

MINUTES  
COUNTY COMMISSIONERS MEETING  
MARCH 6, 1989

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MINUTES  
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MARCH 6, 1989

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, March 6, 1989, in the Commissioners Hearing Room, with President Robert Willner presiding.

The meeting was opened by Deputy Ken Mitz of the Sheriff's Department, who declared the Commission in session pursuant to adjournment.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the minutes of February 27th were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: AWARDING OF CONTRACT FOR ELEVATOR AT VANDERBURGH AUDITORIUM

President Willner said he has had information that one company was refused access to the specifications and could not bid on this contract. He is not sure they want to bid -- but he is sure that the Board needs to do something to rectify the problem. Perhaps we could get them to sign an affidavit to the effect that they do not want to bid if they do not want to bid. He asked Attorney Curt John for his guidance as to what action the Board should take.

Commissioner Borries asked if the potential bidder called Mr. Willner?

Mr. Willner said he did not. The bidder called the Auditorium regarding the problem -- and he is just acknowledging it.

Mr. Borries asked who would have told the firm they could not bid?

Mr. Willner said he is not sure.

Mr. Wally Clements of W.S.C. Associates, Consulting Engineer on the project, approached the podium, identified himself, and said he would like to address the matter. Abel Elevator requested to bid on the project. We had three (3) listed companies (Otis, Westinghouse, and Dover). He asked Abel Elevator to submit information and they submitted information on their equipment. He talked to the female sales representative and she could not tell him where the equipment was made other than she thought there was a possibility it was made in Sonora, Mexico. From all the information he has received regarding Abel Elevator, they assemble a large amount of components to make an elevator. They are not made per se by Abel Elevator. He did not feel that they were equal to the other three companies listed to bid on the project; that is the reason he told them they were not acceptable to bid on the project.

Commissioner Borries asked if there is something within the specifications that would disqualify them?

Mr. Clements said there is. They are supposed to manufacture their equipment that they install. They do not; they purchase and assemble.

Mr. Borries asked, "And that was part of our bid specs?"

Mr. Clements said, "That was part of the specifications. Also, they did bid the thing to the contractors and I believe their price was third, based on my conversation with the one low contractor to whom I talked."

Mr. Borries asked, "You are saying then that, in your opinion as a Consulting Engineer, that they did not meet the specs?"

Mr. Clements said that is correct.

Ms. Susan Jeffries of the Purchasing Department said Abel Elevator also contacted the Purchasing Department and were advised they couldn't be excluded -- they could bid as an alternate, even though they didn't meet the requirements. And Abel Elevator told her they were provided specifications and they were planning to bid. So it is her understanding that they did bid to the contractors.

Attorney John asked Ms. Jeffries if she said Abel Elevator did receive a copy of the specifications.

Ms. Jeffries said they told her they did.

Mr. Clements interjected, "Oh yes, we did furnish the specs to their representative who came into our office."

Attorney John asked Commissioner Willner how it came to his attention that they were refused the right to bid.

Commissioner Willner said that if his information is correct, Abel Elevator called the Auditorium.

Attorney John suggested the Board do one of two things:

- 1) Get the Affidavit from Abel Elevator stating they did receive the specifications and did submit alternate bids, or statement they do not desire to bid.
- 2) In the event Abel Elevator still claims they were refused the right to bid, the bids should be thrown out and the Board should re-advertise.

Commissioner Willner said he agrees.

Commissioner Borries asked what about Mr. Clements' opinion that they did not meet the bid specs?

Attorney John asked if part of Mr. Clements' opinion was based on hearsay?

Mr. Clements responded, "Oh, no; I explained to them what I required in the specifications and they said that they could not tell me where the equipment was made under their label -- other than some equipment was made in Sonora, Mexico (she thought). And our bid documents are very plain insofar as to what the bidders have to do to conform. I told them it would be acceptable if they wanted to bid as a voluntary alternate -- but they could not be bid as a base bid." That way, if they happened to be low and the Board wanted to accept them over his opinion, then they could do so.

Attorney John, "You can't exclude them -- and apparently you state that you didn't. But I would like to hear that from them. I would hate to award the contract and have them come in and make claim to the contrary."

Commissioner Willner said he agrees.

Attorney John said they may have had a chance -- but if there is a claim out there that they didn't, they ought to have the opportunity to be heard.

Mr. Rick Higgins, Manager of Vanderburgh Auditorium, said he would like to bring up the problem he has on this at the moment -- and that is budgeting for the elevator. He thinks in the budget of the Auditorium's previous administration we had something like \$60,000 or \$70,000 extra, of which there is not. His current balance is \$113,000 and the project cost is approximately \$176,000 -- and he heard just a few minutes ago that they need \$15,000 to pay Arc Construction for some work -- and he understands there is also some work left over on the heating system that has been done -- so in the request to County Council he's going to have to have somewhere in the amount of \$90,000 appropriated to cover this.

Attorney John said, "With that information, it sounds as though the Board cannot award a contract today anyway, as we can't award a contract if the funds are not available.

Commissioner Borries said he would suggest that Mr. Higgins obtain documentation of any other claims of which he may not be aware so the Board has an accurate figure as to the amount of money that would be needed. And he would think we'd want to request a week delay so Attorney John can obtain more information about this bid process.

Attorney John said he needs to contact the individual at Abel Elevator to whom Mr. Clements spoke and see if he can get that matter resolved. But, as stated earlier, the Board cannot award the contract now anyway because of insufficient funds.

Commissioner McClintock asked when is the last day the Commissioners can get on Council Call?

It was noted that the deadline is the 15th of the month and it was the consensus that if the Commissioners know by next Monday (March 13th) they can take action at that time with regard to going on Council Call for the needed funds.

Mr. Clements urged the Board to remember that in order to get the project completed -- especially the elevator -- does require reasonably prompt action, if they want it done based on the Fall Schedule of the Evansville Philharmonic, etc.

Commissioner Borries said if the Attorney can resolve the matter discussed heretofore today, he doesn't see any problem -- and we still have one week to get information to Council concerning needed funds.

RE: VANDERBURGH AUDITORIUM

Closing of Doors #3 & #4: Mr. Higgins said at the February 21st Commissioners Meeting he talked with the Commissioners about problems experienced with regard to Doors #3 and #4 being opened -- for those working in the box office and people standing in line at the box office, etc. After checking with the State Fire Marshall, at the Philharmonic Concert a week ago, they blocked off these doors, making them an accessible exit only -- and it worked quite well. There was no congestion, no cold lobby, no cold box office, etc. After talking to County Engineer Greg Curtis and Building Commissioner Roger Lehman, it is their opinion (and his) that if allowable by State Fire Code, they can take off the outside door handles and put "Exit Only" signs on the doors -- and this will solve the problem and not cost the County a cent. He would request approval from the Board (either today or next week) to put this into effect.

The Commissioners requested that Mr. Higgins contact the State Fire Marshall to obtain permission in writing to this effect.

RE: AWARDING OF CONTRACT FOR DELUXE MINIATURE GOLF COURSE  
AT BURDETTE PARK

Ms. Susan Jeffries of the Purchasing Department advised one (1) bid was received for the Deluxe Miniature Golf Course at Burdette. This was from J.M.H. Investments, Inc. of Evansville in the amount of \$125,000. They have met with them and the only condition the firm needs to meet is to re-issue their Bid Bond Check to the County, rather than to the City of Evansville -- and they are willing to comply. Thus, it is their recommendation to award the contract to J.M.H. Investments, Inc. in the amount of \$125,000.

Mr. Tuley said he spoke with Attorney John prior to today's meeting and he recommended the bid be awarded today, and assigned to the County Attorney's Office. They can put this in contract form for execution by the Commissioners meeting next week, as well as by any other parties. It would also be well to have J.M.H. Investments here next week.

Commissioner McClintock asked if there wasn't also a question concerning the contract or the addendum to the bid to be resolved.

Mr. Tuley said there was. They wanted to add shuffleboard. The County Attorney has requested a written letter from Burdette's Food Concessionaire, giving J.M.H. permission to put a concession building down at the Miniature Golf Course. He can also have that here next week. He was supposed to meet with the McGees this morning, but they were unable to make the meeting.

In talking with Curt John on the phone concerning other things J.M.H. Investments had asked for (adding bumper boats and other things), Mr. Tuley said he believes it was the consensus that that would have to be re-bid at that time, if the County so desired to pursue that. The only thing we actually advertised for was the Miniature Golf Course.

Attorney John said, "If the bumper boats, etc., were not included in the original proposal."

Mrs. McClintock said she and Mr. Willner had an opportunity to meet with J.M.H. Investments last week. With regard to the shuffleboard, she thinks this is a neat project and would be something good for Burdette Park. The shuffleboard they were suggesting is not a revenue producer, as such. They were even looking at having it "free", but if they wanted to charge 50 cents or \$1.00 fee to use it, then they could come back to the Commission and request approval of the fee. But it is something they thought could be added to the area -- the parents could play shuffleboard while the kids played miniature golf. It's not a huge money-maker. They were talking about putting in one shuffleboard court. Does Attorney John think the Commissioners can grant them permission to do that, since it was not specifically included in the specifications?

Attorney John said his initial reaction would be "yes" -- but he would rather the Board did not do that today, since this was the first time that particular question was been posed. Will it be on the same tract of land?

Mr. Tuley said that it will be on the same tract of land. Basically, we had put two (2) acres of leased ground in there -- and miniature golf will utilize only a little over one (1) acre -- so they have the ground to do it -- there won't be any additional ground involved. What the bidder did was to add an addendum to the bid. He will let Attorney John read that now.

We may have to strike that from the bid, because the bumper boats and everything is in that same paragraph. He talked to J.M.H. Investments subsequent to their meeting and they are not opposed to striking that whole thing and then coming back at a later date and re-bidding. They just thought the shuffleboard (and he doesn't think they were planning on charging any fee at all for that) would just be something for the adults to do. If the Board would rather advertise again for that -- or if we ever desire to add the bumper boats, etc., they will be glad to bid on it at that time. Thus, they are not opposed to the Commissioners just approving the miniature golf course and omitting the addendum. They do, however, want to make sure they get the food concession contract and be allowed to build the arcade type building.

Attorney John said with the way that is worded, he would surely recommend that it be approved in its present form -- and that is giving them a certain option period, which means the County is restricted and we may not be allowed to let anyone else come in and do it if they'd want to do it (for example, next year) if these individuals don't want to do it.

Mr. Tuley asked, "Can we award the bid for just the miniature golf and delete that addendum?"

Attorney John said, "I'd say yes -- but they probably have the right to withdraw their offer to build the miniature golf course."

Mr. Tuley asked if the Commissioners think J.M.H. would want to withdraw their offer?

Ms. McClintock said she believes J.M.H. would still want to build the miniature golf course, but she understands what Attorney John is saying. They could come back and say the other things were part of the bid -- but she doesn't think they would do that. Attorney John, however, does make a legitimate point.

Ms. Jeffries asked if the bid we asked for can be awarded for the Deluxe Miniature Golf Course? Then, when the Attorney develops the contract, the other things won't be part of the contract -- it would just be the miniature golf?

Attorney John said that would be his recommendation at this time.

Commissioner Willner asked, "We are to furnish electric to the site and from there on there will be a meter and they will pay the meter costs? Or, there will not be a meter?"

Mr. Tuley said, "We raised the concession fee they will pay the County and we will furnish utilities as we do for all the concessions at Burdette."

Mr. Willner then asked, "If they do build a building for their concession stand, what are we going to do about drainage if they are required to have a sink or whatever?"

Mr. Tuley said Burdette has a sanitary sewer -- but that is at their cost and that needs to be spelled out in the contract.

Mr. Willner said he thinks these two things need to be included at this time -- as they weren't clear to him. Will we call that sewer hook-up?"

Mr. Tuley said that is correct. We have water and electric to the site -- and J.M.H. will provide all hook-ups at their expense. He thinks the rest of the contract can pretty well be designed off the batting cage agreement. Most of it will be standard -- insofar as auditing, commission checks by a certain day each month, etc. He believes Mr. John said most of that can be patterned similar to the other concession agreements we have.

It is a complicated proposal -- we understand that -- and he's sorry we're not doing this faster. But, like the Commissioners, he wants to make sure we're clear on every issue. Even though the Commissioners have met with J.M.H. and know they are ready to go, would the Commissioners like for him to set up a meeting with J.M.H. and the County Attorney and possibly make sure they don't want to withdraw their bid?

Commissioner Willner said he would like to have the motion to award the contract made subject to that possibility -- Because we're trying to have this done by the time the Park opens and we need to get with the project. He entertained further questions or a motion.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the contract for the development of a Deluxe Miniature Golf Course at Burdette Park was awarded to J.M.H. Investments, Inc. in the amount of \$125,000, with the following stipulations:

- 1) That the principals of J.M.H. Investments, Inc. meet with the County Attorney and agree to strike the Addendum included in their bid,
- 2) That they change their Bid Bond Check in the amount of \$6,052.00 to make it payable to Vanderburgh County (rather than to the City of Evansville).
- 3) That we receive a letter from the Food Concessionaires agreeing to the operation of a food concession at the Deluxe Miniature Golf Course,
- 4) That J.M.H. Investments, Inc. agree to provide sewer hook-up to those concessions when they are built,
- 5) And, finally, that the Vanderburgh County Commissioners reserve the right to approve the actual Golf Course Plans prior to construction at the site.

So ordered.

Mr. Willner said Mr. Tuley needs to keep the Commissioners apprized of what is going on and perhaps they can get the concept approved at the same time. He understands they are going to bring in an architect.

Mr. Tuley said that is correct. Now that the Board has awarded the bid today, J.M.H. Investments will go ahead and authorize a legal survey of the ground and send that to the architect. As soon as he gets that, it is his understanding that he will come in (from South Carolina) and design that to the site. He would say it is going to be a pretty elaborate golf course -- really nice. He thinks people will enjoy it and it will be good for the park.

RE: BURDETTE PARK - MARK TULEY

Request To Go on Council Call: Mr. Tuley submitted a request to be placed on April Council Call concerning several items:

Additional appropriation for \$29,800 for advertising. Mr. Tuley said he has given the Commissioners a copy of a detailed Marketing Plan, which was done by Modern Marketing. Pete Dooley of Modern Marketing is here should the Board have any questions.

First, the plan describes the Target Area and tells what has been accomplished insofar as marketing the last couple of years, what we're trying to accomplish, and where we're going to spend the money. There are several things added in

the plan that Burdette has not done in the past, about which he is very excited. He thinks it is going to help us get the word out a bit more about what Burdette has to offer. Obviously, we're trying to establish a certain level of Regional status. We're now booking company picnics out of Southern Illinois; Henderson, Kentucky; Rockport, IN and several places like that. We're starting to get out there and we're doing pretty well with it. Part of the new advertising budget (4th page from the back) gives the actual budget. In particular he pointed out the amount of money that is set aside for Television advertising, which is pretty extensive as compared to what we've done in the past. He asked if Mr. Dooley has comments. A newspaper tabloid (74,000 circulation) will be added to the Sunday paper and we'd want to put that out a week or two prior to opening day -- similar to what the Evansville Parks & Recreation Dept. puts out. No offense to them, but we felt we wanted to do our own. Burdette has a lot to offer; there are so many different activities available to the public and we felt we couldn't do justice to the park if we became a part of their program -- unless we wanted to buy about 8 pages, so we thought we might as well do our own. This is something that is going to be very nice -- with a lot of pictures and articles on different areas -- something they will be able to keep all summer long and refer to for schedules.

Ms. McClintock asked what they are charging per page this year.

Mr. Tuley said he doesn't know off the top of his head.

Mr. Dooley said we got a special rate on the tabloid because Burdette is a County-owned facility. It is a rough estimate based on a number of factors (there are some production costs he can't handle in-house, etc.). But since this is a County-owned facility, they gave us a special rate for doing the make-up, printing, folding, and everything. This is being done by the Courier & Press.

Ms. McClintock said she believes the tabloid was \$300 to \$400 per page or more last year or something like that -- maybe \$500. She asked Mr. Dooley when he plans on utilizing the Television.

Mr. Dooley said there are so many attractions at Burdette that are not available anywhere else in the Evansville ADI (Area of Dominant Influence) which has a wider range through Television. The Newspaper enjoys readership in that ADI as do some of our Radio Stations. But they have no Television to look to except ours, and this map on the first page is what is offered either through Evansville broadcast or cable hooked into Evansville stations, and the gray areas are where we are starting to fade -- but still have Evansville T. V. coverage. So they look to us for their news and their everything. What we're saying is that just like the Henderson Community Hospital has elected to come to Burdette even though they are not in Vanderburgh County, there are many more like them. And once the people realize what we have to offer -- what we will do is have one campaign prior to the opening of the park and then every couple of weeks maybe there will be a little saturation campaign. In the past we've done commercials saying "We're Open - Come swim!" -- and now we have ideas for copy to encourage young mothers to bring young children and come out there in the daytime hours when things are a little slow anyway and then hopefully bring the family back on the weekend. In other words, there are many areas where the marketing can be expanded for Burdette that haven't even been touched yet and this Television will provide a good base for that because we have those people through Television. We intend to educate them through the tabloid where we can write articles and show them pictures and tell them in great detail where it doesn't take 30 to 60 seconds -- where we can show them and tell them what we have to offer. And, believe him, there are many people

who know there is a Burdette Park out there -- but that is about all they know about it. So we need to rectify that and there is a lot to be done in that regard. In response to query from Commissioner McClintock, Mr. Dooley said we have not utilized Cable T. V., but we haven't ruled it out either. Instead of being on T. V. a little bit all the time, he likes to be on heavy on Wednesday, Thursday, and Friday -- and then get off a little while -- so we'd have a series of little campaigns -- perhaps each on a different subject (swimming, softball, golf, etc.) and we'd have a commercial for each area -- and that is the reason there is a little bit higher than usual production figure in the budget -- to do several interesting T. V. commercials instead of just saying "Come on out - we're open" -- that is no longer enough as far as we're concerned.

Mr. Tuley entertained further questions. He commented that the advertising budget is \$54,800. They do have some money Council gave them, so all they need is an additional \$29,800.

Repairs to Pool - \$30,000: This is for the lockers and they have to grout and paint both pools. There is a leak on the Olympic pool which they will be correcting. It is not a major leak, but it is to the stage where it has to be fixed. In December that pool lost 20,000 gallons of water in one month. They have the leak located and it is probably going to cost around \$4,000 or \$5,000 to correct the problem utilizing their own staff. Each year they have to go around the seams of the pool and re-seal those, so it is just a common occurrence. Last year they had six leaks in the family pool that holds the water slide. It is just an on-going process.

