainly do that and you cannot charge them for it.

Mrs. Hermann: Alright, we must address one more thing. Someone also does not have, are not renting from this County who has a machine in there, now we must address that.

Attorney Kissinger: Mrs. Hermann, once again that's what I'm trying to identify as a separate issue and I did address that by saying if the machine should or should not be there, whether they are allowed by these leases, perhaps all of these leases, should be reviewed but on an immediate basis as far as what you're talking about here is concerned.

Mrs. Hermann: Okay.

Attorney Kissinger: You know, I think that should give you guidance on an immediate basis. It will keep you clear of any State Board of Accounts audit problems and although I do agree with you, the leases should be looked into and those leases that are not up to date should be brought up to date and there should be a lot of discussion as to how these leases should be dealt with in the future.

Mrs. Hermann: Okay, and because I have done what you've stated in this, I would expect the County Attorney to give me in writing a legal opinion stating certain taxpayers are exempt from such fees including which taxpayers are exempt and I would be very comfortable as an officer of this County to collect such fees.

Attorney Kissinger: Mrs. Hermann, these Minutes are going to be transcribed verbatim, they are a matter of public record and you may have a copy of them without fee.

Mrs. Hermann: Okay.

Commissioner Mourdock: And the point of that last comment, Alan, was that short of having a written letter addressed to the Recorder or any other officeholder the fact that these notes are verbatim transcripts covers that purpose.

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Mrs. Hermann: So as, Mr. Borries, I have and these gentlemen know, sent out this letter to all these people like I was stated for Wednesday, that would be the first of February, that I would start, so I will need from the Attorney please, a letter in hand stating, tomorrow since tomorrow is the 31st.

Commissioner Tuley: I'm sorry, what was that again?

Mrs. Hermann: I said I would need a letter since, I have sent this, a letter out to all these people stating that I would be charging these fees, I need another letter from Mr. Kissinger stating, in writing, what he has just stated saying that it is not necessary, okay?

Attorney Kissinger: No.

Mrs. Hermann: No?

Commissioner Tuley: What we have going on now is called 'showdown' and it's a little ridiculous. How many other companies are not represented here tonight that come in there and make those copies?

Mrs. Hermann: Just two, we have a whole list of them, seven, eight, more.

Commissioner Mourdock: I was just going to say this isn't, you used the word 'showdown', Pat, maybe it's the right word, I don't know, shoot out at the OK Corral, whatever, we don't want to have that. I just heard Mr. Kissinger who is serving as our attorney tell us basically that the notes that are transcribed from this meeting are in effect what Mrs. Hermann just asked for, if I understood that correctly. Mrs. Hermann I think acted in good faith when she received the original letter dated the 12th and arguably that can be read a little bit either way, it says to go ahead and do it but then again, we are waiting for an opinion so I can understand where a prudent, reasonable person could basically go ahead and act on their instincts based on that letter. I think Alan, I would ask you to put together a short, brief letter basically in line with what you just said rather eloquently quoting what that statute is and if you like, maybe the letter can simply be something as brief as, 'stated and recorded in the Minutes of the Commissioners Meeting of January 30, 1995', etc. President Borries, Commissioner Tuley, I would ask you to consider that request, I think that's only prudent and reasonable and would clear this thing up.

Attorney Kissinger: I'll do whatever the majority of the Commissioners vote that I should.

Commissioner Tuley: If this puts us off dead center, and ruins this Board, I move at this time you write a brief letter that states those who ask for copies from the Recorder's office be charged for them, those that have their own equipment and make copies, it appears that they are entitled to do the same.

Attorney Kissinger: Is that a motion?

Commissioner Tuley: That's a motion.

Commissioner Mourdock: I'll second that.

President Borries: So ordered.

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President Borries: Now, would you do some research please because I have a feeling that this is not going to go away.

Mrs. Hermann: Absolutely, I have done my research, Mr. Borries and I will do more.

President Borries: I would want to, maybe we can get this information through the Association of Indiana Counties, look at other counties of comparable size, Marion County, Allen County.

Mrs. Hermann: You can check with Marion County, Fort Wayne, they have gone through this very same thing in the last two years.

President Borries: I would like to see what the status is, if these companies are in use, we will examine the titles, I mean these leases or find out in the absence of them, what is needed so that we can make a decision regarding the future then of the other aspect here, we will take that under advisement, but I will need that information.

Mrs. Hermann: Okay.

President Borries: Thank you all for coming this evening. I'm sure we have frankly muddled the issue a bit but we are moving along here on this.

Don Fuchs: I assume we would just be notified when the issue concerning the lease space will come up again before you gentlemen?

President Borries: We will be examining those leases.

Commissioner Mourdock: Excuse me, what is your name, sir?

My name is Don Fuchs and this is my partner, Jim Boyle, we're the owners of Southwestern Indiana Land Title.

Commissioner Mourdock: F-U-C-H-S?

Mr. Fuchs: Yes, sir.

Commissioner Mourdock: And your last name is spelled?

Mr. Boyle: B-O-Y-L-E.

President Borries: Thank you for coming. Lynn Ellis. We're going to proceed, we got stuck a little bit on B there for a while, we're off B now.

President Borries: Are there other persons, do either of you two wish to speak this evening? Well, we enjoy being watched, a lot of people do and so that's, we welcome you this evening. Lynn Ellis, now we're on C, purchasing equipment of computerized polygraph system and approving ads for Burdette Concession equipment.

Lynn Ellis: The Prosecutor's Office has an incentive account as most if not all the elected officials do, some of them, sorry. They have chosen to purchase a polygraph system for the Police Department and that would be used in the processing of felons and other persons I suppose as the need arises. The system that is proposed is from Lafayette Instrument, the total cost is \$13,240

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and attached to your agenda item is a summary of that equipment, the software and the hardware that is proposed to be purchased as well as a summary from the Police Department and Mr. Cappelletti from Data Services who concurs with the recommendation. It's being proposed as a sole source purchase because this system is unlike any others that are currently being manufactured as some software packages and proponent parts that are unlike any others and it would fit into the system that is used in other police departments throughout the State. The reason it is being brought to you is because it's being purchased by the Prosecutor's account.

President Borries: Okay, any questions of Lynn?

Commissioner Tuley: I move her request be approved.

Commissioner Mourdock: I second.

President Borries: So ordered.

President Borries: Next.