Park Planning (\$5,000): Mr. Tuley continued by reading letter from Mr. Haralson (our Consultant), who wants to update the Master Plan which was done in March 1987. Mr. Tuley said he agrees that it is time to do that. Burdette seems to be growing at a lot faster rate than we anticipated -- for us and for him -- and it's probably time to take a look at several things. One of the most important is the pricing structure that he mentions in the second paragraph of his letter, basically stating that given expansion of the aquatic center from merely a pool to a water park complex, the time is overdue for restructuring of admission fees to reflect the facilities that have enhanced entertainment value. (He's certainly for that.)

Buildings & Structures (\$30,000): By putting in the Deluxe Miniature Golf Course, as mentioned a month or so ago -- we will have to put in expanded parking along that area.

Club House Roof: The roof on the club house has to be replaced.

There is also some landscaping, etc. from last year which need to be finished. Most of these items were in Burdette's budget at budget time, and Council elected to delete same and knew we'd be coming back for these items.

These funds are needed for projects which need to be completed by our opening.

President Willner entertained questions. There being none, a motion was entertained.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request to go on Council Call in April for \$94,800 was approved. So ordered.

RE: REQUEST FOR PERMISSION TO HOLD COUNTRY MUSIC CONCERT  
AT BURDETTE PARK ON MAY 7TH

Mr. Tuley submitted copies of request from Promoter Walter Sill, Jr.. Inc. to hold a Country Music Concert at Burdette on May 7th. Among the artists under consideration are John Anderson, Michael Johnson and Shotgun Red of the Nashville Network. The concert is scheduled to begin at 1:00 p.m. and last an estimated four to five hours. Mr. Sill says they will furnish \$1,000,000.00 in liability insurance. He is also picking up all the promotional T.V. and Radio that will go along with this, the cost of tickets, etc. He is asking that the use of the facility be donated for that one day. (Mr. Tuley said that normally that facility is not rented at this time of day anyway.) Mr. Sill would appreciate a reply at the earliest possible date, as many contractual commitments have to be made. Mr. Tuley said Burdette will have Security personnel on hand and stage hands will be required (basically part time Burdette workers who will be on duty that day).

The Commissioners raised several questions, including whether or not Union stage hands, etc. would have to be utilized. Mr. Tuley said he doesn't think so, but he can check on that. Ms. McClintock said that is usually in the talent contract. Mr. Tuley said Mr. Sill did the same promotion last year out at the 4-H Center during Memorial Day weekend. He thinks the concert will probably attract between 1,500 and 2,000 people and would be a good promotional event for Burdette, being it is prior to their opening and people will start thinking about the park. It will get a lot of advertising for the park -- and if people come out to the park, obviously there are other things out there. In response to query from Commissioner McClintock as to price of the tickets, Mr. Tuley said that hasn't been set yet. He met with Mr. Sill and Pete Dooley about a week or so ago and.....Mr. Dooley interrupted by commenting he thought it was in the neighborhood of \$7.00 to \$8.00. Ms. McClintock said what she is thinking is that if Burdette and the County give them use of the facility, security personnel, and stage hands and WYNG Radio is a co-promoter (they will promote the activity) and Walt Sill provides the artists, where does all the money go? Mr. Tuley said to Walter Sill, Jr., the promoter -- if there is any money to be made. Mr. McClintock asked, "But we get no revenue? If he makes a profit, Burdette Park gets no money?" Mr. Tuley said that is correct -- as Mr. Sill's proposal is today. What we might want to do is say we're willing to do this if we can assess a per ticket fee. The only thing is, it is kind of hard for Walter Sill to come in and do this type of show (especially with the Evansville market being what it is) -- the potential for making a large profit is not there. Ms. McClintock said she understands the concert business, but there is also the chance he could make some money. If he doesn't make any money, she is not in favor of a per ticket fee or whatever. But if, and when, he reaches a break even point, she'd like an opportunity for the park to share in some of that revenue. Mr. Tuley said he thinks that is reasonable. He told Mr. Sill he wasn't sure how the County would handle this, and that is why he asked Mr. Sill to write a letter to the County.

Following further brief discussion, Commissioner Willner said he would like to talk further with Attorney Curt John about this. He has a question about the concessions, for instance. Mr. Tuley said he caught that in the letter, also -- and we do have a concessionaire at Burdette. Ms. McClintock said the regular concessionaire could say, "You know, I'm out there on the days it is raining and cold and nobody is out here -- and when you're going to have eight million people in here, you want me to give it up to somebody else." Mr. Tuley said to be honest, he felt this way, too. He asked, however, that we try to work with Mr. Sill and possibly we can work it out to everyone's satisfaction.

If this event goes over, Mr. Sill hopes to do this annually in both the spring and the fall. If he can make a little money and the County can make a little money, then Mr. Tuley said he thinks it is a good thing. He can get with Attorney John and contact Mr. Sill to see what can be worked out. He thought the idea had enough merit to bring it to the Commissioners. We get pitches from people often -- and he doesn't bring most of them to the Board because he doesn't think they merit consideration. Ms. McClintock said she thinks it's a good idea, but she does think we ought to talk with Mr. Sill to see what can be done.

Commissioner Borries said he thinks we need to look at the aspect of concessions. Is there going to be alcohol?

Mr. Tuley said he doesn't believe there was any mention of alcohol and Mr. Dooley said he doesn't think Mr. Sill is qualified to serve alcohol.

Mr. Tuley said he believes it would be the same set-up as at Mesker Park or the Stadium. If there were alcohol, he would assume that the adults would have to bring it themselves. He'd prefer there not be any at this type of event.

Mr. Borries said that is why he was wondering -- in terms of Mr. Sill's liability insurance. He prefers that Mr. Tuley talk with Attorney John and look at some kind of fee structure and see where we stand. It could be a win-win situation for everyone concerned. Perhaps Attorney John can check this out and make some suggestions. Perhaps the questions can be resolved before next week.

RE: TRAVEL REQUEST - BURDETTE PARK

Mr. Tuley requested permission to send two (2) Burdette employees to a CPO Class, which is a Certified Pool Operator's Course sponsored by the I.P.R.A. at Riley Park in Greenfield, IN. The course is certified by the National Parks & Recreation Association and the National Swimming Pool Foundation. He has money in his budget for this.

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

RE: REQUEST FOR FUNDING TO HIRE COMPUTER CONSULTANT  
(PEAT, MARWICK, MAIN & CO.)

President Willner called upon City Controller Leslie Blenner to present information with regard to hiring of Computer Consultant.

Mrs. Blenner said that last Wednesday County Council recommended that Peat, Marwick, Main & Co. be retained to prepare new documents for the City-County Computer System. She believes the engagement letter (of which the Commissioners have a copy) states they will prepare a request for proposal for software, hardware bid, conduct vendor interviews, analyze the vendor responses, and make a recommendation and lend advice on contracts. Approximate time is six (6) weeks, assuming there are no catches in process and their fee quote is \$17,500, based on five (5) visits.

Commissioner Borries said they are working with the user's group and both units of government to prepare revised bids -- just in the top three areas. He said few things have been as complicated as our continuing moving along with the whole computer issue. But in view of what he heard, we are at the point to where we can move forward, but Peat, Marwick indicated in their presentation that even though we have not made a decision going into 1989, that there is still ample time for us to do that at this point if we move promptly. He moved the request be approved. Ms. McClintock provided a second.

Commissioner McClintock asked what we paid Phil Lieberman for his services?

Mrs. Blenner said when she calculated the City's share of the expenses it was approximately \$10,000, and the City's share was approximately 34% or one-third, so the total amount for the City and the County was somewhere in the neighborhood of \$30,000 over the 18 month period.

Mr. Willner said Peat Marwick's fee for the report to Council last week has to be added. That isn't included in the \$17,500 figure, is it?

Mrs. Blenner said the first engagement was \$6,000 or so.

Mr. Willner said that is correct and then the report to Council last week was \$2,000 -- so this is an additional \$8,000 that needs to be added onto the \$17,500.

Ms. McClintock said she seconded Mr. Borries' motion because she knows this is something we've needed to get on with and it has been a concern for some time. But are we repeating in this what we have paid Phil Lieberman to do?

Mrs. Blenner said we are not, because the bids were taken last year in March and their report says that because so much time has passed since those bids were taken that it would be best to go back to vendors who were in contention to ask them for new information to make sure that the recommendation made last year is still the right thing to do.

Commissioner Borries said he would just want to reinforce what Mrs. Blenner said and say that his understanding of Peat, Marwick (because they are a nationally-recognized firm -- one of the "Big 8" accounting firms in the United States) was that their purpose was primarily generated by some rather obvious concerns on the part of the County Council regarding the report -- so much so that without appropriations there could have been some likelihood that there would be no funding for computers. They requested a "second opinion" (as referred to in medical terms) without having to write a new report. That was done. They reinforced essentially what Mr. Lieberman had done. But, as Leslie Blenner points out, due to the time lag here they felt there was new hardware available and, in some cases, some savings could be made at this point in time if a re-bid was made.

Commissioner Willner said his question is whether the Commissioners need to go on Council call for \$17,500 or for \$25,500 -- because the original agreement with Peat Marwick was for \$6,000. Then they asked for a personal appearance before Council, and he understands that was \$2,000. The State turned Council's request down for the \$6,000, because Council does not have the right to contract. Thus, it becomes the Commissioners' job to cover the cost of the original study.

Mrs. Blenner confirmed that the \$6,000 and the \$2,000 is not part of the \$17,500 contract. She said Council President Mark Owen asked that she appear before the Commissioners on his behalf today, because he couldn't be here. So that the process is not delayed further, he suggested that the contract be funded out of the Commissioners' computer account, and the Commissioners go back to Council at a later date and replenish the money.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the agreement with Peat, Marwick was approved.

Mr. Willner asked if the Commissioners need to sign the original contract for the \$6,000. Does Mrs. Blenner have a copy?

Mrs. Blenner said she has a copy -- and she can try to get an original for the Commissioners to sign.

It was the concensus that the Board needs to confirm the exact amount of the original contract with Peat, Marwick before signing same and the formal action will be deferred one week.

RE: AWARDING OF BID FOR SCREED FOR PAVER/SEALER FOR COUNTY HIGHWAY DEPARTMENT

Mr. Cletus Muensterman said the Board approved \$19,780 expenditure for the Model 600-A Screed for the paver/sealer. We lowered the bid, but this model would do the job as good, if not better, than the alternate model.

Ms. Jeffries of Purchasing said this price includes freight and a service man to come in and assist the County Highway with installation of the Screed. This bid is from Brandeis Machinery, Inc. This was the low bid.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the contract was awarded to Brandeis Machinery, Inc. in the amount of \$19,780. So ordered.

Mr. Willner asked if Brandeis gave a delivery date?

Mr. Mark Smith of Brandeis Machinery was present and said we're looking at 4-5 weeks delivery. The order will be placed first thing in the morning for the screed and a confirmation date will be given to him at that time.

(End of Side "A", Tape #1)

RE: INTER-LOCAL AGREEMENT RE HUMAN RELATIONS

City Clerk Betty Lou Jarboe submitted an Inter-Local Agreement re Human Relations Department for approval. She said the Commissioners approved the agreement last year, but the problem is that in the City and County budget hearings they reassessed the services and the County's portion was 9% and the Council agreed to go up to 13%. However, someone forgot to tell whoever drew up the agreement and they left it at 9% and it was passed by the Commissioners in August, 1988 at the 9%. The new agreement reflects the agreed 13% County share amount.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the new agreement re Human Relations reflecting the County share as 13% was approved. So ordered.

Mrs. Jarboe said she will have the agreement recorded and subsequently provide the County with a copy.

RE: EUTS - ROSE ZIGENFUS

Contracts re Rail Crossings: Ms. Zigenfus said the contracts not signed at the February 21st meeting were not signed because there were no funds appropriated. What she has done (and she should have copied Margie in to receive three copies) is list what EUTS is programming for the different railroad projects insofar as going on Council Call. They're asking for an appropriation for Oak Hill at CONRAIL, St. George at CONRAIL, Red Bank at CSX, Boonville-New Harmony at CONRAIL, Burkhardt at Southern, and Mill Rd. at CSX. The total local share varies for those projects. The total dollar amount we need appropriated for those six (6) railroad improvements is \$52,700.

Commissioner Willner said there is still the possibility that we will not expend our 10% portion.

Mrs. Zigenfus said there is that possibility if the money is appropriated in Indianapolis to reimburse us.

Mr. Willner asked if it is possible that we might use all of this in the next year?

Mrs. Zigenfus said it is not. But once we have agreements, the money has to be there to cover it.

The Chair entertained questions or a motion.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, permission was given to go on Council Call for the \$52,700 for the railroad crossing improvements.

U. S. Highway 41 & Boonville-New Harmony Intersection:

Mrs. Zigenfus said the Commissioners had wanted a report on the intersection of Highway 41 and Boonville-New Harmony. She talked with the IDOH office in Vincennes and they told her they are doing an analysis of that intersection. He understands the first major event at the 4-H Center will be held in April and they will have their equipment out there to conduct a traffic count and do some monitoring during that event. They will then conclude their analysis and get back to us.

Mr. Willner advised Mrs. Zigenfus that the Commissioners subsequently agreed to write another letter to the IDOH, as follows:

Christine Letts, Director  
Indiana Department of Highways  
State Office Building  
100 North Senate Avenue  
Indianapolis, IN 46204

RE: Hazardous Intersection on U. S. 41 in Vanderburgh Co.

Dear Ms. Letts:

The Board of County Commissioners of Vanderburgh County urgently requests assistance from the Indiana Department of Highways (IDOH) in the form of an in-depth analysis of existing traffic hazards at U. S. Highway 41 and Boonville-New Harmony Road. Recently another fatality occurred as a result of a traffic accident at this intersection which raised the total number of fatalities occurring at this location to five in the past several years. The high rate of speed of vehicles on U. S. 41 and the volume of traffic on Boonville-New Harmony Road at this intersection creates the potential for additional serious accidents to occur.

Your prompt attention to this matter would be greatly appreciated.

Should you have any questions, please contact us.

Sincerely,

The Board of Commissioners of  
the County of Vanderburgh

/s/ Robert L. Willner, President  
/s/ Richard J. Borries, Vice President  
/s/ Carolyn McClintock, Member

cc: Senator Joseph F. O'Day  
Senator Greg Server  
Senator Lindel Hume  
Representative Michael Phillips  
Representative Larry Lutz  
Representative J. Jeff Hays  
Representative Dennis Avery  
Representative Vaneta Becker

Commissioner Willner said he believes it was the consensus of this Board that they really couldn't wait -- as in the spring is when we're having the problems.

Mrs. Zigenfus said the IDOH talked with the people at the 4-H Center and was told that their first major event (they want to observe the traffic patterns at that time to see exactly what is happening) is in April. They have installed advance warning signs in the southbound lane of U. S. Highway 41 and are very cognizant of what is out there and the problems we're encountering and he said that is about all they can do at this point.

Commissioner Willner asked Mrs. Zigenfus if she thinks all we can do now is sit back and wait?

Mrs. Zigenfus said she doesn't know what else we can do. What we need to do is let the public know that it is a problem and caution them, especially in bad weather and when major events are going on at the 4-H Center and make them aware of same.

Commissioner Willner asked if there would be a move afoot to update Vanderburgh County's portion of Boonville-New Harmony Road in that area? He cited an example -- coming from the 4-H Center, turning right on Boonville-New Harmony and then turning south onto Highway 41 coming to Evansville. There is no turn lane and you have to wait for the people who want to cross Highway 41 -- and that is what backs up the traffic. Would that be our (the County's) responsibility?

Mrs. Zigenfus said that it would. We have the responsibility for the approach streets.

Commissioner Willner said we then need to also look at our responsibility -- and that would be possibly on both sides of the highway.

Mrs. Zigenfus said the traffic is not as heavy on the east side as it is on the west side.

Mr. Willner asked if it would come under EUTS to conduct that study and come back to the Board with a recommendation.

Mrs. Zigenfus said it would.

Commissioner McClintock said the Commissioners discussed at last week's meeting that we have a responsibility there, too. She thinks that is part of the problem. People get in a hurry to get out of there and then they place themselves in a dangerous situation by trying to scurry across the highway.

Intersection at I-64: Mrs. McClintock said the other point brought out last week was the intersection at I-64. She was particularly concerned about what is going to happen there with the new fast food restaurant that is going in and the Commissioners wanted to make sure the State is aware that is going in and what recommendations, if any, they might have prior to its opening as to how to avoid problems there.

Mrs. Zigenfus said they are very aware, because the facility had to apply for a driveway permit and go through the application process. So they know what is going in there. When EUTS reviewed it for rezoning purposes, they stipulated certain improvements be completed. So the impact at that intersection is going to be significant at that signal and there is no way to avoid that.

Commissioner Borries asked if they won't enter and exit on an access road right at the light?

Mrs. Zigenfus said the signal is back at the Busler Truck Stop (Ruffian Way).

Mr. Borries asked if you will be able to exit off Highway 41 directly into McDonald's? You have to exit onto Ruffian Way and then an access road?

Mrs. Zigenfus said there is a side road that runs alongside their building to which they will also have access. There should be two entrances to that facility: One is through the signalized intersection and the other one is the next median cut to the west.

Commissioner Borries said, "But that comes out directly onto Highway 41."

Mrs. Zigenfus said, "Right -- directly -- the rural service road."

Mr. Borries said there could really be some problems with trucks there then, if they don't exit where that traffic light is.

Mrs. Zigenfus said she would hope they would be prudent in what they are doing and take that service road up to the signal and come out with the safe flow of traffic. But we all know that won't happen.

3-R Project/Boonville-New Harmony Rd.: Commissioner Willner asked if part of the T.I.P. Program is the 3-R program on Boonville-New Harmony Rd.?

Mrs. Zigenfus responded in the affirmative.

Mr. Willner asked if we should hire a consultant?

Mrs. Zigenfus said it is her understanding through the Federal Highway Administration that that is a relatively simple project to complete and you don't need a full design to complete a 3-R project. If we're not able to do it in house, however, we should hire a consultant.

Commissioner Willner said he doesn't believe we are going to be able to do that in-house. He asked Mr. Curtis if he wants to speak to this?