Ms. Ellis: Thank you. The next is to proceed with the renovations and modifications that are being made at Burdette and the first item is to purchase equipment for the concession stands. The advertising dates would be February 2 and 9 with bid opening February 20 and hopefully a bid award of February 27.

Commissioner Mourdock: How does this work . . . does Mark or someone at Burdette Park make out the request, send it off to you, how does all that come about?

Ms. Ellis: They submit a list of items that they would choose to purchase and then I put a bid together for that purchase and disseminate that to companies that we are aware of that are located in the Evansville area and/or those vendors that have requested to be placed on our bid list.

Commissioner Mourdock: Okay, the reason I asked the question, was earlier we were talking and at the previous meeting or maybe two meetings ago, we talked briefly about the assets and inventory list and I'm just wondering how we would know if any of this equipment or whatever might be available somewhere within the County asset list and not be utilized, is there any way we check that at this point?

Commissioner Tuley: My guess is it's not.

Ms. Ellis: I would imagine that this would not be available.

Commissioner Mourdock: Okay, I'm just using this as an example, you answered my question.

Ms. Ellis: That would be good to check into, I'm not sure, Cindy is there a way to do that prior to a bid being released, is there a list that I can review?

Commissioner Tuley: There is not an inventory list as such for the County like there is for the City at this time.

Ms. Ellis: I know there is for the City.

Commissioner Tuley: There is for the City but the County hasn't gotten there yet, that's what we talked about.

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Commissioner Mourdock: Right, yeh, I understand.

Commissioner Tuley: And this is a good example of why.

Commissioner Mourdock: Exactly.

Commissioner Tuley: At this time, then, Mr. President, I move that Lynn Ellis' request to advertise for bids for February 2 and 9 with the opening of bids on February 20 and the awarding of the bid on February 27 be approved.

Commissioner Mourdock: I second.

President Borries: So ordered.

Ms. Ellis: Thank you.

President Borries: And while you're at it, while you're here, I would like to authorize, see if we have money in the account for, if you would work with our Superintendent of County Buildings, we really, we talk about this every week, we've got to get some bids and some specs on a better sound system in here. We keep turning off Commissioner Mourdock's sound thing and it buzzes and there may be some other technology available where we can pick up some of the sound a little bit better. Would it be agreeable if Mrs. Mayo would work with Ms. Ellis here to at least look at some specs here, to draw those up.

Commissioner Mourdock: Some idea where it can come from anyway.

Ms. Ellis: We purchased a system for Tallahassee when I was there that has a set of buttons with a green light and a red light and you turn it on when the person begins speaking and at three minutes that red light starts flashing at three minutes.

Attorney Kissinger: Can we get any with a minute and a half?

President Borries: Yeh, I don't know how high-tech we want, just something that kind of, we need some more microphones along here almost in every spot so that, there are just so many items discussed that I'm sure our secretaries have a very difficult time picking up and there are some electrical problems to say the very least with what we have in here right now.

Ms. Ellis: Certainly, I would be glad to work with Ms. Mayo.

President Borries: If we can work to spec out some bids.

Ms. Mayo: Can that come out of CCD funds?

President Borries: Yeh, I think it could, it could come out of CCD, it's a capital improvement. It certainly isn't going to break the capital.

Mrs. Farrell: Doesn't the Building Authority purchase it?

Ms. Mayo: Well, the Building Authority would purchase probably what they did in the Council Chambers which was two little tiny \$25 tape recorders.

Mrs. Farrell: When you transcribe a set of Minutes from the Council chambers, you have very clear voices.

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Ms. Mayo: They have upgraded their system to a certain extent but that was after much but we had to work very diligently with the Building Authority, they really did not want to expend any money and they did not want to, they really didn't care what the sound system was like because they don't use it.

President Borries: Well, that is an interesting point Mrs. Farrell pointed out, the Building Authority, I could certainly contact Mr. Utley but again, any interest of service for a whole variety of reasons here. Frankly, we'd put it this way, at some point as long as we know we had our stamps on it that it was County equipment, we'll pull it out and they can do whatever they want to do because it's a public building and they can certainly put other equipment if we need to do, but this is just not serving our needs at this time so I would just ask that while we're on this subject here to begin to look, if you would work with Ms. Mayo to prepare these specs. And I will call Mr. Utley and tell him that we're not happy campers with the current situation here.

Ms. Ellis: I'm sure the news media would agree.

President Borries: Item D, Barbara Cunningham, this ordinance is to be continued, it will be filed with the Area Plan Commission and brought back before this Board. There will be no action this evening on Item D. Item E has already been covered. Regarding Mike Harding and the EARC bids to the roof, Mr. Harding, it's not actually Mr. Harding, it's Michael Lampert, excuse me, I made a mistake, if we could have a correction, it's Lampert, L-A-M-P-E-R-T, is the name of the gentleman from Evansville ARC who submitted this information. Vanderburgh County built and owns the building known as ARC which is located at 651 or excuse me, 615 West Virginia Avenue. And Commissioner Mourdock may not be aware of all of the situations, but essentially it boils down to the fact that the roof is leaking in this facility and it needs to be fixed. And the ARC group received two bids which they have submitted here at this time. I guess my question to our attorney is, will we have to bid this?

Attorney Kissinger: Yes.

President Borries: That answers that real quickly then. What will we do with these bids then at this time?

Commissioner Tuley: What do we anticipate the cost is going to be?

President Borries: We anticipate that the cost could be \$150,000 or less.

Commissioner Mourdock: And what do we have available through CCD at this point do you know?

President Borries: Approximately a quarter of a million, \$250,000.

Commissioner Tuley: Yeh, when I was telling the Sheriff's Department that we didn't have but \$90,000, I was anticipating this request was coming.

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Attorney Kissinger: I would merely treat these as proposals and be certain to notify these people that a request for bids will be sent out and that they will be included on that mailing list.

President Borries: Then we will need to very quickly advertise this because the Evansville ARC folks are most interested in getting this repair done as quickly as possible and it has been going on for a long time and it has to be done. So these gentlemen, or these two groups, without revealing at this time, could submit bids or could do that, Alan, if they see fit.

Attorney Kissinger: Certainly.

Commissioner Mourdock: One question, Pat, you just said it was a quarter million and you anticipated this one and as I recall the police stuff is around \$90,000?

Commissioner Tuley: We denied the Sheriff's request for \$90,000 because we said we did not want to be broke.

Commissioner Mourdock: Okay, I was just going to say that would take us, if this bid is close, it would take us down to \$10,000.

Commissioner Tuley: Right, and that why, I don't remember if you were on board at that time we talked about that.

Commissioner Mourdock: No, I was not, I remember sitting out there listening to it.

Commissioner Tuley: But that was my thought because I knew we put back \$250,000 for contingencies but I also knew this \$160,000 was staring us in the face.

Commissioner Mourdock: Okay.

President Borries: Okay, then we need to prepare specs and information quickly so that we can, advertising information, so that we can get the bids and get a contract set for repair at that facility. Department head reports, if they're still here with us, Mr. Kissinger, he's had to hang in there with us this evening.

**RE: COUNTY ATTORNEY - ALAN KISSINGER**

Mr. Kissinger: I have, as requested by the County Commissioners, prepared a letter of termination pursuant to Indiana Statute to Mr. Roger Hall. A letter of termination was requested, Indiana law requires to send that letter if it's requested and I have done so, we have complied with the statute. I have also prepared a letter and sent it out clarifying the County Commissioners' position in reference to the Mann Road bridge and Bixler Road bridge. I think all those details have been attended to and I think we can proceed now with the rebidding of the Bixler Road bridge. Other than that, after I finish my memo to the County Recorder's Office, I'll have nothing further to report.

President Borries: Thank you. Cindy Mayo, Superintendent of County Buildings.

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RE: SUPERINTENDENT OF COUNTY BUILDINGS - CINDY MAYO

Ms. Mayo: I just have two very short items. I received a letter from the Sheriff's Department Friday that they have four vehicles that they would like to declare surplus property. Captain Craddock, I spoke to him on the phone today, he said they're in good condition, or reasonably good condition. I believe Mr. Stoll and Mr. Morpew already know about these vehicles and might be interested in them, they are at Muensterman's on West Franklin. My second item, Mrs. Farrell called today and wanted to know if there was any way, and I guess this is a question for you, Alan, if Executive Sessions can be advertised at the beginning of the year same as the regular Board meetings since they're fairly consistent, since you're fairly consistent with Executive Sessions. We do run into a considerable amount of money for the ads that we have to put in monthly for the Executive Sessions and if there was any way that we could say that there will be an Executive Session before every Commissioners meeting at 4:00 except for the second Tuesday.

Attorney Kissinger: I think it can be done but if we do it, and then if we cancel an Executive Session, we will have to advertise that.

Ms. Mayo: We can't just post a note on the door, we have to actually place an ad to cancel it?

Attorney Kissinger: Yes, unless we cancel it because of an emergency, yes.

Commissioner Mourdock: Given the nature and the business of Executive Sessions, is that a practical reality, knowing a week to two weeks in advance, having been on all but four meetings now, it seems like most of the issues of the Executive Sessions come up in the final couple days before then.

Attorney Kissinger: They do but I'm not sure if I understand your question but basically I think history makes us acknowledge the necessity for Executive Sessions but we are allowed to advertise in a very general fashion as to what the topic of the Executive Session is going to be. And we can predict basically for a year's time because of the regularity of our other meetings. We know when our Executive Sessions basically are going to be and if there is a necessity for an Executive Session to be called that isn't scheduled, of course we can do that by notice. So the short answer to the question is yes.

President Borries: So would you be willing to do so then at this time?

Commissioner Mourdock: So moved.

Commissioner Tuley: Seconded.

President Borries: So ordered.

Ms. Mayo: That's all I have.

President Borries: Thank you. Bill Morpew, County Highway.

RE: COUNTY HIGHWAY - BILL MORPHEW

Mr. Morpew: Good evening.

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President Borries: Good evening. For the record we'll show that a Progress Report was submitted through the Vanderburgh County Highway Department showing work from January 20 through January 26, 1995 and work was done in all sections of the County and this will be made part of the record. Any questions of Bill?

Commissioner Mourdock: Do you get a rebate on salt?

Mr. Morpew: I hope we don't have to use any of it. I would like to see 80 degrees and sunshine myself. I do have a question for the Commissioners. I looked at a tree at 521 East Gum that does need to come down. We had weeds at 1676 South Elliott that Ms. Mayo gave me the location, it is County property. I sent a couple of guys over to cut the weeds. Do the Commissioners want the Highway Department to cut or oversee the cutting of the weeds on the County owned lots in the inner-city this year? The reason I'm asking this, the average pay out there for a truck driver and a laborer is \$11 an hour and if we figure the costs of the truck and equipment, we're going to put about \$40 an hour out there to cut a lot. What I would consider doing, or what I think we could do, something we did this past summer, is just put a truck driver in a pick-up truck, have two people from Community Service which we're not paying to go cut these lots, we'll be saving quite a bit of money.

Commissioner Tuley: I agree with you in theory, we've got to have a backup. That's where we apparently got in trouble last year. They did a lot of them then we also got a lot of five day notices that apparently either we didn't have the people available from the Community Corrections or that's where we got those big bills from, I mean, unless there was just a break down in communication, I'm not exactly sure at this time what the calls were when the end result was a big bill from the City to the tune of \$3,100 and that was after they took off another \$3,900 in administrative fees.

Commissioner Mourdock: Who was in charge of that just office-wise? If we were to go this route, is there someone who day to day would make sure that that situation didn't happen because again sitting in the meetings last year, that one seemed to sneak up.

Commissioner Tuley: I've instructed Cindy Mayo that in the event that, she was to get with Roger Lehman and notify him she was the contact person then it was her responsibility either through Community Corrections or through Bill's crews to make sure that that five days didn't expire before we got hit with the City paying someone else to do it then billing us for it. So yeh, Cindy is the contact person, she's always talked to Roger about it. I've talked to Bob Hart out at the County, or the Community Corrections Program as well, and he gave me a list I've got somewhere on my desk of all the ones they did do last year apparently but I just don't know if it was a breakdown in communication as to how we got so many that they ended up cutting for us or exactly what happened.

Mr. Morpew: I'm not going to point fingers to say who was at fault.

Commissioner Mourdock: And I wasn't looking to do that either, Bill, I just wondered what the organization was.

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Mr. Morphey: The conversation between myself and the then Superintendent of County Buildings, Mark Abell, was basically the same thing I told you, it was going to cost us x amount of dollars to send a crew over to cut a lot and that's one lot. If we have five lots, you're getting a little more accomplished but for the basic figure, you're going to start out at that dollar figure. What Mark and I were talking about was the City had a contractor that was going to cut these lots at a reduced rate, I think it was \$11 a lot, I think, somewhere in there. So we thought this would be cheaper for that contractor to go cut these lots then it would be for us to cut them. Evidently it didn't work out that way but that would have been a great idea. But someone let it get away, I'm not saying it was Mark or Roger Lehman or the SAFE House people, I have no idea, but it's just something that we can get a handle on if Cindy would give us an updated list of the properties that the County owns and is responsible for, the weed ordinance is 12 inches, surely we could ride these properties and look, if they need to be cut, we'd cut them.