Mr. Curtis said the State requires at this particular time a full-blown set of plans on these 3-R jobs; it is basically, the same planning and same amount of design as that required on something such as Green River Road insofar as the actual amount of work that has to be spent designing it. However, there are some hoops we can jump through, mainly because we don't buy right-of-way. We work within the right-of-way that we have, because it is mainly going in and resurfacing the road and putting some shoulders on it, etc. But the State does require (and he spoke with Rose about this previously -- and she understood from talking to Mr. Gallivan that it was basically a very simple procedure) more in this case than the Federal government requires, which is highly unusual. But this program

is set up that way. This project would be where those turn lanes could be put in at Boonville-New Harmony and we'd be reimbursed 75%. From what he understands, the funding on that is such that we would have no problem receiving funding for that without endangering any of our other projects by the summer of 1990.

Commissioner Willner said the Board needs to make a decision, and he requested that Mr. Riney put this on the agenda for next week.

Commissioner Borries said he has no problems with the intersections mentioned here. But he'd like to have more information about the scope of that project in terms of 3-R and what that involves on Boonville-New Harmony Rd. He wants someone to give him something in writing that tells him about the 3-R, as opposed to a verbal interpretation.

It was the consensus that this will be placed on the agenda within two weeks.

Mrs. Zigenfus said we've completed the environmentals on those projects.

Mr. Borries said oftentimes we hear about these programs -- and it is not that anyone is right or wrong, it's just that he'd like something in writing which he can review.

RE: NOTICE FROM VETERAN'S COUNCIL TO EXERCISE OPTION TO  
EXTEND LEASE FOR THREE (3) YEARS

The meeting continued with President Willner submitting notice from the Veteran's Council that they wish to exercise their option to extend lease dated April 19, 1971 on the Coliseum for a three year period.

Mr. Willner further advised that County Council has voted 7 to 0 that they intend to finance the appraisal of the buildings immediately behind or to the rear of the Coliseum. If the Commissioners agree, please request to go on Council call for \$2,000 and they will put it on March Council call, since they've already heard the question.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, permission was so granted. So ordered.

With regard to the request for extension of lease of the Coliseum, Commissioner Willner requested that this be placed on the agenda for the March 13th meeting.

RE: TRAVEL REQUEST - WEIGHTS & MEASURES

Mr. Willner said Loretta Townsend is requesting permission for herself and one deputy to travel to Oakland City to have a 100 gallon test prover inspected by the Meteorologist for the Indiana State Board of Health.

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

RE: TRAVEL REQUEST - AUDITORIUM

Auditorium Manager Rick Higgins said that because of a letter sent by prior Auditorium management to the Health Department stating she had an asbestos problem in the building (and it has not been proved or disproved that a problem exists), he is requesting permission to send Don Chambliss, a maintenance employee, to take an Asbestos Assessment & Abatement Training Course. He met with the Commissioners, the Highway Superintendent, etc., and went through the building. At that

time, it was not determined that we have an asbestos problem. However, to adhere to OSHA guidelines, he needs to send his maintenance employee for training so if we do run across any asbestos he will be able to handle it and abate it and get rid of it as we see fit. That will comply with both OSHA Standards and County Health Standards. It is quite an old building and chances are we have no asbestos -- but we need to get this done. The dates of the course are May 8 thru 11, 1989. At the end of the training period he will be certified to go into other County buildings if need be to take care of problems -- so it could be beneficial in that area. Mr. Higgins said he doesn't have any funds in his budget to cover this. Mr. Riney said there is enough in the Commissioners' budget to cover this expense.

Commissioner Willner said he and Mr. Riney met with Mr. Higgins and Steve Knapp, and he thinks we had in mind hiring some company at many thousands of dollars to come in and do this for us -- and it was kind of a trade-off that they agreed to come back and ask the Board for some training of our own employees as opposed to hiring an outside firm.

Commissioner Borries said the age of the building is not necessarily a factor. The Federal Building across the street is about 22 years old. But the age of the building is not the factor there.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, approval was given for Mr. Don Chambliss to take the aforementioned course. So ordered.

RE: BUS STOP NEAR VANDERBURGH AUDITORIUM

Mr. Higgins reported that Mr. Steve Smith of Transit Media contacted him concerning putting in a shelter at the bus stop on the Walnut Street side of Vanderburgh Auditorium. What that entails is our leasing him an easement of approximately 9 ft., so he can put up a concrete pad and put his bus stop there. He will maintain it, pay for all the expense connected with same, and it will be a nice stop.

Ms. McClintock asked if there is a bus stop there, and Mr. Higgins responded in the affirmative. He said it is just across from the Green Convention Center. It is between the Auditorium parking lot and the back of the building -- close to the hedges.

Commissioner Willner asked if there aren't also three lanes on Walnut Street in this area?

Mr. Borries said there is not.

Mr. Higgins said the bus stop is already there. What Mr. Smith wants to put in is a shelter -- with advertising.

Ms. McClintock asked how much the County would get from the advertising?

Mr. Higgins said, "Obviously, nothing."

Ms. McClintock asked, "Why obviously nothing?"

Mr. Higgins said, "Well, that is the way it is written up here. We can have him come and talk about that if you wish."

Mr. Willner said he will maintain the building and Mr. Higgins said he will maintain it and we have a nice looking bus stop. He also takes care of the insurance and liability.

Mr. Willner asked if the third lane stops at the corner of our building?

Mr. Higgins said he believes the third lane stops at the stop light.

Mr. Willner said there is a turn lane coming out of our parking lot on Walnut.

Mr. Higgins said there are three lanes until you get to the Auditorium parking lot -- then there are only two lanes.

The Commissioners urged that Mr. Higgins check this out.

Commissioner Willner said the Board previously discussed opening the Walnut Street exit from our parking lot. At that time we said the exit couldn't work because there is a third lane there. His purpose for bringing this up is that if there is an extra lane coming out of our parking lot, it would behoove us to place that bus stop on that lane, instead of tying up one lane of traffic further up the street.

Mr. Higgins said he agrees, but asked why there is already a sign up that says "Bus Stop"?

Commissioner Willner said perhaps we need to move the stop back, which wouldn't tie up traffic. We want to put it where the third lane is -- the bus could be in the third lane when it is stopped and not tie up the other lane.

Ms. McClintock said she happens to know from past experience that these little bus stop shelter guys will pay a small commission to the operators in addition to putting up and maintaining these shelters. Before we approve this she thinks Mr. Higgins ought to go back and say he has the Commissioners -- who want to make a little money. Ms. McClintock said she doesn't have any problem with bus stops. But at the City Parks and at the Stadium where the City had bus stops, they were paid a percentage by the advertisers to have those.

Commissioner Borries urged Mr. Higgins to find out what the City does -- they have shelters all over City property.

In conclusion, Mr. Higgins reported that the emergency back-up lighting for the Auditorium is now in working order. The cost for the three batteries for the back-up lights was \$174.00 (\$58.00 for each battery). The employees at the Auditorium have had no overtime logged for the past three (3) weeks and none will be scheduled for the future unless from unforeseen circumstances.

Auditorium Advisory Board: Ms. McClintock asked President Willner if he's had an opportunity to think about replacement members on the Auditorium Advisory Board. Further, the Commissioners had also discussed the possibility of expanding that Board -- not with additional permanent members, but with individuals who might help with a study on the uses of the Coliseum and the Auditorium.

Commissioner Willner said he hasn't made a decision nor has he brought it before this group, but there is also some talk of perhaps putting an Advisory Board at Burdette Park, encompassing all the problems. He is not sure that this is either good or bad -- he needs a little more time.

Mr. Higgins said he has not called a meeting of the Auditorium Advisory Board yet. He hasn't met all of the members and doesn't know who they are.

RE: CUMULATIVE BRIDGE FUND ORDINANCE

President Willner said the County Attorney has sent three versions of the Cumulative Bride Fund Ordinance for consideration:

Version I - shows a tax rate of 20 cents the first year and 10 cents thereafter.

Version II - provides a 15 cent tax rate on the first year and 10 cents thereafter.

Version III - provides for a rate of 10 cents the first year and thereafter.

Commissioner McClintock asked how these versions compare to what we had before.

President Willner said we had 10 cents in 1988; 15 cents in 1986 and.....

Mr. Borries interrupted saying it seems to him we had 15 cents until 1986.

County Auditor Sam Humphrey said it was put in at 10 cents but we never did go up to the allowable amount.

Mr. Borries said there has been a 15 cumulative bridge tax for Vanderburgh County. It was lowered sometime around 1985 or 1986 to 10 cents -- in order to get to the freeze.

Auditor Humphrey confirmed that this is correct.

Commissioner Willner said it was 10 cents in 1988 when it was dropped completely. We now need to reinstate the complete version of the Cumulative Bridge Fund.

Ms. McClintock asked if this is for five (5) years?

Mr. Willner said it is.

Commissioner Borries said at the rate of 10 cents per year it generated almost \$900,000.

Ms. McClintock asked, "With the reassessment, we have no idea what the reassessed valuation is going to be?"

Mr. Willner said we think it will go up -- and that is one of the reasons why we dropped it from 15 cents to 10 cents and left it there, because we thought the reassessment would take care of the extra dollars.

Mr. Humphrey noted it can be dropped to whatever we want it to be, without affecting the current ordinance.

Mr. Willner said, "I don't believe so; I think you have to do it for five (5) years.

Attorney John said, "By this ordinance you cannot go above what you are setting, but you can go lower."

Mr. Humphrey commented, "You can go lower, but you just can't go above that.

Mr. Willner said, "For five (5) years."

If you set it for five years, you can lower it at any point in that ordinance that you wanted to, but you can't go above that.

Commissioner Willner said, "The reason he has shown the first version of 20 cents was to recoup the 10 cents we lost in 1989. And the second version was to recoup half of that. The third version was to recoup none. This gives us an option. And the ordinance is ready for signatures today on first reading and it does have to be advertised before final reading."

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the second version -- Fifteen Cents (15 cents) per One Hundred Dollars assessed valuation of all taxable personal and real property within Vanderburgh County, Indiana, payable in 1990 and 1991, respectively; and Ten Cents (10 cents) on each One Hundred Dollars (\$100.00) assessed valuation on all taxable personal and real property within Vanderburgh County, Indiana, payable annually thereafter for the next three (3) consecutive years (or until reduced or rescinded), as provided in I.C. 8-16-3-3.

Commissioner Willner asked for a roll call vote. Commissioner McClintock, yes; Commissioner Borries, yes; and Commissioner Willner, yes. Commissioner Willner declared the motion passed by unanimous roll call vote. So ordered.

President Willner asked Joanne Matthews to take care of the advertising. (Ad published March 10 and 17, 1989, with hearing scheduled at 2:30 p.m. on Monday, March 27, 1980 -- copy attached hereto).

RE: REQUEST FROM VETERAN'S COUNCIL RE EXTENSION OF LEASE

Attorney John said that with regard to the request letter from the Veteran's Council concerning extension of lease on the Coliseum, he guesses the Board has acknowledged receipt of same in the minutes of today's proceedings -- and he would assume that is pursuant to one of the paragraphs of the initial agreement. The Board may want to consider that in the future in view of the ongoing discussions re plans for the Coliseum.

President Willner asked that Margie Meeks make a copy of the initial agreement and give to each of the Commissioners. He would ask that Attorney John look at the section of the lease agreement that permits them to extend the lease for the next three years -- as to whether it has to be approved by the Board or whether it is automatic, with their intention to do that.

Attorney John said from the way the letter sounds, it is automatic -- but he will review the lease agreement and advise the Commissioners accordingly.

Commissioner McClintock asked if Attorney John can also look to see what kinds of control, if any, the Commission has over physical improvements to the building, activities conducted in the building, and revenues generated by those activities.

Attorney John requested Mrs. Meeks to provide both Attorney David Miller and him with copies.

RE: ASSIGNMENT OF LEASE AGREEMENT RE BATTING CAGES AT BURDETTE

Attorney John submitted agreement just delivered by Attorney Miller's office concerning Assignment of Lease Agreement re Batting Cages at Burdette Park from Sandra Austill and David Austill d/b/a/ "DaMac", an Indiana general partnership effective March 3, 1989 and terminating April 30, 2005. The Austills have sent a request to assign the lease to "DaMac, Inc.", an Indiana Corporation. It will be the same owners and technically does not require the approval of the Commissioners, but at such time as they possibly transfer ownership, they would need the Board's approval. It is basically an assignment from them individually and as a partnership to their corporation, which they are so stockholders in at this time, and at no point in time will it relieve them from any liability as the Assignor will be responsible not only under this assignment by any future assignment. It is more a technical legal matter at this point in time and he would recommend the Board's approval. The agreement has been signed by Sandra and David Austill and notarized.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, based upon recommendation of Attorney Curt John, the assignment of subject lease agreement to DaMac, Inc. was approved. So ordered.

RE: THORNBUR, INC./VOTING TABULATORS & VOTING MACHINES

Attorney John reported that he has been in contact with Thornber, Inc. He spoke with a Mr. Higgins, who is going to get with his technical people and provide a detailed explanation of all the problems experienced with our voting tabulators and possible solutions. Attorney John will submit this to the Commissioners as soon as possible. He has advised Mr. Higgins that following the Commissioners' review of same, it is very possible they may request that he appear before the Commission to answer any questions that may arise from his correspondence. Hopefully, this will answer some of the questions the Board has had.

Precinct Changes: President Willner said that with regard to the precinct changes that are about to take place (which he understands will be increased from 142 to 190) -- their request is that they believe we will need one hundred (100) new voting booths. Was that also a purchase along with the tabulators -- or was that from a different company?

Commissioner Borries said that as he recalls, that was the original company that also at that time had the tabulating machines (he believes it was C.E.S. -- Computer Election Systems).

Commissioner Willner asked if it would be agreeable that the Board settle on the 100 figure and advertise for bids? Or, should we have an in-depth study? Or, wait and see how many precincts we have?

Commissioner Borries said that based on information received to date, he believes Commissioner Willner is right -- it's about 30 new precincts. It has been a few years since the Board has looked at material. If the Commissioners want to update themselves with the latest technology, they could invite vendors in so they could view the equipment.

Commissioner Willner said he is open to suggestions. He is totally against computer voting -- he'd rather go back to paper ballot before he goes that route.

Ms. McClintock brought a chuckle when she stated, "That way you know the election results the day before."

Attorney John said President Willner wants Thornber, Inc. in to discuss counters and the problems. What they are doing initially is that Mr. Higgins is talking to his technical advisors, going over the problems that have existed, and obtaining an explanation as to why they occurred, how they can be prevented in the future (if they can), and submit that to us for review and then come down and discuss viable alternatives -- or if there are none, to explain that.

Commissioner McClintock said we have approximately 1-1/2 years prior to the next election. Would it not be wise to complete that process? Then we should also know exactly how many new precincts we will have?

Mr. Borries said Mr. Jeff Ryan, Vice President of Thornber, was the fellow to whom he talked -- and the Commissioners dealt with him and with Mr. Higgins. The thing that Thornber Systems offered at the time that C.E.S. did not was support. Whether or not "support" says that you are going to have a malfunction on election night (as we always do) I don't know -- but that was a

major selling point for their system. He believes that Mr. Ryan was here initially. But he isn't sure he was here this past election -- being a candidate, he wasn't up in the Election Room.

Attorney John said Mr. Higgins indicated they did have a representative present, but he doesn't recall his saying who it was.

Attorney John said that if nothing else, he should have at least a letter two weeks from now. The day he receives it, he will make copies and send same to the Commissioners for their review.

Commissioner Willner said the Board will review all this prior to making a decision on additional voting booths.

Commissioner Borries said he is not advocating we switch to a new system. He is just saying there may be some new things out there. It has probably been some four years since we examined other voting equipment and he believes there are some members on County Council who have asked that this matter be brought up. At some point -- maybe this summer -- if we want to look and see what is out there -- we can do so and ask them to come in. Again, he is not advocating change at this point. As a matter of fact, he would be a bit hesitant. He has some hesitations about the computer systems -- but he isn't saying the Commissioners shouldn't look at them.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports & Absentee Reports: Mr. Muensterman submitted copies of the Weekly Work Reports & Absentee Reports for both Employees at the County Garage and the Bridge Crew for period of February 27 thru March 3, 1989.....reports received and filed.

Report re Costs of High Water Clean-up: Also submitted was a report on the cost of high water clean-up and repairs as a result of flooding on Old Henderson Road, which was \$6,930.36. (Copy attached herewith to the minutes.)

Commissioner Willner said he took a drive down Old Henderson Road the day after the water receded and he couldn't believe his eyes. The road was completely washed out in about five places and partially washed out in another ten places. The damage to Old Henderson Road was severe. He expressed thanks to Mr. Muensterman and his crew for getting right on this. He thinks the buses were on the road the second day after the water receded and they were able to drive it at a moderate rate of speed. The trash that was dumped there has been pushed off to the side to where they can later go back and get rid of that. (Mr. Muensterman said some of this has been burned.)

Mr. Willner said the water was up about a week -- (better than 44 feet) but he is surprised at the \$7,000 worth of damage to the road.

Commissioner Borries asked, for the record, if Mr. Muensterman could drive to Nurrenbern Road area along Old Henderson Road during this high water period (44 ft. is high, but we've had higher levels -- for those around who remember the 1937 flood).

Mr. Muensterman said you could get to the railroad track, but you couldn't get across. There was plenty of water at Old Henderson Rd. and Nurrenbern Road. Mr. Willner interjected there was water there even after the water receded. The water was to the doorstep of the tavern at the corner of Nurrenbern and Old Henderson Road.

Commissioner Borries also expressed his appreciation to Mr. Muensterman and his crew.

In view of the weather forecast for the area, it was noted the Highway crew lucked out. Mr. Muensterman did note, however, there were a lot of trees down early this morning.

Mr. Muensterman said this morning the radio said Diamond Avenue and the Lloyd Expressway were closed because the County Highway Department hadn't salted the roads -- and he didn't appreciate that. Those are State highways. The County crews try to get out as fast as they can to take care of County roads.

RE: COUNTY ENGINEER - GREG CURTIS

Addition of Bridges to Federal Aid Bridge Program: Mr. Curtis said he has some bridges he would like for the Commissioners to take action on with regard to adding them to the Federal Aid Bridge Program and he has given the Commissioners a copy of a priority listing of his recommendation that we submit to EUTS to put into the TIP as to the priority of those five (5) projects he has to add:

- 1) Columbia/Delaware Expressway Overpass
- 2) Franklin Street over Pigeon Creek (he is proposing a Federal Aid job of rehabilitating those bridges. The Columbia/Delaware Expressway Overpass is extremely long (923 ft. long) and the cost of a new bridge would be in excess of \$5 million (maybe upwards of that). He is anticipating the construction cost of that rehab to be close to \$1 million. That will involve painting the structure, such as the State Highway does on a number of bridges going in and re-decking the concrete. There is one hole that goes all the way through that bridge and there are going to be a lot more similar problems in the future. We've also got some problems with the columns underneath and we need to repair those now and spend this much money, rather than waiting until later and having to spend a significant amount more.