President Borries: How many, Cindy, do we have any estimate how many properties we're talking about now, would you know?

Ms. Mayo: No, I'm sorry, I don't have a count on it.

Commissioner Tuley: We just took deeds to what, 75, just recently?

Ms. Mayo: In December of 1994.

President Borries: I know what the answer's going to be, I mean I guess I'm asking this question out loud, so we, meaning the County, is responsible for maintenance on all these lots that we've inherited at one point or another.

Ms. Mayo: And I did get three letters which I did not bring before you tonight, I thought this looked rather lengthy, but I have three letters that I did receive today from the Building Commission's office on three different properties that they're concerned about. And the old list that we have from December of 1993, we probably should get through the non-profit agencies on that as quickly as we can so that we can get rid of these properties. It's creating a tremendous liability for the County. There are some of these homes that are in, one they're starting condemnation proceedings on and there's some problems.

President Borries: Okay.

Commissioner Tuley: The problem is, we only have five days, when you get that notice from Roger Lehman's office, you have five days to have that lot cleared or they will send someone out there to cut for you. If you send a memo or a phone call out to the Corrections, then you've got to hope that within a day or 24 hours, that he calls you back and says we've got you covered or we don't. And depending on that response, then you've got to have someone else that you can readily call on to get it done as opposed to maybe you want to enter some other kind of contract.

President Borries: Did the Council zero out your part-time help?

Mr. Morphey: Yes, sir, they did.

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President Borries: I mean that was another alternative I thought if we hired some high school or college students through the summer, I could see where we could do this pretty quickly, that was my question about this whole aspect of the Community Corrections, if we can get them to commit everyday that they're going to go there and do this. That's one thing and I think we'd have to get that in writing to get someone, Mr. Hart, or get someone a notice that they're going to provide x number of persons here to get this done everyday. If not, then it's going to fall apart.

Commissioner Tuley: Their problem you know, we can ask Mr. Hart to come back, but I think what his explanation is going to be, any day that we have those bodies available we have no problem making them available to you by virtue of their own self-sustaining out there in the summer, they're cutting grass for cemeteries and for the State and for all these people that they have entered into contracts with that they now have a binding obligation to do and if they don't have enough people besides them, I'm not trying to be a devil's advocate on this, I'm just trying to say, we just need to make somehow, I know it's expensive to send your crews, but I just was trying or hoping to use you as a backup if all else failed.

Mr. Morphew: That's what I was looking at, I wasn't looking at volunteering us for any more work. We do have quite a bit to do. The Council action didn't, I had asked for \$10,000 in extra help and they cut it to \$1,500. The State is not helping us out any at all either in cuts which we need to discuss later.

President Borries: Well, let's send a letter off to Community Corrections asking for their help. Cindy, if we can get some kind of a system or a list of what these properties are and get that list to Community Corrections as well as to Mr. Morphew, hopefully we can avoid some of these charges this year, that would be our best bet. And in the short term, maybe, we ought to consider going to the Council to see if there's some way we could get some part-time help here. Maybe not, if you're saying your budget has been cut enough that there's just no wiggle in there why then we're just out of luck.

Mr. Morphew: I have to look at something very strong in cutting our budget.

President Borries: Okay.

Commissioner Tuley: Bill, we've gone this way, that way, and everything else since you got up, and that tree on Gum Street.

Mr. Morphew: Okay, the tree at Gum, we've requested bids from area companies to remove the tree. No, we don't have a boom truck, if I did, it's one we could take down. We called Gary Gerbig and Charlie Hollerbach and we do have an estimate in from Gerbig but I don't have one yet from Hollerbach. They'll be close, I mean they'll be, to each other.

Mr. Morphew: Okay, sir, the only thing I have left is I'll be going to Council this Wednesday on the salt storage, we'll see what happens then.

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President Borries: Looks like we may have to store quite a bit of it this year.

Commissioner Mourdock: You don't have salt futures?

Mr. Morpew: Thank you.

President Borries: Thank you. And now that UE graduate that's dying to get out of here, John Stoll, County Engineer.

**RE: COUNTY ENGINEER - JOHN STOLL**

Mr. Stoll: First I've got a travel request for Tom Goodman and David Franklin to go to Jasper to attend an INDOT Certified Tech Program. This goes from last Thursday through February 17, it meets three to five days a week. It provides them with INDOT's procedures on inspection of asphalt. I went ahead and sent Dave and Tom to the meeting last Thursday and Friday. I tried to contact all three of you and Commissioners Borries and Mourdock were out of town. I talked to Commissioner Tuley and he said it was okay to go ahead and proceed and have them go to the seminar so this is retroactive to last Thursday. I recommend the travel request be approved.

President Borries: May I have a motion?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Mr. Stoll: Next, I would like to make a request to go on Council call to appropriate \$34,211 into the Eickoff/ Koressel Road account. I just received a supplemental agreement with Bernardin Lochmueller for the conversion of those plans to the metric system and that's the dollar figure it's going to cost us since it will be let after the October, 1996 deadline.

Commissioner Mourdock: Say that again, metric?

Mr. Stoll: We've got to convert all road plans to metric.

Commissioner Mourdock: And they're saying on the one contract, I'm sorry, John, repeat that again.

Mr. Stoll: This is for the conversion of the entire set of plans for the section of Eickhoff/Koressel Road between State Road 62 and State Road 66 from the current English system to the metric system.

Commissioner Mourdock: What's the total value of the contract?

Mr. Stoll: Right at \$900,000. If I remember right, I believe it's right around that. That's what I say too, we're stuck doing that on all these. If we don't get the things converted, we can't get them on federal aid.

Commissioner Mourdock: I understand. I'm just stunned.

Mr. Stoll: I wish I knew where the money could come from.

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Commissioner Mourdock: You're looking at basically 5% of the total project, a little less than that. Five percent increase in a project just because we're going from feet to meters.

Mr. Stoll: Right.

Commissioner Mourdock: I don't suppose if we donated a meter sticker, no, probably not.