The Franklin Street bridge over Pigeon Creek is a steel under-truss bridge (the truss is underneath the roadway) and that steel is severely deteriorated and it is going to really become a problem for us in the future.

He is proposing painting both of these bridges under this Federal Aid Project. On the Franklin Street bridge that will probably be 60% to 70% of the cost he has estimated and on the Columbia/Delaware it will probably be \$100,000 to \$200,000. The reason for that is the recent EPA guidelines. Whether we do them locally or through the State the guidelines are the same and must be adhered to, so we'll get 80% of it back if we can get it onto this program. Both of those projects need to be done.

- 3) Old Petersburg Rd. Bridge -- Just beside Hamilton Golf Course one of the pilings is bent and the bridge itself is cracking and some of the concrete on the beam underneath is starting to fall off. That bridge is in severe condition.
- 4) Nisbet Station Rd. Bridge - It had been proposed to replace Boonville-New Harmony when we were trying to switch bridges. This didn't work out, so he has also added that bridge.
- 5) Three (3) Bridges on Old Henderson Rd. - Mr. Curtis said he would like three (3) bridges on Old Henderson Rd. added to the program that are all within 3/10 mi. of each other in one stretch down in the flood plain. They are

in fairly bad condition and he has added these to the bottom of the list.

Mr. Curtis said he put the foregoing on the list of bridges, listing Boonville-New Harmony Rd. Bridge as first priority, followed by Orchard Rd. Bridge, and Fulton Avenue Bridge third. Those projects are in the mill and being designed -- and we need to get those completed. The Ohio Street Bridge is the only other bridge presently in the program and at this point in time we haven't proceeded any at all on that bridge. Therefore, due to the condition of the other four bridges he put in above that being much worse, he moved it down to #8 on the list. He is anticipating that the Bridge Inspection Report will concur with his priority list. He is asking the Board's approval to ask Rose Zigenfus to add these to the TIP, or suggested modifications.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, permission was granted to add the bridges as recommended by Mr. Curtis. So ordered.

Claims/Veach, Nicholson, Griggs Assoc.: Mr. Curtis submitted two claims to VNG. One on Orchard Rd. for \$423.00 and one on Green River Road South for \$1,325.96. It is his recommendation that these claims be approved for payment.

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

Selection of Consultant/Boonville-New Harmony Rd. Bridge #13 Project: Mr. Curtis said that two or three weeks ago we interviewed consultants for the Boonville-New Harmony Rd. project and it is his recommendation that we ask Bernardin, Lochmueller & Assoc. to get an agreement together and that we employ them to design that bridge for a Federal Aid Project through the IDOH Division of Local Assistance. He would like for the Commissioners to request that it be included in the agreement that it be set up such that at each stage of the project we have a lump sum fee, because it will be significantly less if we have a lump sum fee that we would have to pay them to finish the project locally if something should happen and this bridge should get to the point that we feel like we want to go ahead and replace it with local funds. If we would decide to do that, Bernardin, Lochmueller's cost would be reduced significantly for the remainder of the design, because they don't have to run back and forth between here and Indianapolis, as well as try to jump through all the hoops the State has. Thus, he would recommend that this be included in the agreement. He has asked them if they would be able to do that and they have indicated they would.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Bernardin, Lochmueller & Associates was selected as Consultant Engineers for the Boonville-New Harmony Rd. Bridge #13 Project. So ordered.

Motz Road Project: It was noted by Mr. Curtis that this project is proceeding and he hopes to have a very informative report next week as to what we have found at this time. It is not looking as rosey as it did previously.

Oak Grove Road Culvert: Messrs. Curtis and Stuckey have met with some of the property owners out there from whom we needed to acquire right-of-way and have run into a significant resistance with one property owner, in particular. Therefore, he'd like to reduce the length of that project significantly. It will make a bit more of a hump at the site of the proposed culvert, but he can't see the costs we will incur. We originally planned to go 500 ft. in each direction from the culvert. What he is talking about is in the vicinity of 200 ft. in each direction from the

culvert rather than the 500 ft. He doesn't believe the Commissioners have ever approved it at any particular length, but he wanted them to be aware of the problem.

Request to Travel: Mr. Curtis requested permission for Scot Davis and himself to travel to Indianapolis on March 22nd to attend a Concrete Pavement Seminar. He will be going to Indianapolis that day anyway because he has an afternoon meeting. This is why he wants someone else to go to catch what is going on in the afternoon meeting. They will be going up early Wednesday morning and returning the same day (they will not be staying overnight.)

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

Mr. Borries said he has asked Mr. Curtis to attend the meeting in Indianapolis that he has arranged with Christine Letts, Director of the IDOH (1:00 p.m. Evansville time and 2:00 p.m. Indianapolis time). He has also asked Rose Zigenfus and Councilman Mark Owen to attend and he, personally, will be attending. Purpose of the meeting is to obtain information and perhaps also acquaint Ms. Letts with the concerns we have regarding the USI situation in relation to the plans of the IDOH. Thus he is also requesting permission to travel.

Aerial Photo/Union Township Overpass: Mr. Curtis said he needs to have an aerial photograph made of the CSX railroad yard area for the Union Township Overpass project. He was going to request permission to have that done. However, in checking the cost, it will cost approximately \$400 to \$500 to have them go up and take the photo and then \$60.00 for the milar we will be getting. After talking with them, there are a number of locations that EUTS has discussed with him where they would like to have aerial photos taken (and he is sure the City Engineer might like to have some while they are up there) -- and it only costs us \$60.00 per picture thereafter. Thus, he will come back next and request permission to have them also do that for other locations where we need that information.

RE: ACCEPTANCE OF CHECKS

Evansville Dance Theater: Check in the amount of \$100.00 for payment on Promissory Note to Vanderburgh Auditorium was submitted. Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the check was accepted, endorsed, and given to the secretary for deposit into the County General Fund. So ordered.

Helfrich Insurance Agency, Inc.: Refund Check in the amount of \$36.00 for overpayment on bond of Norman Mosby. Upon motion made by Commissioner McClintock, the check was accepted, endorsed, and given to the secretary for deposit into the County General Fund. So ordered.

Refund Check in the amount of \$23,009.48 for adjustment to insurance quotes on ALA, Excess Work. Comp, and Public Official E&O. Upon motion made by Commissioner McClintock, the check was accepted, endorsed, and given to the secretary for deposit into the County General Fund. So ordered.

RE: CERTIFICATES OF INSURANCE

Hamilton Golf Foundation, Inc.: Certificate of Insurance  
.....received and filed.

RE: ADMINISTRATIVE GUIDELINES - ARMSTRONG TOWNSHIP TRUSTEE

A copy of updated Administrative Guidelines from the Armstrong Township Trustee re Poor Relief Assistance Eligibility was

submitted.....received and filed. Commissioner Willner asked that Mr. Riney three (3) copies for inclusion in the Commissioners' Poor Relief folders.

RE: RELOCATION OF FIRE HYDRANT - DAYLIGHT, IN

Insofar as update regarding relocation of fire hydrant at Daylight, Indiana, Commissioner Borries reported he did contact Mr. Diekmann and asked him to see what could be done to help the Fire Department. He indicated that the price initially mentioned in terms of movement could probably be adjusted down to somewhere around \$1,500. However, if that is done, he said there will be a meter placed along with that installation and someone will be charged for the water usage at that particular plug. Mr. Borries said he doesn't know who is being charged for the use of the water now across the street, but it doesn't have a meter currently. Mr. Diekmann said this has been his rule of thumb since he has been Administrator in the Utilities Department and the same procedure is being followed at the newer Fire Houses in the City of Evansville. Thus, that is an option should the Volunteer Fire Department wish to do that. This is all he can report at this time. He did talk with Mr. Hugh Miller of the Scott Township Volunteer Fire Department, and he was not really thrilled at the idea of the meter. He has not yet talked with Jess Roberts.

Commissioner McClintock said she can sort of understand why the City would have meters at their Fire Stations. However, it is her understanding that they don't fill their trucks there. When a City fire truck goes out on a City call and plugs into a fire hydrant, who pays for that water?

Commissioner Borries said he doesn't know -- and Commissioner Willner commented, "No one."

Commissioner McClintock said it is not exactly the same situation as in the City, because their trucks do not hold water. And she is sure Scott Fire Station must have an interior meter for their kitchen, etc.

Commissioner Willner said he would think they would, but he doesn't know.

Commissioner McClintock asked if the Commissioners can deal with the Utility Board rather than dealing with Mr. Diekmann.

Commissioner Borries said that is an option and the Board can certainly do that.

Ms. McClintock asked if this is the first time a question has come up on a County fire hydrant since Mr. Diekmann has been Administrator of the Department?

Commissioner Borries said he thinks this is the first time he can ever recall a County fire hydrant being discussed. We've not had this issue previously.

Commissioner Willner said it is not really in the Commissioners' area of responsibility.

Ms. McClintock said she would think it would be in the area of the Utility Department's responsibility.

Commissioner Borries said he guesses they thought it would be under the Commissioners' area of responsibility, since it is in County right-of-way.

Commissioner Willner said the fire line ran down the road opposite the fire house, so regardless of whether they move it across the road or leave it where it is, it would have cost the same amount of dollars, so they just left it on that side of the road. Originally, when they put the line down, they would have crossed the road and put the fire plug in designated area, so it cost the same. They didn't do that and they don't do it any other place. In response to query from Commissioner McClintock, Mr. Willner said there are water haulers in the County as well as fire trucks and they, too, use meters. For example, let's say there are four or five water haulers in the County. If they have a job to haul "x" number of gallons of water to a designated residence, they look at the closest fire hydrant. They carry a meter in their truck and they put that meter on the fire hydrant and they fill their truck at the closest fire hydrant.

Ms. McClintock asked what those people do with the water they are hauling? Are they fighting fires?

Mr. Willner said they do whatever they want -- fill cisterns; spray the crops, etc. Scott Township has two companies -- one in Darmstadt and one in Daylight. At the station in Darmstadt, the water line is on the same side of the road as the fire house, so they can park right in front of the fire house and wash their trucks or whatever they want to do. But when they find a fire hydrant, they don't necessarily use that fire plug -- it is just for their convenience.

Commissioner Borries asked if they pay for the water?

Mr. Willner said they do not.

Commissioner Borries suggested the Scott Township Fire Department write the Utility Board.

Commissioner McClintock suggested that she and Mr. Borries talk with Hugh Miller and Jess Roberts.

RE: SCHEDULED MEETINGS

March 7, 8, & 9                      Road School at Lafayette, IN  
March 13            3:30 p.m.            Tornado Awareness Meeting (Rm. 301)

RE: CLAIMS

Bernardin, Lochmueller & Assoc.: Claim in the amount of \$2,166.00 re Boonville-New Harmony Rd. Extension.

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

RE: BOONVILLE-NEW HARMONY RD. (BETWEEN GREEN RIVER RD. & HIGHWAY 57)

Mr. Willner said there was discussion earlier concerning Boonville-New Harmony Rd. in front of what used to be 84 Lumber or between Green River and Highway 57. On the north side of that road it is very narrow and the road is breaking up badly. He was wondering if there would be a move to buy 10 or 20 ft. along the north side so the County Highway can widen that stretch of the road to match the new road. He asked that the Commissioners take a look at this so a decision can be made.

RE: EMPLOYMENT CHANGES

Burdette Park (Appointments)

Juliana A. Murphy Part Time \$4.00/Hr. Eff: 2/24/89

Burdette Park (Releases)

Juliana A. Murphy Part Time \$4.00/Hr. Eff: 2/24/89

Circuit Court (Appointments)

Vicki Kavanaugh	PTWR	\$5.00/Hr.	Eff: 2/27/89
Sara Jo Vessels	PTWR	\$5.00/Hr.	Eff: 2/27/89
Mark Dane Acker	PTWR	\$5.00/Hr.	Eff: 2/27/89
Kent Duane Hertel	PTWR	\$5.00/Hr.	Eff: 2/27/89
Denise C. Karcher	PTWR	\$4.25/Hr.	Eff: 2/27/89
Sidney D. Jordan	PT Intern	\$3.35/Hr.	Eff: 2/27/89
Derek Wade Devine	PT Intern	\$3.35/Hr.	Eff: 2/27/89
John Hunt Wiseman	PT Intern	\$3.35/Hr.	Eff: 2/27/89
Stephen Griggs	PTWR	\$5.00/Hr.	Eff: 2/27/89
Stuart Vanmeter	PTWR	\$5.00/Hr.	Eff: 2/27/89
Bill G. Danks	PTWR	\$5.00/Hr.	Eff: 2/27/89
Dennis Howard	PTWR	\$5.00/Hr.	Eff: 2/27/89
Robert C. Blesch	PTWR	\$5.00/Hr.	Eff: 2/27/89
Velma Mason	PTWR	\$5.00/Hr.	Eff: 2/27/89
George A. Payne	PTWR	\$5.00/Hr.	Eff: 2/27/89
James D. George	PT Bailiff	\$3.35/Hr.	Eff: 2/27/89
Stephen Lehman	PTWR	\$5.00/Hr.	Eff: 2/14/89
Dennis Hudnall	PTWR	\$5.00/Hr.	Eff: 2/23/89
Angela K. Sumner	Spec. Reporter	\$5.00/Hr.	Eff: 2/27/89
Pamela C. Jacke	PT Nurse	\$5.00/Hr.	Eff: 2/27/89
Deana Dunkel	PTCT	\$4.50/Hr.	Eff: 2/27/89
Anthony W. Sullivan	PT Intern	\$3.35/Hr.	Eff: 2/27/89
Medea A. Paul	PT Intern	\$3.35/Hr.	Eff: 2/21/89
Michael J. Harl	PTWR	\$5.00/Hr.	Eff: 2/27/89
Jane Beverly	PTWR	\$5.00/Hr.	Eff: 2/27/89
Matthew Combs	PTWR	\$5.00/Hr.	Eff: 2/27/89
Charles Marx	PTWR	\$5.00/Hr.	Eff: 2/27/89
James Worley II	PTWR	\$5.00/Hr.	Eff: 2/27/89

\*To reflect changes in accounts for  
funding purposes

Circuit Court (Releases)

Stephen Griggs	PTWR	\$5.00/Hr.	Eff: 2/24/89
Stuart Vanmeter	PTWR	\$5.00/Hr.	Eff: 2/24/89
Bill Danks	PTWR	\$5.00/Hr.	Eff: 2/24/89
Dennis Howard	PTWR	\$5.00/Hr.	Eff: 2/24/89
John H. Wiseman	PT Intern	\$3.35/Hr.	Eff: 2/24/89
Deana M. Dunkel	PT Intern	\$4.50/Hr.	Eff: 2/24/89
Anthony W. Sullivan	PT Intern	\$3.35/Hr.	Eff: 2/24/89
Michael J. Harl	PTWR	\$5.00/Hr.	Eff: 2/24/89
Jane Beverly	PTWR	\$5.00/Hr.	Eff: 2/24/89
Matthew Combs	PTWR	\$5.00/Hr.	Eff: 2/24/89
Charles Marx	PTWR	\$5.00/Hr.	Eff: 2/24/89
James Worley II	PTWR	\$5.00/Hr.	Eff: 2/24/89
Robert C. Blesch	PTWR	\$5.00/Hr.	Eff: 2/24/89
Velma L. Mason	PTWR	\$5.00/Hr.	Eff: 2/24/89
George A. Payne	PTWR	\$5.00/Hr.	Eff: 2/24/89
James D. George	PTWR	\$5.00/Hr.	Eff: 2/24/89
Pamela Jacke	PT Nurse	\$5.00/Hr.	Eff: 2/24/89
Denise Karcher	PT Intern	\$4.25/Hr.	Eff: 2/24/89
Sidney Jordan	PT Intern	\$3.35/Hr.	Eff: 2/24/89
Derek W. Devine	PT Intern	\$3.35/Hr.	Eff: 2/24/89
Vicki Kavanaugh	PTWR	\$5.00/Hr.	Eff: 2/24/89
Sara Jo Vessels	PTWR	\$5.00/Hr.	Eff: 2/24/89
Mark D. Acker	PTWR	\$5.00/Hr.	Eff: 2/24/89
Kent D. Hertel	PTWR	\$5.00/Hr.	Eff: 2/24/89

\*Changes in account numbers for funding purposes

Center Township Assessor (Appointments)

Jennifer S. Yeley PT Deputy \$35.00/Day Eff: 3/3/89

County Surveyor (Appointments)

Chris J. Kern Instrumentman \$13,722/Yr. Eff: 2/28/89  
Elvis K. Freeman Rodman \$17,726/Yr. Eff: 2/28/89

County Surveyor (Releases)

Elvis K. Freeman Instrumentman \$17,726/Yr. Eff: 2/28/89

Jail/Sheriff (Appointments)

Finis A. Vincent Jailer/CO \$15,668/Yr. Eff: 2/27/89  
Jeffrey B. Pence Jailer/CO \$15,668/Yr. Eff: 3/3/89

Jail/Sheriff (Releases)

Arlita S. McGuire Jailer \$16,451/Yr. Eff: 3/3/89

County Council (Appointments)

Janice M. Enderlin Adm. Asst. \$15,942/Yr. Eff: 3/1/89

There being no further business to come before the Board,  
President Willner declared the meeting recessed at 5:45 p.m.

PRESENT:

Robert L. Willner/President  
Richard J. Borries/President  
Carolyn McClintock/Member  
Sam Humphrey/Auditor  
Cindy Mayo/Chief Deputy Auditor  
Curt John/County Attorney  
Cletus Muensterman/County Highway Supt.  
Greg Curtis/County Engineer  
Wally Clements/W.S.C. Associates  
Susan Jeffries/Purchasing Dept.  
Rick Higgins/Manager, Vanderburgh Auditorium  
Mark Tuley/Manager, Burdette Park  
Pete Dooley/Modern Marketing, Inc.  
Leslie Blenner/City Controller  
Betty Lou Jarboe/City Clerk  
Rose Zigenfus/EUTS  
Mike Schopmeyer/Attorney  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

  
Robert L. Willner, President

Richard J. Borries, Vice President

  
Carolyn McClintock, Member

TO BE ADVERTISED IN THE COURIER & PRESS ON  
FRIDAY, MARCH 10, 1989 AND ON FRIDAY, MARCH 17, 1989

Fax  
464-7487

NOTICE TO TAXPAYERS OF VANDERBURGH COUNTY, INDIANA

NOTICE is hereby given to the taxpayers of Vanderburgh County, Indiana, that the Board of Commissioners of Vanderburgh County, Indiana, will meet in Room 307 at the Civic Center Building, in the City of Evansville, Indiana, on Monday, the 27th day of March, 1989, at 2:30 P.M. for the purpose of considering a proposal to create a fund to be known as the "Cumulative Bridge Fund," for the purpose of providing funds for the cost of construction, maintenance and repair of bridges, approaches and grade separations in Vanderburgh County, Indiana, as authorized by Indiana Code §8-16-3-1.

And the levying of an additional tax at the following rates beginning with a levy in 1989: Fifteen Cents (15¢) on each One Hundred Dollars assessed valuation of all taxable personal and real property within Vanderburgh County, Indiana, payable in 1990 and 1991, respectively; and Ten Cents (10¢) on each One Hundred Dollars (\$100.00) assessed valuation on all taxable personal and real property within Vanderburgh County, Indiana, payable annually thereafter for the next three (3) consecutive years (or until reduced or rescinded), as provided in I.C. §8-16-3-3.

Taxpayers are invited to be present at the meeting and to exercise their rights to be heard on the proposal. The proposal, in the form of a resolution, if adopted, will then be submitted to the State Board of Tax Commissioners for its approval.

**BOARD OF COMMISSIONERS OF  
VANDERBURGH COUNTY, INDIANA**

**Robert L. Willner, President  
Richard J. Borries, Vice President  
Carolyn McClintock, Member**

\* \* \* \* \*

NOTE: Billing is to be directed to: Gloria Evans  
c/o Vanderburgh County Auditor  
Room 208 - Civic Center Complex  
Evansville, IN 47708

MAIL TWO (2) EXTRA PROOFS OF COPY TO:  
Joanne Matthews  
c/o Vanderburgh County Auditor  
Room 208 - Civic Center Complex  
Evansville, IN 47708

PROPOSED FEDERAL AID BRIDGE PROGRAM

PRIORITY	STRUCTURE #	BRIDGE NAME	IMPROVEMENT	SUFF.	COST (\$)	
1*	13	BOONVILLE/NEW HARMONY RD.	REPLACE	18.5		
2*	158	ORCHARD RD.	REPLACE	38.9		
3*	67	FIFTH/FULTON AVE.	REPLACE	25.4		
4	1C	COLUMBIA/DELAWARE EXPRESS.	REHAB	49.3	PE	63,000
					R/W	-0-
					CONST	900,000
					CE	36,000
5	4	FRANKLIN ST.	REHAB.	77.2*	PE	56,000
					R/W	-0-
					CONST	800,000
					CE	32,000
6	90	OLD PETERSBURGH RD.	REPLACE	6.0	PE	28,000
					R/W	16,000
					CONST	376,000
					CE	16,000
7	2	NESBIT STATION RD.	REPLACE	39.7	PE	16,000
					R/W	9,000
					CONST	225,000
					CE	9,000
8*	3C	OHIO ST.	REPLACE	43.3		
9	139	OLD HENDERSON RD.	REPLACE	37.9	PE	14,500^
	183	" " "	"	48.7	R/W	8,000^
	184	" " "	"	46.6	CONST	210,000^
					CE	8,500^

12.  
3/6/89

\* = ALREADY IN FED. AID PROGRAM

# = EXPECTED TO CHANGE DRASTICALLY AFTER RE-INSPECTION DUE TO DETERIORATION

^ = THESE COSTS ARE FOR EACH OF THE THREE BRIDGES UNDER PRIORITY 9

**FILED**

MAR 03 1989

ADMINISTRATIVE GUIDELINES

FOR

*Sam Humphrey*  
AUDITOR

THE ADMINISTRATION OF TOWNSHIP POOR RELIEF  
ARMSTRONG TOWNSHIP, VANDERBURGH COUNTY

I. The office of Armstrong Township Trustee is operated as a part time office. Early morning between the hours of 7:00 A.M. and 9:00 A.M. is the best time to contact for business purposes. A telephone answering service is available to take and record messages, 24 hours a day, seven days a week, when no one is available. All calls will be promptly returned and appointments set up at the convenience of the caller. The office is located at 17500 St Joseph Avenue, which is 1/2 mile north of Baseline Road. Contact Wilbur G. Kron, Township Trustee, Phone 963-5590.

II. The law requires a person to apply for and utilize all other forms of public assistance before being granted poor relief. Poor relief is intended to alleviate the immediate need of those unable to help themselves. You will be required to apply and verify that you have applied for any other assistance for which you may be eligible including Unemployment Compensation, Insurance Benefits, Social Security, Utility Payments Assistance, Food Stamps, HCI, Food Pantries, Salvation Army, Family Services, Public Welfare and other benefit programs available.

III. You will receive a decision on the application as soon as all forms are completed and signed, verification provided and investigation completed. A decision is usually made within three working days; however, failure to provide information or unusual circumstances may delay a decision. If you are denied any assistance, you will receive a written notice giving reasons for denial. This form will also advise you that you have a right to appeal the denial and tell you how to begin the appeal. Emergency cases will be dealt with expeditiously.

IV. Poor relief assistance and administrative guidelines will be followed as outlined by State Code and The Indiana State Board of Accounts. These guidelines are posted in the Trustee Office for public inspection.



CONSENT OF LESSOR

Board of Commissioners of Vanderburgh County, Indiana, Lessor in the above described Lease, consent to the assignment and transfer of the Lease including all terms and conditions thereof, to Assignee.

BOARD OF COMMISSIONERS OF  
VANDERBURGH COUNTY, INDIANA

*Richard J. Borries*  
RICHARD J. BORRIES, Commissioner

*Robert L. Wilner*  
ROBERT L. WILNER, Commissioner

*Carolyn McCintock*  
CAROLYN MCCINTOCK, Commissioner

ATTEST:

*Sam Humphrey*  
SAM HUMPHREY, AUDITOR OF  
VANDERBURGH COUNTY

DATE: *March 6, 1989*

A RESOLUTION APPROVING AN AMENDMENT TO THE INTER-LOCAL AGREEMENT  
BETWEEN THE CITY OF EVANSVILLE AND VANDERBURGH COUNTY REGARDING  
THE CITY-COUNTY HUMAN RELATIONS COMMISSION

WHEREAS, in 1988 the City of Evansville and Vanderburgh County entered into an inter-local agreement regarding the City-County Human Relations Commission, said agreement being recorded in Miscellaneous Drawer 2, Card 9733 in the Office of the Vanderburgh County Recorder; and

WHEREAS, the City and County desire to amend that portion of the agreement regarding financing;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Evansville, Indiana, as follows:

Section I. Approval of Amendment to Agreement

The Common Council of the City of Evansville hereby approves the attached amendment to Section 4, Page 2, of the Agreement entitled: INTER-LOCAL GOVERNMENTAL AGREEMENT VANDERBURGH COUNTY-CITY OF EVANSVILLE CITY-COUNTY HUMAN RELATIONS COMMISSION, which agreement was approved by the Common Council of the City of Evansville on May 9, 1988, by the Mayor on May 11, 1988, by the County Commissioners on August 22, 1988 and by the County Council on November 9, 1988. Said original agreement was recorded in the Office of the Vanderburgh County Recorder in Miscellaneous Drawer 2, Card 9733.

Section II. Effective Date

This Resolution shall be in full force effect from and after its passage by the Common Council and signing by the Mayor.

**FILED**

JAN 18 1989

*Billy Lee Jones*

AMENDMENT TO  
INTER-LOCAL GOVERNMENTAL AGREEMENT  
VANDERBURGH COUNTY-CITY OF EVANSVILLE  
CITY-COUNTY HUMAN RELATIONS COMMISSION

The City of Evansville and the County of Vanderburgh hereby agree to amend the agreement entitled Inter-Local Governmental Agreement Vanderburgh County-City of Evansville City-County Human Relations Commission, by amending Section 4 Financing to read as follows:

4. Financing:

The City-County Human Relations Commission shall be financed as follows:

The City of Evansville shall contribute eighty-seven percent (87%) of the annual budget of the City-County Human Relations Commission. The County of Vanderburgh shall contribute thirteen percent (13%) of the annual budget of the City-County Human Relations Commission. The budget for the Commission shall be submitted to both the Common Council of the City of Evansville and the Council of Vanderburgh County for mutual approval. The City and County councils or a committee of said councils may meet in concert for consideration of the budget, or an amendment thereto, of this Commission. Vanderburgh County shall transfer the said thirteen percent (13%) to the Controller of the City of Evansville. The Controller will bill the County by claim on a monthly basis; the County will reimburse the City in a prompt manner. The Controller of the City of Evansville shall recognize vouchers and pay vouchers only according to the procedures set out for cities of the second class in paying of vouchers, and only according to the budget as passed by the County of Vanderburgh and the Common Council of the City of Evansville.

Effective Date:

This amendment shall be effective the day of signature and recordation. This amendment shall relate back to the 1st day of January, 1989.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1989.

CITY OF EVANSVILLE

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 1989, by the Common Council of the City of Evansville, Indiana

\_\_\_\_\_  
President, City Council

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 1989, by the Mayor of the City of Evansville, Indiana

\_\_\_\_\_  
Mayor, City of Evansville

ATTEST:

\_\_\_\_\_  
City Clerk

*Approved 3/6/89*

COUNTY OF VANDERBURGH

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 1989, by the County Commissioners

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 1989, by the County Council

\_\_\_\_\_  
Member

ATTEST:

\_\_\_\_\_  
Auditor of Vanderburgh County

REPORT ON COST OF HIGH WATER CLEAN UP:  
TO VANDERBURGH COUNTY COMMISSIONERS AND TAXPAYERS:

After the river reached it's crest on Monday, February 26, the water started to recede, leaving an incredible amount of sludge, logs and complete trees, with extremely large roots lying on Old Henderson Rd., shoulders of the road, ditches and culverts. Large portions of Old Henderson Rd. were washed away leaving drop-offs that only large trucks and four-wheelers could drive across. Some shoulders of roads where large pieces of concrete and rip-rap had been in place since 1983, were now washed onto the road or back into fields. I couldn't believe my eyes, seeing what the high water had done this year. Some river camp ground looked like a forest that had been hit by a tornado.

The cost of getting Old Henderson Road alone, will cost the County an extreme amount of money. This cost is only for the section of Old Henderson Rd. which is paved and this road will also need some paving, concrete work and maybe some culverts replaced or repaired, on the unpaved section.

The rock roads in Union Twp. must be repaired so the farmers can plant their fields this spring. Most of the cost will be for grading and rocking the roads. The way Old Henderson Road washed out we know we can expect a lot of wash-out with some places in roads completely washed away.

The cost through Friday, March 4th, 1989 to make Old Henderson Rd. passable for the school buses and citizens of Vanderburgh County is as follows.

LABOR HOURS	<u>\$2949.12</u>
MACHINE HOURS	<u>\$2949.12</u>
MATERIAL	<u>\$1032.12</u>
TOTAL	<u>\$6930.36</u>

We rocked roads in Union Twp., roads still needing grading are Cypress Dale, Seminary Golden Rule, Old Henderson, Happe, King Rd., Long Rd., Newman and Hickory Ridge Roads.

The Newsmedia and Vanderburgh County Taxpayers have been asking what the County Highway employees have been doing since we have had very little snow this year. We had little snow this year, but plenty of water, sludge, trees and trash to compensate for it.

We have also rebuilt Marenholz Rd. and cut down the Railroad crossing hill on Schenk Road. Also installed new culverts, cleaned drainage ditches, patched roads, graded and rocked roads, cut brush along shoulders and picked up trash from roads that concerned citizens called about.

Now behind the scenes, we have people repairing machinery and trucks. Also rebuilding old trucks and machines that are trashed by other County or City groups, such as vans, cars, firetrucks etc., so as you see, we do contribute to the community.

# Burdette Park



Featuring THE LARGEST FRESH WATER POOL IN INDIANA

P.O. BOX 7081 NURRENBERN ROAD TELEPHONE 424-9535 EVANSVILLE, IN 47712-0881

March 6, 1989

County Commissioners and County Council Members  
Civic Center Complex  
Evansville, IN 47708

Dear Commissioners and Council Members,

We are requesting your permission to be placed on the Council Agenda for April.  
We are requesting additional funds as itemized below.

145-344 Advertising \$29,800.00

A detailed description prepared by Peter Dooley of Modern Marketing Agency will be presented to you.

145-354 Repairs to Pool \$30,000.00

The funds in this account are needed for the following projects which need to be completed by our May opening date, Memorial Day.

Pool lockers for new bathhouse; build two retaining walls at each end of bathhouse and a patio; tile, grout and paint both pools; repair chlorinators from Fisher and Porter Company; repair some major water leaks in the pool; table & chairs for new party rooms at pool; and additional sand needed for beach area which needs to be trucked in from near Chicago, Illinois.

145-368 Park Planning \$ 5,000.00

Letter from William Haralson attached explaining this request.

145-412 Buildings and Structures \$30,000.00

These funds are also needed for projects which need to be completed by our opening.

Gravel and pipe for parking area for new miniature golf course; move playground equipment for miniature golf course; replace roof on Clubhouse Shelter House; landscaping, sidewalks, and steps at Shelter House #12; venting of comfort station at campground; repair of Dump Station at campground to meet health code.

Respectfully,

*Mark T. Tuley*  
*Joyce A. Moers*

Mark T. Tuley, Manager  
Joyce A. Moers, Bookkeeper

cc: County Commissioners  
County Council Members



January 3, 1989

Mr. Mark Tuley  
Burdette Park  
P.O. Box 7081  
Evansville, Indiana 47712

Proposal No. 6408

Dear Mark:

Pursuant to your request, William L. Haralson & Associates, Inc. (WLHA) is pleased to submit this proposal for an update study of the Burdette Park master plan, which we prepared in March, 1987. Since the master plan was prepared, attendance at the park has increased faster than expected; consequently, it is necessary, at this time, to formulate an expansion program for the upcoming year. And, while the master plan stipulated certain improvements, it is appropriate to rethink those improvements in light of current conditions and the latest innovations in aquatic products and services.

A parallel issue is the park's pricing structure. Given the expansion of the aquatics center from merely a pool to a water park complex, the time is overdue for a restructuring of the admissions fees to reflect the facility's enhanced entertainment value.

WLHA proposes to address the two issues cited above and to summarize our study findings in a formal report (5 copies) which would serve as an addendum to the March, 1987 master plan. We are prepared to undertake this assignment for a fee of \$5,000 and within a time frame of 30 days of authorization.

Acceptance of this proposal may be indicated by signing one copy of this proposal and returning it to WLHA

Sincerely,

William L. Haralson  
President

WLH:dwp

ACCEPTANCE \_\_\_\_\_ DATE \_\_\_\_\_

*agenda 2/2/89*

Certified Public Accountants

**Peat Marwick Main & Co.**  
2400 First Indiana Plaza  
135 North Pennsylvania Street  
Indianapolis, IN 46204-2452

Telephone 317 636 5592

Telecopier 317 635 3314

March 1, 1989

Mr. Mark Owen, President  
Vanderburgh County Council  
Ms. Leslie Blenner,  
Board of Works, Vanderburgh County

Dear Ms. Blenner and Mr. Owen:

In accordance with your instructions at the conclusion of our presentation to County Council on March 1, 1989, this letter describes the support required to implement our recommendations related to the pending hardware/software procurement process.

The following describes the background leading up to Council's request, scope/approach of work, timing, and professional fees.

**BACKGROUND**

On March 1, 1989 we presented our final report to the County Council in which we outlined findings and recommendations relative to the hardware, software, and selection work and process conducted over the past 18 months. At the conclusion of our presentation, you and members of Council requested that we prepare a proposal for Peat Marwick to execute the recommended next steps.

The objective of our assistance is to assist the several City/County decision-making bodies in arriving at a recommendation for new hardware and software that is acceptable and understood by all involved.

**SCOPE/APPROACH**

Scope of and approach to completing this project is as outlined in our final report to Council. This would include the following work.

- 1. PREPARE SOFTWARE BEST AND FINAL REQUEST.** Peat Marwick will work with the Selection Team in preparing a Best and Final quote request to be sent to a short list of vendors. The overall purpose of this document will be to get updated information from vendors in the following areas:

RECEIVED

MAR 06 1989

VANDEBURGH  
COMMISSIONER



Member Firm of  
Kluweid Peat Marwick Goerdeler

- Current pricing;
- New functionality introduced on the proposed packages;
- Instructions for delineating quotations in a consistent format;
- Costs associated with modifications required to bring software within acceptable functionality (vendor specific)

In general, this request will define, specifically, the additional information requested from the vendor and how the vendor should present this information.

- 2. PREPARE HARDWARE BID.** In this task, Peat Marwick will assist the Selection Team in writing the formal hardware bid requesting vendors to bid on hardware capable of running the software under consideration. As part of this effort the original specifications will be enhanced with additional information received during the original selection process.
- 3. CONDUCT VENDOR INTERVIEWS.** Once both the Best and Final request and the hardware bid have been issued, Peat Marwick will work with the Selection Team in conducting vendor interviews with each vendor issued a Best and Final request. The purpose of these interviews will be to ensure that the vendor understands the information being requested by the Selection Team and the manner in which the information is to be organized. This will reinforce the Selection Team's effort to collect information comparable between the individual vendors.
- 4. ANALYZE VENDOR RESPONSES.** Peat Marwick will assist the Selection Team in analyzing all vendor responses. The goal of this analysis will be to compare responses on a consistent basis providing information that shows cost tradeoffs between software capabilities. This process will focus on deciding whether the software which functions best within the City and County is cost justified over software with lesser functionality. Where appropriate, costs provided by vendors relative to required software modifications will be brought into the decision equation.
- 5. PRESENT RECOMMENDATION TO DP BOARD AND COUNCIL.** Peat Marwick will assist the Selection Team in documenting the decision process used in making the final recommendation. This will include developing presentation aides to be used in presenting the final recommendation to the DP Board, County Council, and City Council.