Attorney Kissinger: It's another one of those unfunded federal mandates.

Mr. Stoll: We're going to be looking at that for Lynch Road, Phase II, for Eickhoff/Koressel, Phase II, for Green River, Section C, for potentially the Fulton Avenue bridge, and I hope that's all of them but that's what will be coming down the road here for us.

Commissioner Mourdock: Have those bids not been let I presume, they have not been let?

Mr. Stoll: No.

Commissioner Mourdock: So we won't be seeing an increase, whatever the increase is, they're going to put it in the bid before we see it.

Mr. Stoll: I'll have to come back, I'll have to put together a supplemental agreement and I'll have to go before Council to get the money before we can even enter into the agreement, so that's I believe all the projects that still have to be converted.

Commissioner Mourdock: Have you seen that documentation, and you said this was Lochmueller, Bernardin?

Mr. Stoll: Yes.

Commissioner Mourdock: Have you seen the documentation as far as item by item why it costs \$34,000?

Mr. Stoll: Right, they have a fee justification, I can give you a copy of that if you'd like.

Commissioner Mourdock: Was it originally \$34,000 or did we negotiate it at all?

Mr. Stoll: It's all based on hourly rates on the amount of draftsman and engineer's time that they figure it's going to take to make all the conversion so it's labor intensive.

Commissioner Mourdock: I see, it's not so much field work as it is drafting.

Mr. Stoll: Right. As soon as someone figures out an auto-cab program that goes in and does it all automatically, they're going to be rich.

Commissioner Mourdock: I think they just bought one for \$34,211.

President Borries: Motion?

Commissioner Tuley: So moved.

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Commissioner Mourdock: With regret, second.  
President Borries: So ordered.

Commissioner Tuley: I didn't that with a smile, Don, I mean Richard.

Mr. Stoll: Next I have a notice to bidders for the replacement of the Bixler Road bridge. The bids will be opened again on February 21 based on rebidding the project.

Commissioner Mourdock: So moved.  
Commissioner Tuley: Second.  
President Borries: So ordered.

Mr. Stoll: Next I've got our annual covered bridge certification and it says we still have zero covered bridges. It has to be submitted to the State.

President Borries: That will be a quick one. May I have a motion to sign this one?

Commissioner Tuley: So moved.  
Commissioner Mourdock: I'm not even going to discuss it, I second that one and move on.  
President Borries: So ordered.

Mr. Stoll: Next I have a Lynch Road change order. This results in an increase of \$2,925. The erosion control measures that were originally called for in the Lynch Road plans did not properly address all the erosion control that was needed out there. Darrell Rice went out to the site and he coordinated with Blankenberger Bros. and Bernardin Lochmueller what all additional erosion control measures needed to be taken. That was an additional \$3,125 and also on this change order, it is a \$200 deduction for the bridge bearing pads that were originally approved on a change order a couple of weeks ago but the State required a different way of writing the change order so the previous bridge change is void and this replaces it so that's how we come up with the \$2,925 total.

President Borries: Motion?

Commissioner Tuley: So moved.  
Commissioner Mourdock: Second.  
President Borries: So ordered.

Mr. Stoll: Final item is a change order on the Volkman Road bridge. This item was overlooked previously. We had four additional buried ends on the guard rails put on the box culvert that was just south of the bridge. When the contractor was billing us for the retainage, we realized that the change order had never been processed so that's why it's so late in getting here. It results in an increase of \$2,046.92.

President Borries: Motion?

Commissioner Tuley: So moved.  
Commissioner Mourdock: Second.  
President Borries: So ordered.

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

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President Borries: Questions?

Commissioner Mourdock: John, I have this on my desk today, have you seen anything from INDOT Pre-construction Conference on the above-referenced contract which is State Route 66, Division Street in Evansville, bridge repair, meeting?

Mr. Stoll: Yeh, Wednesday morning, is that the one?

Commissioner Mourdock: I just wanted to make sure you are aware of it because they have a short fuse.

Mr. Stoll: Given the project number, I think that's 41 over Lloyd but I'm not positive about that. I don't think, the project number starts with 41 so I don't think it's the bridge over Pigeon Creek, I haven't been able to verify that with INDOT as of yet.

President Borries: We have some concerns again about as I hear sometimes reported particularly on morning radio, but construction is beginning on Fulton Avenue, do you have those updates that we need on this Fulton bridge? This is a real concern that we're going to get to a point where, would you work on it again?

Mr. Stoll: I've been in contact with the consultant. They haven't provided any written progress reports. What I have been told is they've been in contact with another bridge engineer who is sort of subbing the work out and he says that he would expect that the bridge plans could be complete in about four months. He couldn't give me a definite time frame, he said he had other projects going and we reiterated the fact, Rose has been in touch with them as well, we've both reiterated the fact that INDOT won't even basically listen to our request for funding until we have a complete set of approved bridge plans so until we get the bridge plans complete, there's really no time table we can give on the construction.

President Borries: Well, we've got to do better than that. May I have at least approval or some discussion here that we authorize another letter and set a time, when do we need it?

Mr. Stoll: If we want to meet the metric deadline, it has to be let before October of 1996. I think the City's time frame for the road project was to have it started right after the completion of the storm sewer project which should be around this time next year.

President Borries: This time next year?

Mr. Stoll: Yes.

President Borries: So we could beat the metric deadline there?

Mr. Stoll: Right.

President Borries: Well, when are we going to need those plans because INDOT hasn't seen the plans yet, have they?

Mr. Stoll: Right, they have not been approved.

President Borries: And what's the time line we would need there?

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Mr. Stoll: That's hard to say because if the plans are done really well, then they won't have to spend a lot of time passing them back and forth between INDOT and the consultant so.

President Borries: Well, let's just spend more, can we ask for, we're talking four months, June of this year? We need them. This thing is just too important here.

Mr. Stoll: The earlier in the year that the bridge funds, the federal bridge funds are requested, the better chance we'd get of getting those funds so the federal fiscal year.

President Borries: By June 1?

Mr. Stoll: The federal fiscal year begins in October then, that would I would assume just help our chances of getting the federal bridge money because all of our federal road money is going to go to Lynch Road so it's going to have to be the bridge money.

Commissioner Mourdock: Going backwards for a second, something that, in the discussion of the timing, something brought to my mind. When we were talking about the switch over to the metric and all, the \$34,000 and that would be bid into the other projects forthcoming, any kind of increases, ought we include in our bid specs, in the event that the metric stuff comes out of Washington either delays or canceled, that we have a cost item for metric conversion specifically in those bids. As I was saying, if we get that as a separate bid item in those future bids, because I think there's a possibility that some of those types of mandates may be stricken out and if so we need to know what the cost could be.

Mr. Stoll: I've seen a lot of the roads magazines that say that they're trying to push that deadline beyond October 1996 that they're currently going by so.

Commissioner Mourdock: Is there any chance even with the thing we just voted on that the contractor be stricken down in the mean time. I realize you don't know what's going to happen in D.C., none of us do.

Mr. Stoll: Given the time frame that Eickhoff/Koressel would probably start under construction, I'd say they will probably have implemented, the metric requirement will be implemented before we would get that bid for construction.

President Borries: We're not funded to get the construction.

Mr. Stoll: We'd be looking, since Lynch Road has been the priority project, continuing with that would probably push us into early next century as far as finishing that job out so it will be a while before we get totally.

President Borries: If it's infinite wisdom, the State of Indiana deciding to do this, I've thrown that idea out to a lot of our legislatures. If, if, they would just be willing to consider that, that would speed it up a lot, but as a County project, Lynch Road is going to zap a lot of what we're going to need in the short run here. In fact, everything isn't it?

Mr. Stoll: Basically, right.

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President Borries: Could I have approval then for John to go ahead, or authorization to write this letter regarding this Fulton Avenue bridge?

Commissioner Mourdock: So moved.  
Commissioner Tuley: Second.

President Borries: Is June 1 an adequate deadline or July 1?

Mr. Stoll: I'm not sure what kind of agreement they have set up with our consultant and his subcontractor basically so the subcontractor basically gave me ball park figures of four months, I mean if you want four months, we can tell them four months.

President Borries: That's what I want. We need to get that thing up to INDOT and we want to be prepared at the time that the City gets this storm sewer thing done that we're ready to go on this bridge.

Mr. Stoll: Sounds good to me.

President Borries: Okay. Thank you, John.

**RE: CONSENT ITEMS**

President Borries: We have consent items for the Commissioner's review at this time. May I have a motion to approve the consent items?

Commissioner Tuley: So moved.  
Commissioner Mourdock: Second.  
President Borries: So ordered.

**RE: OLD BUSINESS**

President Borries: Is there old business this evening?

There was no old business at this meeting.

**RE: NEW BUSINESS**

President Borries: Is there any new business this evening? For the record there, in terms of what Commissioner Tuley just pointed out, we are not going to act on or approve here at this point for another week on one employment change, specifically in the County Assessor's office, is that correct?

Commissioner Tuley: Yes.

President Borries: Is there any new business at this time?

Commissioner Tuley: I don't have any new business.

**RE: ADJOURNMENT**

President Borries: If there's no other business before this meeting, this Board this evening, we're adjourned.

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THOSE IN ATTENDANCE:

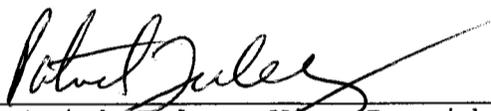
Richard Borries  
Richard E. Mourdock  
Alan Kissinger  
Cindy Mayo  
Bill Morpew  
Jack Schroeder  
Lynn Ellis  
Jim McKinney  
Betty Hermann

Patrick Tuley  
Suzanne Crouch  
B.J. Farrell  
John Stoll  
Rose Zigenfus  
Don Fuchs  
Jayne Berry-Bland  
David Savage  
Dennis Feldhaus

VANDERBURGH COUNTY BOARD OF  
COMMISSIONERS

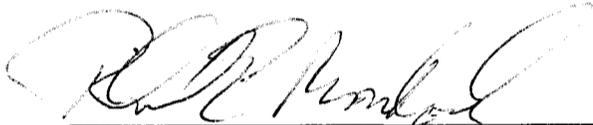
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Richard J. Borries, President



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Patrick Tuley, Vice President



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Richard E. Mourdock, Member

COVERED BRIDGE CERTIFICATION

VANDERBURGH COUNTY

Number of covered bridges per IC 8-14-1-10. 0

We, the undersigned commissioners of the said county, hereby certify that the foregoing is the true number of covered bridges in said county per IC 8-14-1-10.

Dated this 30th day of January, 19 95.

Richard J. Bonies  
Steve Juley  
[Signature]

County Commissioners

Suzanne M. Croucher  
County Auditor

Due by June 15.

Mail to:

Settlement Deputy  
240 State House  
Indianapolis, IN 46202

Note: We have an administrative advisory letter to clarify IC 8-14-1-10, (...the number of covered bridges located on the county's road system; ...). It says "Since a county road system includes the road's right-of-way, any covered bridge in Indiana located on county road right-of-way is eligible for the [redacted] appropriation, even if not currently in use by traffic."



## INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue

Room N755

Indianapolis, Indiana 46204-2249

(317) 232-5533

FAX: (317) 232-0238

EVAN BAYH, Governor

FREDERICK C. POOL, Commissioner

Writer's Direct Line:

(317) 232-8044

February 14, 1995

Mr. Richard J. Borries, President  
Vanderburgh County Commissioners  
305 Civic Center Complex  
Evansville, Indiana 47708

Re: Traffic Signal Installation  
SR 66 (Lloyd Expressway) and Crosspointe/Eaglecrest Blvd.  
City of Evansville  
Vanderburgh County, Indiana

Dear Mr. Borries:

Enclosed please find one (1) original of the fully executed agreement for the installation of a traffic signal system at the above referenced location. The second original will be retained by the Indiana Department of Transportation for permanent records.

Upon award of the construction bid, please notify Mr. Daniel Ritterskamp at our Vincennes District Office of the contractor you have chosen. Dan can be reached at (812)882-2752. The District must be notified again, five (5) working days prior to beginning construction activities. Also, a copy of your billing authorization to the local utility company must be provided to the district prior to activating the signal.

If you have any questions, or if I can be of further assistance, please contact me at 317-232-5101.

Very truly yours,

Harriet Briggs, Administrative Specialist  
Division of Operations Support

Enclosure.

cc: District Traffic Engineer  
Central Office Highway Engineer  
Stop Light Associates, Inc. w/1 original agreement

A G R E E M E N T

## INSTALLATION OF A

## FULLY ACTUATED TRAFFIC SIGNAL SYSTEM

AT THE INTERSECTION OF SR 66 (LLOYD EXPRESSWAY) AND

CROSSPOINTE/EAGLECREST BLVD.