As part of the above process, Peat Marwick will review the plan for splitting the overall cost of the hardware and application systems between the City and County. The specific cost allocation plan will be included in the Selection Team's final recommendation. In addition, after the City Legal Division completes the vendor contract, Peat Marwick will review the contract to include provisions designed to ensure that vendors deliver their proposed performance and functionality.

**TIMING**

We estimate for us to complete the above-outlined work will take approximately 6 weeks from start to finish. We recognize that this is an aggressive timeframe contingent upon the following factors:

- Reassessment of application software functionality is not necessary;
- Vendor responses are such that additional site visits and/or on-site demonstrations are not required;
- City/County personnel are able to meet and reach accord without undue deliberation or revisiting of old issues already agreed upon;
- Scope of system functionality is not expanded beyond that already presented in documents prepared to date; and
- That the facilities management contract issues and decisions are handled independently of this scope of work.

Changes to any of the above assumptions will impact directly the amount of time required to complete the work and, correspondingly, our fee quote.

**PROFESSIONAL FEES**

Our professional fee estimates are based on hours we feel necessary to complete the described scope of work. Our expenses have been estimated based on five (5) visits to Evansville. If additional trips become necessary, we will bill for any additional out-of-pocket expenses at actual cost. We estimate professional fees and expenses to be \$17,500.

\* \* \* \* \*

10,000  
8,000  
17,500  
\$35,500

17,500  
8,000  
25,500

We are looking forward to working with the City and County in making the final decision on how best to accommodate your short and long-term information processing needs. We feel believe that the approach described in this proposal will result in the right decision considering both user functionality and cost. Please feel free to contact either myself or Walter Niemczura should you have need for any additional information.

Sincerely,

KPMG Peat Marwick



Vincent A. Neton  
Partner

This proposal accepted by:

\_\_\_\_\_ Date: \_\_\_\_\_

MINUTES  
COUNTY COMMISSIONERS MEETING  
MARCH 13, 1989

I N D E X

Approval of Minutes.....	1
Authorization to Open Bids re New Roof for Coliseum....	1
Vanderburgh Auditorium - Karen Hadfield.....	1
Permission from Atty. Miller to proceed with decision re bid on elevator	
Appropriation Request (\$76,000) for Restroom Portion of capital improvements @ Auditorium	
Awarding of contract for Elevator Portion of Improvements to Lichtenberger Construction in the amount of \$102,000	
Letter from Fire Inspector re Exit Doors	
Approval for Transit Media to Place Advertising Bus Stop Shelter near Vanderburgh Auditorium	
Request for Approval of Road Construction Plans in Henze Estates..(Approved).....	3
Request for Waiver of Sidewalks/Laubscher Court in Henze Estates (Approved).....	3
Contract with Peat, Marwick, Main & Co. (\$7,000) for Consulting Computer Services.....(Approved).....	4
Telephone Request - County Assessor (Approved - \$494.92)	4
Reading of Bids re New Roof for Coliseum.....	4
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Industrial Contractors (\$74,112)	
Industrial Maintenance Co. (\$84,475	
R. J. Construction Co. (\$76,900)	
Whiting Sheet Metal Co. (\$80,100)	
Coatings Application & Waterproofing Co. (\$83,060)	
Agreement w/IDOH re Lynch Road Project (East of Burkhardt Rd. to Telephone Rd.)..(Approved).....	5
Lease Agreement re Deluxe Miniature Golf Course at Burdette Park/J.M.H. Investments Co. (Approved).....	5
Acceptance of Checks re Alexander Ambulance Lawsuit Collections (\$256.00).....	6
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Request to Extend Lease at Coliseum/Veteran's Council.. (No action required by Commission; however, Commission does need to set up meeting with the Veteran's Council to discuss capital improvements and re-define certain items in the lease	6
Report re Road School - Lafayette , IN.....	7

County Highway Department - Cletus Muensterman.....	7
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Public Hearing re County Roads.....	7
Scheduled at 6:30 p.m., March 20, 1989	
County Engineer - Greg Curtis.....	8
Request to Go On Council Call re Coliseum Roof (Amended motion to \$8,112 - see Page 9)	
Motz Road Project (County Engineer may recommend halting project if property owners do not donate right-of-way)	
Boonville-New Harmony & Highway 41 (G. Curtis meeting on Thursday to discuss w/Dept. of Highways Bridge #67/Fulton Avenue (Veach, Nicholson will be asking for an amendment to agreement to re-do a section design	
Aerial Photos/CSX Overpass Area/Obtaining from IDOH Inglefield Rd./Highway 41 (Discussion will be taking place with the IDOH re their requirements	
St. Joe Avenue/Allen's Lane Intersection (G. Curtis expects to submit cost estimate next week)	
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Columbia Street Overpass & Franklin Street Bridge (No confirmation yet as to whether included in Federal Aid Program)	
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W. S. C. Associates, Arc Construction Co., Gerg Curtis and Bowers, Harrison, Kent & Miller	
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(Atty. Miller advises he will need two (2) Commissioners at Counsel Table; Anticipates trial period of some 5 days beginning April 10th)	
Employment Changes.....	11
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MINUTES  
COUNTY COMMISSIONERS MEETING  
MARCH 13, 1989

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, March 13, 1989, in the Commissioners Hearing Room, with President Robert Willner presiding. (Commissioner Richard J. Borries was absent.)

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the minutes of March 6, 1989 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: AUTHORIZATION TO OPEN BIDS RE NEW ROOF FOR COLISEUM

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, County Attorney David Miller was authorized to open the five (5) bids received re new roof for the Coliseum. So ordered.

RE: VANDERBURGH AUDITORIUM - KAREN HADFIELD

President Willner said Auditorium Manager Rick Higgins had a death in the family and is not present today. His Assistant, Karen Hadfield, will be making the Auditorium report.

County Attorney David Miller reported that he was contacted this morning by Building Commissioner Roger Lehman with regard to the bid situation on the elevator. He subsequently had an opportunity to talk with Mr. Lichtenberger, who has advised him that Abel Elevator submitted a sub-contract bid to him (of which he has a written record) and they were not the low bidder among the sub-contractors that he solicited. Attorney Miller said therefore it is his opinion that if the Board finds an acceptable bid -- they can go ahead and accept it and award same today.

Appropriation Request: Ms. Hadfield said she has an Appropriation Request in the amount of \$76,000 in the Capital Improvements Account (#144-425) for the Restroom & Handicapped Facilities on the 2nd Floor, which should be included with the elevator.

Commissioner Willner said there are sufficient funds to award the contract for the elevator, but \$76,000 is needed prior to awarding contract for the Restroom improvements. He entertained a motion to go on Council Call.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, approval was given to go on Council Call in the amount of \$76,000 to provide funding for the Restroom Improvements at Vanderburgh Auditorium. So ordered.

Contract for Elevator: Mr. Roger Lehman said he submitted a cost breakdown last week on this project. The elevator portion of the contract is \$102,000. He would ask that the elevator portion of the contract be awarded today, as there is a delivery time problem. He would recommend that Lichtenberger Construction be awarded the contract for the elevator portion in the amount of \$102,000, with the remainder for the plumbing and restrooms being awarded subject to funding by Council.



today. She spoke with him prior to the meeting to be sure there was no problem setting the advertising bus shelter at the site of the three lane location near Vanderburgh Auditorium.

In response to question raised by Commissioner McClintock with regard to advertising revenues, Mr. Smith said they would be willing to move the bus shelter to the desired location upon approval by the Board of Works -- there are certain traffic stipulation guidelines. If the Board of Works approves that particular location, then they are willing to place it on that third lane. With regard to the money, Transit Media already pays commission on the advertising to the City of Evansville. Since the City of Evansville is in the County of Vanderburgh -- that is all they can do.

Ms. McClintock asked how much commission Transit Media currently pays to the City of Evansville?

Mr. Smith said he does not know, as he doesn't have the contract with him.

Ms. McClintock asked if he understands that the County is a separate government entity.

Mr. Smith said he does; but they are treating the County the same way they treat a property owner who permits them to place shelters up in front of other places. They do not pay commission to them either -- they pay it all to the City. The property owners recognize it is a service Transit Media is contributing. As long as there are no traffic hazards, out of the goodness of their hearts they usually agree, recognizing it as a public service.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, approval was given to install a bus stop shelter on Walnut Street on the property adjacent to the Vanderburgh Auditorium parking lot contingent upon approval of the Board of Public Works that the bus stop shelter can be placed at the location recommended by the Board of Commissioners. So ordered.

Commissioner Willner said this may cut into a couple of parking places, but they will make these parking places for small vehicles.

RE: REQUEST FOR ROAD CONSTRUCTION PLANS - HENZE ESTATES

County Engineer Greg Curtis said Mr. Sam Biggerstaff is present today and the developer of Henze Estates is seeking approval of road construction plans for Henze Estates. With the exception of the intersection at Happe Rd., the streets are to be constructed with 5" compacted aggregate and 10 lb. per sq. yard of calcium chloride applied thereon. It would be bituminous - standard 2" of base and 1" surface. Again, the rest of the roads are 5" of compacted aggregate and 10 lb. per sq. yard of calcium chloride. All of those proposed roads meet the 1977 standards we have. Recently, the Commissioners have not been accepting for maintenance those roads not paved either with concrete or asphalt. Mr. Biggerstaff is aware of that; he is just asking for construction approval and he recommends same.

Mr. Biggerstaff said the Commissioners can just write on the plans and sign the milar that the County will not accept these roads for County maintenance.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the construction plans for the roads in Henze Estates were approved according to plans submitted by Associated Land Surveyors & Civil Engineers, with the condition

that the roads will not be accepted for County maintenance once they are constructed. So ordered. (Attorney David Miller made this notation on the plans, prior to Commissioners affixing their initials thereto.)

RE: REQUEST FOR WAIVER OF SIDEWALKS/LAUBSCHER COURT - HENZE ESTATES

Mr. Biggerstaff requested waiver of sidewalks in Laubscher Court in Henze Estates.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the requirement for sidewalks in Laubscher Court (a cul-de-sac) in Henze Estates was waived. So ordered.

RE: CONTRACT WITH PEAT, MARWICK, MAIN & CO. RE COMPUTER STUDY

The meeting proceeded with President Willner submitting the first contract entered into by County Council with Peat, Marwick, Main & Co., which was not approved by the State since Council is not authorized to enter into contracts. President Willner said he needs motion to approve \$7,000, which includes their initial expense including travel.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the contract with Peat, Marwick, Main & Co. for consulting computer services in the amount of \$7,000 was approved and signed. So ordered.

RE: TELEPHONE REQUEST - COUNTY ASSESSOR

President Willner recognized Zretta Hardin of the County Assessor's office. The Assessor had previously asked for three (3) console model phones. Ms. Hardin advised they found two (2) telephones in the basement. Thus, the request is now for just one (1) console model and the installation cost (\$494.92 - KLF). (Request cost was initially \$1,300.)

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

RE: COUNTY ATTORNEY - DAVID V. MILLER

Bids re Roof for Coliseum: Attorney Miller read the following five (5) bids received re Roof for Coliseum:

- 1) Industrial Contractors (Evansville, IN): Bid of \$74,112
- 2) Industrial Maintenance Co. (Henderson, KY): Bid of \$84,475
- 3) R. J. Construction Co. (Evansville, IN): Bid of \$76,900
- 4) Whiting Sheet Metal Co. (Evansville, IN): Bid of \$80,100
- 5) Coatings Application & Waterproofing Co. (St. Louis, MO): Bid of \$83,060.

Attorney Miller stated that all of the bids are in order and ready for the Commissioners' consideration. He would say that, after conversation between himself and Attorney Curt John earlier, they have taken a look at the Coliseum Lease between the County and the Veteran's Council and the Commissioners need to be aware of the fact that the County is considering this and other large capital improvements and there is what amounts to a 99 year lease on that building. And, it is made up essentially of an initial 3-year term and 32 options to renew for three (3) years each. And the Veteran's Council has the right to continue to renew the lease and essentially control the usage of the Coliseum for that entire period. It is his thought that they want to

consider entering into discussions with the Veterans about the possibility of re-negotiating certain portions of that lease agreement so that if Vanderburgh County finds itself in a position to spend substantial amounts of money to upgrade the facility, the Commissioners will have a little more to say about how the facility is used -- and when -- and under what circumstances -- all of those kinds of things -- without, of course, doing any damage to the Veteran's usage of the facility. He thinks the two needs can be satisfied together. He is not suggesting that they be removed from their location. But he does think that if the County is going to spend large amounts of money we should start talking about some adjustments.

Commissioner Willner said he agrees; and they are talking about the buildings behind being a parking lot and the Third Street/Fifth Street renewal.

Attorney Miller said the lease was entered into back in 1971, and during the last 18 years they have done a remarkably good job of holding things together. But when you're talking about spending large amounts of money, he thinks the Commissioners need to have a hand on the control situation.

Commissioner Willner again said he agrees.

Commissioner Willner asked that the record reflect that County Engineer Greg Curtis will review the bids to see if there are any alternatives other than to go on Council Call for the balance of funding for this contract.

Commissioner McClintock said when she read the Lease, she thinks there are certainly areas the Commission needs to at least re-define and she has no interest in displacing the Veterans or not trying to work with them. But she does want to mention that she thinks the Commissioners should meet with them fairly soon and begin to look at a new agreement that would address some of the major expenditures.

Commissioner Willner said he agrees.

Agreement with IDOH re Lynch Road Project (East of Burkhardt to Telephone Rd.): Attorney Miller submitted standard form agreement with the IDOH re Lynch Road Project east of Burkhardt Rd. to Telephone Rd. It is his recommendation that the Commissioners sign same.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the subject agreement was signed. So ordered.

Lease Agreement re Deluxe Miniature Golf Course: The next item presented by Attorney Miller was a contract concerning lease of certain space in Burdette Park for the new Deluxe Miniature Golf Course, the Lessor being Vanderburgh County, Indiana and the Lessee being J.M.H. Investments (an Indiana General Partnership). Mark Tuley has reviewed the contract and confirms it is indeed correct. There was a list of items last week required to be resolved prior to the execution of this list. One was that the bid bond check be made payable to Vanderburgh County Commissioners in the amount of \$6,250.00, which he now has. Another was a Certificate of Insurance, which he now has. Another was a letter from McGee Enterprises (the company that has the food concession) granting a waiver to the miniature golf course so they can offer some food at its location. The waiver simply says, "Permission granted for the concession to be located at the new golf course at Burdette Park". This is attached to the lease and he thinks that is adequate. Thus, he believes everything is in order and he is submitting the lease to the Commissioners for their signatures.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the lease with J.M.H. Investments for the construction of a deluxe miniature golf course at Burdette Park was approved and signed. So ordered.

Commissioner Willner said he wants to commend Burdette Park and Mark Tuley for obtaining someone willing to invest their dollars for the betterment of Vanderburgh County. It is not too often that this happens -- and he appreciates it.

RE: ACCEPTANCE OF CHECKS - ALEXANDER AMBULANCE SERVICE, INC.

The following checks in conjunction with the Alexander Ambulance Lawsuit Collections were submitted by Attorney Miller:

Daniel McFarland (Patient No. V4438)	\$10.00
Charles Pepper (Patient No. V7845)	\$15.00
Elvis Francis (Patient No. V6919)	\$100.00
Carl Points (Patient No. V4884)	\$131.00
	<hr/>
Total	\$256.00

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

RE: ORDINANCE APPROVING AMBULANCE SERVICE PROGRAM FOR COMAIER AMBULANCE, INC.

Attorney Miller said he has an Ordinance approving an Ambulance Service Program for Comaier Ambulance, Inc., which was prepared by Attorney Paul Wallace, who is here today on behalf of Comaier. Attorney Miller said he does not know the status, but it was Mr. Wallace's understanding the Board would want to introduce the ordinance and advertise same.

Commissioner Willner said he thinks this is a repeat of what happened at City Council between the Ambulance Service and Council and City Council has approved Comaier's Sure Care Service Program. Mr. Wallace advises the Ordinance, as submitted to the Commissioners, contains the exact same wording as approved by City Council.

In response to query from Commissioner Willner, Attorney Miller said the Board needs to approve on First Reading, then advertise the Ordinance twice prior to Final Hearing (twice seven days apart, and hearing scheduled no sooner than 10 days after the last advertisement). Commissioner Willner said he would point out that he believes Alexander paid the cost of their advertising.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the Comaier Ordinance was approved on First Reading and the secretary was instructed to check the dates, schedule the Public Hearing and advertise accordingly. So ordered. (Advertisement to appear on March 17 and 24, with Public Hearing scheduled April 10, 1989.)

RE: REQUEST TO EXTEND LEASE - VETERAN'S COUNCIL

With regard to the request from the Veteran's Council to extend their lease on the Coliseum, Commissioner Willner said he has no problem with this either. He does wish to ask Counsel whether there is any action required on the part of the Commission.

Attorney Miller said there is really nothing for the Board to do. Once the Veteran's Council gives notice, said notice is just to be received and filed.

Commissioner Willner requested that the notice be received and filed and made a part of the minutes. (Copy attached hereto.)

RE: ROAD SCHOOL - LAFAYETTE, IN

President Willner gave a brief report on the road meeting in Lafayette, IN which he, Greg Curtis and others attended. He said the highlights were on recycling and garbage as far as Rose Zigenfus is concerned. Recycling was more on City streets, but they certainly covered it very well. There was a great deal of discussion re garbage. They seem to think that a bill coming out of the Legislature will be for the Counties to provide them a plan to lessen the amount of garbage by 25% during the coming year and they talked about a \$1.00 per ton charge for the landfill to cover the Counties' cost.

Mr. Muensterman said they had some information on signals and signs, some of which pertained to us -- but mostly it pertained to traffic signs.

Mr. Willner commented that some of the other Counties are trying to follow our lead with regard to no potholes. At least one other county to his knowledge has gotten the job done -- and that was Tippecanoe County. They claim they were pothole free approximately one (1) month ago.

Attorney Miller reported a serious road condition at I-164 and Outer Lincoln Avenue, saying the construction has really torn up Outer Lincoln.

Commissioner Willner said that area is now in the City as of the last annexation.

RE: COUNTY HIGHWAY DEPARTMENT - CLETUS MUENSTERMAN

Weekly Work Reports & Absentee Reports: Mr. Muensterman submitted copies of Work Reports and Absentee Reports for both the Employees at the County Garage and the Bridge Crew for period of March 6 thru March 10, 1989.....reports received and filed.