IN AND NEAR THE CITY OF EVANSVILLE

VANDERBURGH COUNTY, INDIANA

THIS AGREEMENT made and entered into by and between the STATE OF INDIANA through the INDIANA DEPARTMENT OF TRANSPORTATION, hereinafter referred to as "INDOT", VANDERBURGH COUNTY, hereinafter referred to as the "COUNTY", and STOP LIGHT ASSOCIATES, INC., hereinafter referred to as the "DEVELOPER", through their duly authorized and undersigned officials,

W I T N E S S E T H

WHEREAS: In the interest of public safety and convenience The "DEVELOPER" wishes to install a fully-actuated traffic signal system on SR 66 (Lloyd Expressway) and Crosspointe/Eaglecrest Boulevard in and near the City of Evansville, Vanderburgh County, Indiana, and

WHEREAS: Such regulation of traffic by means of a fully actuated traffic signal system at this location will be of special benefit to the "DEVELOPER", and

WHEREAS: "INDOT" deems the regulation of traffic by means of a fully actuated traffic signal system to be beneficial to traffic at said location to the extent of permitting such improvements to be made on the State Highway.

IT IS THEREFORE AGREED BY AND BETWEEN "INDOT", the "COUNTY" and the "DEVELOPER" that such traffic control devices shall be installed under terms and conditions as follows:

1. The "DEVELOPER" shall retain an "INDOT" approved Consulting Engineer to prepare plans and specifications of said signal installation. The contract between the "DEVELOPER" and its Consulting Engineer shall provide that "INDOT" is a third-party beneficiary of such contract so that "INDOT" may, if necessary, bring a lawsuit against the Consulting Engineer for negligent design of the traffic signal and appurtenances;

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RECEIVED FOR RECORD Mar 31 95 at 2:36 PM  
 CTRL # 0132 BETTY J. HERMANN RECORDER  
 VANDERBURGH CO.

the draft contract shall be submitted to "INDOT" for (1) review and (2) written approvals before it is executed. The plans and specifications shall be approved by the Division of Operations Support prior to Award of the Construction Bid by the "DEVELOPER". The original plans, (linens, washoff, mylar, etc.) and specifications shall become the property of "INDOT" upon award of the bid. The original plans shall be delivered to the Division of Operations Support, Rm. N925 Indiana Government Center North, Indianapolis, Indiana. The "DEVELOPER" shall also have a set of prints of the original plans and specifications delivered to the Vincennes District Office. If there is an approved field revision to the approved plans, the "DEVELOPER" shall supply a copy of such revisions to the Division of Operations Support and the Vincennes District.

2. The "DEVELOPER" shall have its Consulting Engineer coordinate the design of the signal, with the City of Evansville, to insure that it will be fully compatible with the existing computerized traffic control system.
3. The "COUNTY" shall pay for the electrical energy required to operate the signal system. Arrangements shall be made with the utility company to bill the "COUNTY" directly for the energy provided. The "COUNTY" shall provide "INDOT" with written documentation of said billing authorization at the same time the original plans are delivered to the Division of Operations Support.
4. The "DEVELOPER" shall pay for all signal materials, equipment and labor required to install the signal, including pavement markings. All signal materials and equipment shall be of the type, models and make currently used and maintained by the "INDOT" on State Routes and shall be acceptable to "INDOT".

Additionally:

- a. Furnish and install an 8-phase menu driven controller, in a "P-1" cabinet and fully wired to operate as an 8-phase fully actuated traffic signal system.
5. The "DEVELOPER", at their own expense, in consideration of the benefits

to traffic at said location, shall have a Signal Contractor pre-qualified with "INDOT" erect and install the traffic signal facilities according to the approved Plans and Specifications and any subsequent revisions as approved by "INDOT" and in accord with the 1993 Standard Specifications and any subsequent revisions, as well as all rules and regulations of "INDOT", including the 1988 Indiana Manual on Uniform Traffic Control Devices, and all State and Federal Laws pertaining to the use of labor. The contract between the "DEVELOPER" and its Signal Contractor shall provide that "INDOT" is a third-party beneficiary of such contract so that "INDOT" may, if necessary, bring a lawsuit against the Signal Contractor for negligent construction (including latent defects) of the traffic signal and appurtenances; the draft contract shall be submitted to "INDOT" for (1) review and (2) written approvals before it is executed. Said work shall be performed in a manner and quality meeting the satisfaction and approval of "INDOT" with regard to proper highway engineering and planning.

6. The "DEVELOPER", within fifteen (15) calendar days after receipt of an acceptable bid, shall have their signal contractor order all traffic control equipment and necessary materials and copies of these orders shall be given to "INDOT" in care of the Division of Operations Support, for their records. The signal contractor shall complete all work on this installation within twenty (20) working days after receipt of the equipment and materials.
7. Construction activities on highway right-of-way authorized by the Agreement must begin within one (1) year of the date the Agreement is signed by the "INDOT", otherwise the Agreement is void and a new Agreement will be required.
8. The Contractor shall notify the Vincennes District Traffic Engineer of "INDOT" at least five (5) working days prior to commencing work on the installation, and again three (3) working days prior to activating the signal. The contractor shall not activate the signal on a Friday,

Saturday, Sunday or before a Holiday.

9. "INDOT" may inspect the work of the traffic signal system and its appurtenances and shall perform an "inspection" of the system before it is turned on.
10. All pavement marking changes (i.e. stop lines and lane lines) associated with the "SIGNAL" shall be completed prior to activating of the signal indications installed under this Agreement. Thermoplastic markings shall be used for the stop lines and turn lane markings.
11. After satisfactory completion of the work as determined by a final inspection, "INDOT" will accept the signal installation. The signal and accessories thereto shall become the property of and shall be controlled and maintained, except as stipulated in items 3 and 12 of this Agreement, by "INDOT", in accordance with the rules and regulations of "INDOT" and the laws of the State now in force or hereinafter enacted. The signal may be removed and the equipment retained by "INDOT" after thirty (30) days written notice by "INDOT" to the "DEVELOPER", if after conducting an engineering study, "INDOT" determines the signal is no longer warranted.
12. Any future alterations requested by the "DEVELOPER" and approved by "INDOT" shall be at the expense of the "DEVELOPER". All alteration work is to be performed by a Signal Contractor pre-qualified with "INDOT".
13. The State, through said "INDOT" hereby grants the "DEVELOPER" permission to enter upon State right-of-way for the performance of such work.
14. The "DEVELOPER" shall hereby grant right of entry at all times to "INDOT" to enter upon their property for the purpose of control, repair, adjustment, replacement, alteration, or modernation of the traffic signal facilities and their appurtenances.
15. The "DEVELOPER" will provide and maintain adequate pavement at their approaches to the signal to support proper operation of the traffic signal detection.
16. Pursuant to IC 22-9-1-10, the "DEVELOPER" shall not discriminate against

any employee or applicant for employment, with respect to hire, tenure, terms, conditions or privileges of 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.