Letter to Hi-Rail: Mr. Muensterman said he is sending a letter to Hi-Rail with regard to the ditch off St. Joe Avenue and Mill Road that runs behind the County Garage and he is asking that the County back him up on this. It needs it; this summer it would be a mosquito-infested area.

Request for Appropriation: A request to go on Council Call (Acct. #201-230 bituminous material) for \$500,000 was submitted. Mr. Muensterman said this is needed for road paving material for the coming paving season.

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

Mr. Willner said it is his understanding that Council has said they will go \$1-1/2 million this year.

RE: PUBLIC HEARING RE COUNTY ROADS

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, a Public Hearing will be held with regard to County Roads to be paved in 1989 at 6:30 p.m. on Monday, March 20, 1989, immediately preceding the regular Commissioners Meeting. So ordered. (Legal ad will be published on Friday, March 17th in the Courier & The Press with regard to the the hearing.)

RE: COUNTY ENGINEER - GREG CURTIS

Request To Go on Council Call: Mr. Curtis requested permission to go on Council Call in the amount of \$7,112 to provide sufficient funding for the new roof at the Coliseum. He said the low bid was \$7,112 over the amount appropriated at this time. It is his recommendation we ask for this additional amount.

Mr. Willner asked Mr. Curtis if he thinks there is a possibility of a lessening of that amount.

Mr. Curtis said there is an alternate bid, but with the information given to him by Industrial Contractors prior to today's meeting about the product involved, he would find it unacceptable. Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the request was approved. So ordered. (See AMENDED MOTION to \$8,112 on Page 9.)

Motz Road Project: Mr. Curtis said he wanted to inform the Commissioners that at the present time we are getting an indication that some of the property owners possibly are not willing to donate right-of-way. They may wish that we purchase it. His office intends to proceed with the project at this time; but if this situation persists, in a few weeks he will be recommending that we halt the project if we are not going to have right-of-way donated.

Commissioner McClintock asked if the Motz Road residents know this -- that we're not going to buy the right-of-way?

Mr. Curtis said that is part of the motivation of his mentioning it at today's meeting -- that it is his intention to recommend halting the project unless the right-of-way is donated.

Commissioner McClintock said this is fine with her. She has no desire to buy right-of-way from individuals who requested the County re-do the road in the first place. That is fine.

Boonville-New Harmony & Highway 41 Intersection: This matter has been discussed to some degree during the last two meetings. He's talked with people at the Department of Highways who have to issue the permit for us to put any sort of acceleration or deceleration lane at Boonville-New Harmony Rd., and he has a meeting set up this coming Thursday at 8:30 a.m. with that individual to discuss what would be required for the different options that EUTS will have and EUTS is supposed to come back within the next week or so with a recommendation as to what they feel is warranted.

Bridge #67/Fulton Avenue: With regard to Bridge #67 on Fulton Avenue, Mr. Curtis said the information submitted to the State is was not complete and unsubstantiated. Therefore, at some point in the near future Veach, Nicholson will be asking for an amendment to the agreement to re-do a section design.

Aerial Photos/CSX Overpass Area: Mr. Curtis said he discussed aerial photos needed of the CSX Overpass area last week. Since that time via the IDOH he has located a 1976 aerial photo of the subject area which will suffice and he is getting a copy of that.

Inglefield/Highway 41 Intersection: Discussions will be taking place between Mr. Curtis and the IDOH with regard to what they would be requiring at that site, as well, to make improvements.

St. Joe Avenue/Allen's Lane Intersection: Mr. Curtis expects to be able to submit a cost estimate to the Board next week with regards to improvements at this intersection.

RE: AMENDED MOTION RE COUNCIL REQUEST RE COLISEUM ROOF

Having checked documents, Mr. Riney brought to the attention of Mr. Curtis that the funding required for the Coliseum roof is an additional \$8,112, rather than \$7,112.

Commissioner McClintock amended her motion to approve Mr. Curtis going on Council Call for \$8,112, with a second from Commissioner Willner. So ordered.

RE: PROPOSED DRAFT - CITY/COUNTY ROAD STANDARDS

Mr. Curtis submitted a proposed First Draft of City/County Road Standards, prepared in coordination with the City Engineer's office -- so the standards will be the same for both the City and the County. This is submitted for the Commissioners' persual. Within the next three to four weeks they plan to send this information out to developers, representatives of developers', engineers, contractors, etc., involved in road construction.

RE: COLUMBIA STREET OVERPASS & FRANKLIN STREET BRIDGE

Commissioner Willner asked Mr. Curtis if we've received any new information with regard to the Columbia Street Overpass and the Franklin Street Bridge being included in the Federal Aid Program -- has that been accepted. Mr. Curtis said he has not.

President Willner requested that Mr. Curtis stay on top of this.

RE: CLERK OF THE CIRCUIT COURT - MONTHLY REPORT

The monthly report for the Clerk of the Circuit Court for period ending Februry 28, 1989 was submitted.....received and filed.

RE: COUNTY TREASURER - MONTHLY REPORT

The monthly report for period ending February 28, 1989 from the County Treasurer was submitted.....received and filed.

RE: TRAVEL REQUEST - COUNTY TREASURER

Mr. Willner presented a Travel Request from Pat Tuley, County Treasurer, with regard to attending all district meetings (copy of scheduled attached herewith to the minutes). He is Treasurer of the Indiana County Treasurer's Association and it has been the policy of that organization that all officers are to attend all district meetings held in March of each year.

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

RE: REQUEST TO GO ON COUNCIL CALL RE FUNDS FOR DITCH BILLS

A Request to Go On Council Call from the County Surveyor for \$908.70 for printing of ditch assessment bills and duplicate bills was submitted (Acct. #126-260). These are ditch assessment bills for ditches in Vanderburgh County, payable to the County Treasurer, and the forms should be shipped to the Treasurer's Office.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the request was approved.

As per Attorney Miller, a Special Drainage Board Meeting was subsequently scheduled for 6:15 p.m. on Monday, March 20, 1989, so the Commissioners can take formal action on this matter in a Drainage Board Meeting, since the appropriation request is for the Drainage Board budget (Office Supplies).

RE: FIRE HYDRANT - DAYLIGHT, INDIANA

Commissioner McClintock stated she is going to the Utility Board tomorrow to discuss the fire hydrant situation in Daylight, IN.

RE: DAVID M. GRIFFITH & ASSOCIATES

County Auditor Sam Humphrey said he received this morning from David M. Griffith & Associates a contract to hire them to perform the IRS Codes 89 and 125. The Board has had two presentations on this.

David M. Griffith's contract is \$4.50 per employee. We currently have 700 County employees and this totals approximately \$3,950 per year. Mr. Humphrey quoted the following note from Tom Carawan of David M. Griffith,

"If money becomes the singular issue, I will match the \$3,600 proposal."

Mr. Humphrey said \$3,600 is what Carol Cutter of Colonial Insurance was proposing, based on 450 employees. At that time we had 691 employees and we now have 700 employees, including full time, part time, etc. This has to be done for all employees. David M. Griffith's top figure is much lower than Colonial's. and since we have to have this done, he would recommend using David M. Griffith & Associates on this.

Commissioner Willner asked if the Board has to make that decision today, and Mr. Humphrey responded in the negative.

Commissioner McClintock said she thought when the Board discussed this previously that Mr. Humphrey was going to come to the Commissioners with a spread sheet that would show the companies and the exact costs -- so they could look at it and compare apples to apples.

Mr. Humphrey said this is the first he's heard of that.

Ms. McClintock said the Board needs a spread sheet showing who is interested in performing this and their costs. She thought Auditor Humphrey and possibly Attorney Miller were working on this..

Attorney Miller said he sent the Commissioners a long epistle that said in one word "Do it"!

Auditor Humphrey said we've had three (3) companies come to him, but only one that he is aware of gave us a cost.

Commissioner Willner asked that the record reflect progress in this area, but he asked that Auditor Humphrey continue to gather information and provide the Commissioners with a spread sheet for comparison purposes so they can make a decision.

RE: SCHEDULED MEETINGS

Tues.	March 14	9:30 a.m.	Subdivision Review Committee (Room 303)
Thurs.	March 16	1:30 p.m.	EUTS Technical Committee (Room 307)
Thurs.	March 16	4:00 p.m.	EUTS Policy Committee (Room 307)
Saturday	March 18	9:00 a.m.	Area Plan (Reviewing Changes in Ordinances) (Room 307)
Monday	March 20	6:15 p.m.	Special Drainage Board Meeting (Room 307)
Monday	March 20	6:30 p.m.	Public Hearing re County Roads (Room 307)
Monday	March 20	7:30 p.m.	County Commissioners Meeting

RE: OLD BUSINESS

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

RE: CLAIMS

W.S.C. Associates, Inc.: Claim in the amount of \$190.00, total design fee payment.

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

Arc Construction Co., Inc.: Claim in the amount of \$15,042.24 as final payment of contract on HVAC project at Vanderburgh Auditorium.

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

Gregory Curtis: Claim in the amount of \$355.25 for reimbursement on travel expenses.

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

Bowers, Harrison, Kent & Miller: Claim in the amount of \$8,063.30 general representation in numerous cases in the litigation process.

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

RE: LAWSUIT - JOANN REED VS. VANDERBURGH COUNTY, ETC.

Attorney Miller said he's gearing up for the April 10 trial date in the JoAnn Reed case. He anticipates the trial will run for approximately five (5) days and he wants to make the Board aware that he will need at least two (2) Commissioners at the Counsel table during the trial period.

RE: EMPLOYMENT CHANGES

County Highway (Appointments)

Eric M. North            Laborer            \$8.94/Hr.            Eff: 2/27/89

Circuit Court (Releases)

Justus Hurd            Guard            \$16,380/Yr.            Eff: 3/13/89  
\*Medical Leave of Absence from 3/13/89 4/7/89

County Clerk (Appointments)

Tina Clouse            Filing Clk.    \$6.00/Hr.            Eff: 3/13/89

County Clerk (Releases)

Lorraine Dean            Comp. Supv.    \$15,389/Yr.            Eff: 3/31/89  
Mary (Vicki) Ohl            Dep. Clk.       \$13,978/Yr.            Eff: 3/17/89  
Teresa Ritter            Dep. Clk.       \$13,978/Yr.            Eff: 3/19/88  
Mary Gager            Dep. Clk.       \$15,271/Yr.            Eff: 3/24/89

Superior Court (Appointments)

Cynthia Schumacher Prob. Off. \$19,834/Yr. Eff: 3/13/89  
Kimberly Hinton Prob. Off. \$19,834/Yr. Eff: 3/20/89

There being no further business to come before the Board at this time, President Willner declared the meeting recessed at 3:55 p.m.

PRESENT:

Robert L. Willner/President, Board of Commissioners  
Carolyn McClintock/Member/Board of Commissioners  
\*Absent - Richard J. Borries/Vice President  
Sam Humphrey/County Auditor  
David V. Miller/County Attorney  
Greg Curtis/County Engineer  
Cletus Muensterman/County Highway Superintendent  
Roger Lehman/Building Commissioner  
Karen Hadfield/Vanderburgh Auditorium  
Gary Lichtenberger/Lichtenberger Construction Co.  
Sam Biggerstaff/Associated Land Surveyors  
Zreeta Hardin/County Assessor's Office  
Mark Tuley/Burdette Park Manager  
Wm. Jeffers/Chief Deputy Surveyor  
Jerry Riney/Supt. of County Bldgs.  
Darrel Lee Whiting/Whiting Co.  
Gary McCormick/Industrial Maintenance Co., Inc.  
Randy Johnston/R. J. Construction Co.  
Howard Williams/L.U. 90 Carpenters  
Jack McNeely/Sheet Metal Workers #20  
Paul J. Wallace/Attorney for Comaier Ambulance, Inc.  
Steve Smith/Transit Media  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

  
Robert L. Willner, President

Richard J. Borries, V. President

  
Carolyn McClintock, Member

BURDETTE PARK DELUXE MINIATURE GOLF COURSE LEASE AGREEMENT

THIS AGREEMENT, entered into as of March 1, 1989, between VANDERBURGH COUNTY, INDIANA, by and through its Board of Commissioners, as lessor (the "County"), and J.M.H. INVESTMENTS, an Indiana general partnership, by and through its sole general partners, John M. Hoon and Paula S. Hoon, as lessee ("Lessee");

WITNESSETH, THAT:

WHEREAS, the County owns and operates certain real estate and improvements located in the County, known as Burdette Park (the "Park"), the Park being used for the recreation and enjoyment of the general public and, in particular, residents of the County; and

WHEREAS, Lessee has the knowledge to construct, operate and maintain a deluxe miniature golf course, including a concession stand and a video arcade, more particularly described below, in the Park, and it is the desire of the parties that Lessee be granted a lease for the construction, operation and maintenance of such a facility in the Park;

NOW, THEREFORE, in consideration of the payments to be made hereunder by Lessee and the mutual covenants and promises contained herein, the parties agree as follows:

1. DEMISED PREMISES; TERM; DEFINITIONS. The County hereby leases to Lessee an area within the Park consisting of approximately two (2) acres of land (the "Site"), the Site being generally located in the area shown crosshatched on the map marked Exhibit "A," attached hereto and adopted by reference herein, TO HAVE AND TO HOLD unto Lessee for a term of fifteen (15) years and eight (8) months, commencing March 1, 1989, and terminating October 31, 2004, for the sole purpose of constructing, operating and maintaining upon the Site a deluxe miniature golf course, consisting of a minimum of eighteen (18) holes, together with a concession stand and a video arcade (collectively, the "Facility"). The exact location of the Site shall be subject to survey at Lessee's expense, a copy of any such survey to be furnished to the County, free of charge. The term "year" means "contract year," consisting of twelve (12) consecutive calendar months and commencing on the first day of March and terminating on the last day of the next succeeding February. For the purpose of computing the number of holes constructed within the Facility, each green shall be deemed to have one hole, regardless of the fact that a green may have multiple holes. Also, the video arcade to be constructed, operated and maintained within the Facility shall be limited to video games, and the number of those games may not exceed seven (7) at any time; such video arcade may not contain any pinball machines or any other type of games.

2. LESSEE'S OPTION TO ADD TO FACILITY. Lessee shall have the option to add either an additional nine (9) holes or an additional eighteen (18) holes to the golf course provided that such option shall be exercised through notice served on the County within the first sixty (60) months after the execution of this agreement and completion of such added holes within six (6) months after service of such notice. In the event such option is so exercised and the additional holes are added to the golf course, then the term of this agreement shall be considered to run for a period of fifteen (15) years from the date that such additional holes are completed; and the definition of "year" contained in section 1, above, shall be deemed to be revised accordingly.

3. OPERATIONS OF LESSEE; LIENS AND ENCUMBRANCES. Lessee shall perform all operations at the Site in a good and workmanlike manner and shall keep the Facility in satisfactory condition for the use intended by this agreement and free and clear of all liens and other

encumbrances, except those, if any, presently existing or created or suffered by the County.

4. UTILITIES. Lessee shall construct the Facility at its own expense and shall be responsible for all repairs thereto and maintenance thereof. The County shall extend utilities to the Site at its expense; however, Lessee shall make all connections to such utilities within the Site at its expense. Thereafter, the County shall provide, at its expense, utility services for the operation of the Facility.

5. HOURS OF OPERATION. The County and Lessee shall determine the hours of operation of the Facility.

6. RENTAL. Lessee shall pay monthly rent for its use of the Facility in accordance with the following schedule:

<u>Year</u>	<u>Amount</u>
1st Year	5% of all gross sales from the Facility
2d Year	6% of all gross sales from the Facility up to and including \$80,000.00, and 8% of all sales in excess of \$80,000.00
3d Year	8% of all gross sales from the Facility up to and including \$100,000.00, and 10% of all sales in excess of \$100,000.00
4th Year	10% of all gross sales from the Facility up to and including \$125,000.00, and 12% of all sales in excess of \$125,000.00
5th Year and each year thereafter	12% of all gross sales from the Facility up to and including \$150,000.00, and 15% of all sales in excess of \$150,000.00

On the fifteenth (15th) day of each month during the term of this agreement, Lessee shall submit to the County a statement in duplicate showing the daily total gross sales figures for the immediately preceding month accompanied with payment in full of all amounts which may be due the County at that time. Such statement shall be in such detail and in such form as may be required by the County. In addition, the County may audit or cause to be audited the books of Lessee relating to gross sales at Lessee's expense.

7. LESSEE'S PERSONNEL. Lessee shall furnish all personnel necessary to operate the Facility, including the collection of fees and the sale of merchandise and the furnishing of such services as are commonly sold and furnished in businesses of this type, and shall be responsible for the wages, withholdings, social security and workmen's compensation insurance for its employees. From time to time and as soon as practicable after the effective date of this agreement, Lessee shall provide the County with a list of the employees assigned to work at the Facility. The list shall include each employee's name, address and social security number and shall be updated from time to time, but not less often than annually.

8. PROHIBITED ACTIVITIES AND COMPLIANCE WITH LAW. Lessee may not permit any lewd or immoral conduct in or about the Facility. No alcoholic beverages may be sold or allowed in or about the Facility, and no slot machines or gaming devices may be allowed in or about the Facility. Lessee shall comply with all federal, state and local ordinances, statutes and laws pertaining to the operation of the Facility.

9. INDEMNIFICATION AND INSURANCE. Lessee shall indemnify, hold harmless and defend the County and the Board of Commissioners from any and all liability for personal injury or death to any person and for any damages to any property which may result from the sale of goods or services or which may in any way result from or be related to the

activities of Lessee, its agents or employees in the operation of the Facility or on account of any act or omission, including, but not limited to, any claim against the County and/or Board of Commissioners for or on account of any personal injury or death sustained by any agent, employee, invitee or representative of Lessee, and/or any loss or damage to property of Lessee caused by fire, water, deluge, overflow or explosion or any other manner and/or any loss of property by theft or otherwise from the Facility; and Lessee shall obtain insurance against any such liability in amounts of not less than Five Hundred Thousand Dollars (\$500,000.00) per person for injury or death, not less than One Million Dollars (\$1,000,000.00) for injury or death for each accident, and not less than Five Hundred Thousand Dollars (\$500,000.00) per accident for property damage. In addition to insuring Lessee, the said policies of insurance shall name the County and the Board of Commissioners as additional named insureds as their respective interests may appear, and a copy of each policy shall be delivered to the County and kept in force at all times during the term of this agreement.

10. ACCESS BY COUNTY. The County and any of its duly appointed officers, agents, employees or representatives, shall have the right of free access to the Facility at any time during the term of this agreement.