17. Insofar as authorized by law, this AGREEMENT shall be binding upon the parties hereto, their successors, or assignees. Prior to transfer of ownership or control of the properties served by the signal installed under terms of this Agreement, the "DEVELOPER" will inform the proposed new owner or control of the property, of the existence and terms of this Agreement and will secure written acceptance of same from the proposed new owner or control. Upon consummation of the transfer of ownership or control, the "DEVELOPER" will provide a copy of the written acceptance and the new owner or control's name and mailing address to "INDOT". Failure of the "DEVELOPER" to obtain and provide to "INDOT" written acceptance will result in continuation of the "DEVELOPER" responsibility for the provisions of this Agreement.
18. Wherever in this contract any obligation or responsibility is assumed by the "DEVELOPER", same shall be deemed an obligation of said "DEVELOPER".
19. The Non-Collusion Affidavit attached, shall be executed as part of this Agreement.
20. Wherever in or under this contract notice must or may be given by "INDOT" to the "DEVELOPER", such notice shall be deemed given when addressed to the "DEVELOPER" and deposited postage paid in the U.S. Mail system of collection.

THIS AGREEMENT supersedes and revokes any previous Agreement between said parties hereto pertaining to traffic control at these locations. Such above terms and conditions as they apply to "INDOT" shall remain in effect only so long as the location mentioned herein is a part of the State Highway System.

IN WITNESS WHEREOF, the State of Indiana, through said "INDOT", "VANDERBURGH COUNTY", and the "DEVELOPER", through their undersigned officials, have hereunto affixed their signatures.

INDIANA DEPARTMENT OF TRANSPORTATION

By: Donald W. Lucas  
Donald W. Lucas  
Chief Highway Engineer

Date: 2/2/95

Approved as to Legality  
and Form:

P. Br- Nick, Deputy  
Pamela Carter  
Indiana Attorney General 2/13/95

STOP LIGHT ASSOCIATES, INC.

James R. McKinney  
James R. McKinney  
President

Date: January 27, 1995

ATTEST:

John M. Duhn  
John M. Duhn, Secretary

VANDERBURGH COUNTY

Richard J. Borries  
Richard J. Borries, Pres.  
Vanderburgh County Commissioners

Date: January 30, 1995

ATTEST:

Suzanne M. Crouch  
Suzanne M. Crouch  
Auditor

ACKNOWLEDGMENT

State of Indiana County of Vanderburgh ss:

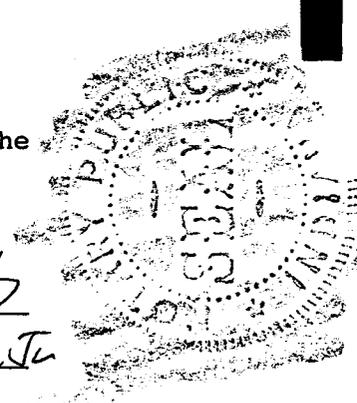
Before me, the undersigned Notary Public in and for said County personally appeared James R. McKinney, Pres  
(name of signers, their official capacity and firm name)  
and John M. Dunn, Sec of Stop Light Associates, Inc

and each acknowledged the execution of the foregoing contract on this 27th day of January, 1995 and each acknowledged and stated that he is the party authorized by said firm to execute the foregoing contract.

Witness my hand and seal the said last named date.

Oct. 12, 1996  
My Commission Expires  
Vanderburgh  
County of Residence

George C. Barnett, Jr  
Notary Public  
George C. Barnett, Jr  
Print or type Name



ACKNOWLEDGMENT

State of INDIANA County of VANDERBURGH ss:

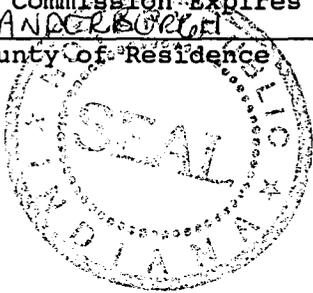
Before me, the undersigned Notary Public in and for said County personally appeared RICHARD J. BORRIES  
(name of signers, their official capacity and firm name)  
PRESIDENT, VANDERBURGH COUNTY COMMISSION

and each acknowledged the execution of the foregoing contract on this 30th day of JANUARY, 1995, and each acknowledged and stated that he is the party authorized by said firm to execute the foregoing contract.

Witness my hand and seal the said last named date.

7-16-95  
My Commission Expires  
VANDERBURGH  
County of Residence

Karen Lynn Yokel  
Notary Public  
KAREN LYNN YOKEL  
Print or 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 Donald W. Lucas, Chief Highway  
(name of signers, their official

Engineer  
capacity and firm name)

and each acknowledged the execution of the foregoing contract on this 2 day of Feb., 1995, and each acknowledged and stated that he is the party authorized by said firm to execute the foregoing contract.

Witness my hand and seal the said last named date.

8-18-97  
My Commission Expires  
Morgan  
County of Residence

Kim E. Payton  
Notary Public  
Kim E. Payton  
Print or type Name

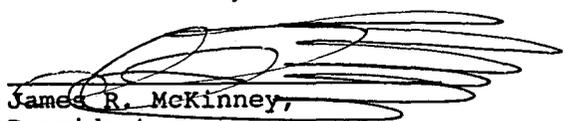


NON-COLLUSION AFFIDAVIT

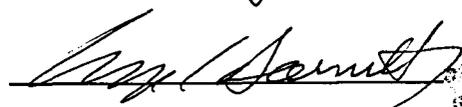
State of Indiana County of Vanderburgh SS:

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

Stop Light Associates, Inc.

  
James R. McKinney,  
President

Before me, a Notary Public in and for said County and State, personally appeared James R. McKinney who swore to and acknowledged the truth of the statements in the foregoing affidavit on this 27<sup>th</sup> day of January, 1995.

  
Notary Public

George C. Bennett

My Commission expires: 10/12/96 County of Residence: Vanderburgh