11. DEFAULT. In the event of default on the part of Lessee in any of its obligations or duties hereunder, the County shall give Lessee notice of such default, and upon receipt of such notice, Lessee shall have thirty (30) days within which to cure the default. In the event of the failure of Lessee to cure the default specified in any such notice within such thirty (30) day period, then all rights and privileges provided to Lessee under this agreement shall terminate at the end of such thirty (30) day period; provided, however, that any such termination shall not serve to relieve Lessee from the performance of any duties or obligations required to be performed by it under the terms and provisions of this agreement or under the provisions of any applicable law. Any such termination shall not be considered as a waiver of the right of the County to recover damages from Lessee for its failure to comply with the terms of this agreement or to pursue any other remedies, legal or equitable in nature, against Lessee.

12. SURRENDER. Lessee shall on the last day of the term or upon any earlier termination of this agreement, well and truly surrender and deliver up the Facility and the Site to the possession and use of the County without fraud or delay and in good order, condition and repair, except for reasonable wear and tear after the last necessary repair, replacement, restoration or renewal made by Lessee, pursuant to its obligations hereunder, free and clear of all lettings and occupancies other than subleases to which the County shall have specifically consented, and free and clear of all liens and encumbrances other than those, if any, presently existing or created or suffered by the County, without any payment or allowance whatever by the County on account of any improvements which may be at the Facility or on the Site.

13. NOTICES. Any notice, request, approval, consent, acceptance, claim, direction or other communication required or permitted to be given under this agreement must be in writing and shall be deemed sufficiently given if delivered in person, transmitted by telegraph or telecopier (charges prepaid) or dispatched in the United States mail (certified or registered mail, postage prepaid), addressed as follows:

If to County, to:	Board of Commissioners of Vanderburgh County, Indiana 305 Administration Building Civic Center Complex Evansville, Indiana 47708
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If to Lessee, to:

John M. Hoon and Paula S. Hoon  
d/b/a J. M. H. Investments  
705 South Boehne Camp Road  
Evansville, Indiana 47712

Either party may change the person or address specified in this section upon giving of notice to the other party of such change in the manner provided in this section.

14. NONDISCRIMINATION. Lessee covenants and agrees that in all matters pertaining to the performance of this agreement, Lessee shall at all times conduct its business in the manner which assures fair, equal and nondiscriminatory treatment of all persons without respect to race, creed or national origin, and in particular, Lessee shall maintain open hiring and employment practices and shall welcome applications for employment in all positions from qualified individuals who are members of racial or other minorities, and Lessee shall comply strictly with requirements of federal, state or local laws and regulations issued pursuant thereto relating to the establishment of nondiscriminatory requirements in hiring and employment practices and assuring the service of all patrons or customers without discrimination as to any person's race, creed, color or national origin.

15. AMENDMENTS. No amendment, modification, termination or waiver of any provision of this agreement nor consent to any departure by Lessee therefrom, in any event is effective unless same is in writing and signed by the County, then such waiver or consent is effective only in the specific instance and for the specific purpose for which given. No notice to nor demand on Lessee in any case entitles Lessee to any other further notice or demand in similar or other circumstances.

16. AGREEMENT ENFORCEABLE. The parties and the individuals signing this agreement on behalf of each party represent and warrant that the execution and delivery of this agreement has been duly authorized and that all partnership and corporate actions and all the steps necessary to be taken to make this agreement and all the provisions hereof legal, binding and enforceable obligations of each party have been duly taken.

17. ENTIRE AGREEMENT. This agreement contains the entire agreement between the parties. There is no promise, agreement, condition, undertaking, warranty or representation, either written or oral, express or implied, between the parties other than as set forth herein. This agreement is an integration of all prior and contemporaneous promises, agreements, conditions, undertakings, warranties and representations between the parties.

18. ASSIGNMENT. This agreement inures to the benefit of and is binding on the parties and their respective heirs, legal representatives, successors and assigns. Lessee may assign, transfer or sublease this agreement without prior consent of the County so long as such assignment, transfer or sublease is to an entity in which Lessee owns a majority interest. Any other assignment, transfer or sublease shall be prohibited without the prior consent of the County, provided, however, that such consent may not be unreasonably withheld.

IN WITNESS WHEREOF, the parties have duly executed this agreement as of the date first written above.

VANDERBURGH COUNTY, INDIANA  
By Board of Commissioners

  
Robert L. Willner, President

Richard J. Borries, Vice President

  
Carol McClintock, Member

ATTEST:

Sam Humphrey  
Sam Humphrey, Auditor

"County"

J.M.H. INVESTMENTS, an Indiana  
General Partnership

By John M. Hoon  
John M. Hoon

By Paula S. Hoon  
Paula S. Hoon  
Sole General Partners

"Lessee"

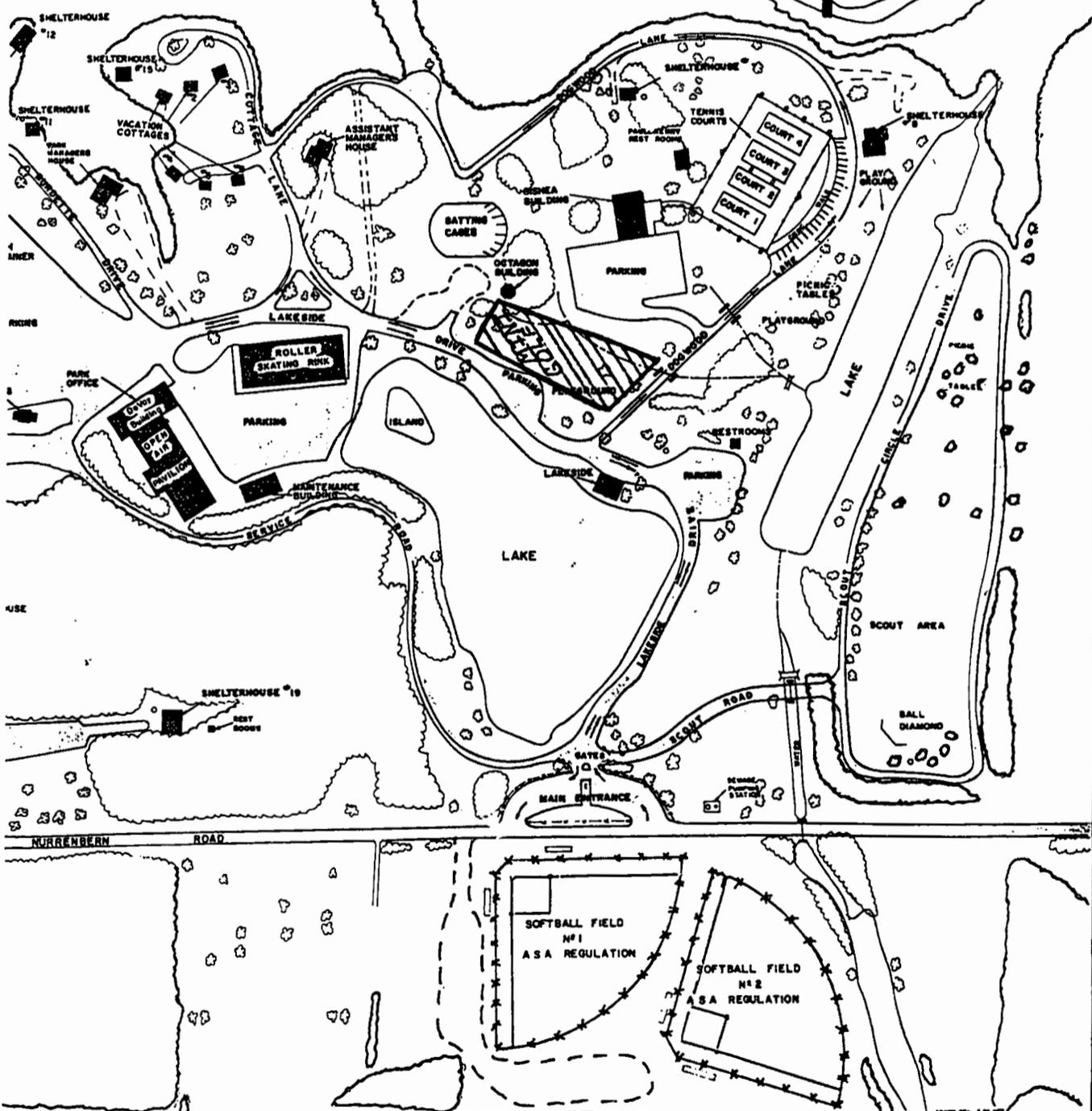
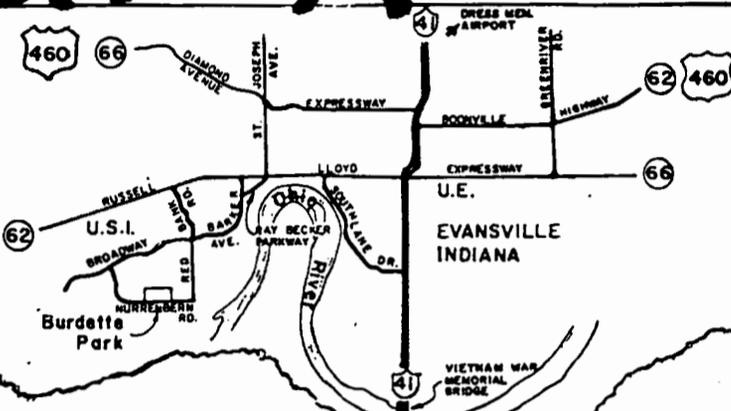
APPROVED AS TO LEGAL FORM:

David V. Miller  
David V. Miller, County Attorney

# Exhibit "A"

**THE PARK**  
**IN COUNTY**  
**INDIANA**  
**37**

**PARK OFFICE**  
 Opened daily  
 8:00 AM till 4:00 PM  
 Soft drink machines  
 Video games & arcade  
 Pool table & ping pong  
 Sacked ice machine  
 Restrooms  
 Pay phone out front



March 1, 1989

Board of Commissioners of the  
County of Vanderburgh, Indiana  
City-County Building  
Evansville, IN. 47708

IN RE: Memorial Coliseum Lease

Gentlemen:

Please consider this letter as written notice by the Veterans' Council of Vanderburgh County, Indiana, as to its intention to exercise its option to extend the above noted Lease for an additional three (3) year period commencing April 8, 1989.

This notice is rendered pursuant to Paragraph 2, Item Nineteenth of the Lease indenture dated April 8, 1971.

Sincerely yours,



Chester Brace,  
Commander,  
Veterans' Council of Vanderburgh County, IN., Inc.

CB/mrf

RECEIVED

MAR 03 1989

VANDERBURGH COUNTY  
COMMISSIONER'S OFFICE

 **Peat Marwick**

Certified Public Accountants

**Peat Marwick Main & Co.**

2400 First Indiana Plaza  
135 North Pennsylvania Street  
Indianapolis, IN 46204-2452

Telephone 317 636 5592

Telecopier 317 635 3314

March 9, 1989

Ms. Leslie Blenner  
City Controller  
Mr. Mark R. Owen, President  
Vanderburgh County Council

Dear Ms. Blenner and Mr. Owen:

This letter serves to describe how Peat Marwick can assist Vanderburgh County and the City of Evansville in providing a third-party review of your approach to the upgrade of various computer applications of the City and County. We organized this proposal by discussing background, our approach to assisting you, and professional fees.

**Background**

The City and the County has initiated an extensive study to determine the best approach to upgrade its application system support for the Justice, Administrative, Financial, Public Safety, and Operational areas. The scope of the study included (1) a review of the current systems and facilities management contract, (2) new applications software, (3) procurement of new hardware to drive the applications, and (4) a review of additional providers of facilities management services. The resultant approach recommended by the study would represent a substantial commitment on part of both the City and the County. As such, City and County officials would prefer a third-party review of the study procedures and recommendations to facilitate a final review and approval before agreeing upon this significant investment. The City and County has asked Peat Marwick to describe how we would conduct such a third-party review.

**Approach**

We will include a high-level review of the process conducted in the study and all resulting recommendations. This high-level review will be conducted by:

- . Roger E. Walters, Partner - Chicago;
- . Vincent A. Neton, Partner - Chicago; and
- . Walter M. Niemczura, Manager - Indianapolis

As you will note by reviewing their attached resumes, these individuals maintain the functional and technical backgrounds to identify the adequacy of your study and the reasonableness of its conclusion. At the completion of the our review, we will issue a letter report of our findings. These findings may specify our opinion regarding the adequacy of procedures and process in your study and the reasonableness of its conclusions and recommendations. In the event of our finding problems with the process or recommendations, such matters will be indicated with comments on our findings.



Member Firm of  
Kynoid Peat Marwick Goerdeler

**Peat Marwick**

Ms. Leslie Blenner  
City Controller  
Mr. Mark R. Owen, President  
Vanderburgh County Council  
March 9, 1989  
Page 2

**Professional Fees**

At this time, we are proposing professional fees based on a two-day visit and one day of analysis. Costs associated for this service is \$7,000, which includes our travel expenses.

Further, we will disqualify ourselves from any contract with you for providing software for the applications being reviewed.

\* \* \* \* \*

We would like to thank you for the opportunity to describe our services. Please feel free to contact me or Walt Niemczura at (317) 636-5592, should you have any further questions.

Very truly yours,

PEAT MARWICK MAIN & CO.

Edmund M. Burke, Partner

EMB/csm

APPROVED MARCH 13, 1989  
BOARD OF COMMISSIONERS  
VANDERBURGH COUNTY, INDIANA

  
BY: ROBERT L. WILLNER  
IT'S PRESIDENT

  
CAROLYN McCLINTOCK

## AGREEMENT

THIS AGREEMENT is made and entered into March 13, 19 89, by and between the State of Indiana, through the Indiana Department of Highways, hereinafter referred to as the "STATE", and the Local Public Agency, Vanderburgh County hereinafter referred to as the "LPA".

WITNESSETH

WHEREAS, the LPA desires to participate in the preliminary engineering on the following project using Federal Aid funds allocated and available to the STATE, namely Project No. RS-6882(1) & RS-6887(1) providing for the improvement of Lynch Road from 100 feet east of Burkhardt Road to Telephone Road in Vanderburgh and Warrick County.

WHEREAS, the STATE is willing for the LPA to participate in the preliminary engineering on this project, subject to approval of the Federal Highway Administration.

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

1. The LPA will comply with the applicable conditions set forth in (1) Title 23, U.S. Code, Highways, (2) the regulations issued pursuant thereto, and (3) the policies and procedures promulgated by the STATE and the Federal Highway Administration relative to the project.
2. The LPA is responsible for the preliminary engineering performed by its own forces and/or by consultant. The LPA's procedure for selection of consultants will be in accordance with applicable Federal Highway Administration requirements and the LPA's approved Procedures for Selection of Consultants. Further, proposed

ments will be submitted for Indiana Department of Highways and Federal Highway Administration approval prior to execution.

3. All work performed under this Agreement will be subject to review and approval of the Indiana Department of Highways and the Federal Highway Administration.
4. In the event that acquisition of additional right-of-way is required for this project the LPA agrees to comply with right-of-way acquisition and relocation policies and procedures as follows:
  - (a) If right-of-way costs are to be programmed for Federal Aid the LPA agrees to comply with all Federal and State laws, rules, and regulations including Volume 7 of the Federal Aid Highway Program Manual and PL 91-646, the Uniform Relocation Assistance Real Property Acquisition Policies Act (84 Stat. 1894).
  - (b) If right-of-way costs are not to be programmed for Federal Aid the LPA agrees to comply with (1) All State rules and regulations, (2) Title III of PL 91-646, as amended by PL 93-643, the Uniform Relocation Assistance and Real Property Acquisition Policies Act (84 Stat. 1894) in the acquisition of right-of-way, and (3) Title II of said Act and Volume 7, Chapter 5 of the Federal Aid Highway Program Manual in the relocation of individuals, families, businesses, farm operations, etc., if any are involved.
5. The LPA's share of the cost for preliminary engineering will be the total amount incurred by the LPA less the amount contributed by the Federal government through Federal Aid. The Federal share of all eligible costs is 75% for Rural Secondary funds, or such other amount as may be allowed and provided by law.

If for any reason the STATE is required to repay to the Federal Highway Administration the sum or sums of Federal funds paid to the LPA through the STATE under the terms of this Agreement, then the LPA will repay to the STATE such sum or sums upon receipt of a billing from the STATE. Payment for any and all costs incurred by the LPA which are not eligible for Federal funding will be the sole obligation of the LPA.

6. The LPA's share of the project cost shall be the amount as determined by the procedure outlined in Section 5 of this Agreement. From the LPA's share thus computed, there shall be deducted all previous payments made by the LPA to the STATE. Billings to the LPA for its share of project costs shall be due and payable 30 days from date of billing by the STATE. If the LPA has not paid the full amount due within 60 days past the due date, the STATE shall be authorized to proceed in accordance with IC 8-14-1-9 to compel the Auditor of the STATE of Indiana to make a mandatory transfer of funds from the LPA's allocation of the Motor Vehicle Highway Account to the Indiana Department of Highway's account.
7. The LPA will receive payment of the Federal contribution, through Federal Aid, for the eligible costs incurred under this Agreement as follows:
  - a. The LPA will submit invoices to the STATE not more often than once per month during the progress of the work, for payment on account for the work completed during the period in question.
  - b. When submitting invoices for right-of-way the LPA will furnish evidence showing that the LPA has made payment for all costs for which reimbursement is being invoiced.

- c. Upon approval of invoices by the STATE, the STATE will request Federal Aid funds from the Federal Highway Administration for the amount of the subject invoice claim.
- d. Upon receipt of Federal Aid funds, the STATE will make payment to the LPA, less 10% which will be retained until final payment.
- e. Prior to final payment pursuant to this contract, a final audit of the LPA records will be made by the STATE, and upon approval thereof by the STATE, then final payment will be made in accordance with the procedure set out above.

Obligation of Federal Aid funds extends only to project costs incurred by the LPA after the Indiana Department of Highways authorization to proceed with the project.

- 8. The LPA and its subcontractors will maintain all books, documents, papers, accounting records and other evidence pertaining to the cost incurred and shall make such materials available at their respective offices at all reasonable times during the contract period and for three years from the date of final payment by the Federal Highway Administration to the LPA through the STATE under the contract, for inspection by the STATE, Federal Highway Administration or any other authorized representatives of the Federal Government and copies thereof shall be furnished if requested.
- 9. The LPA agrees to indemnify, defend, exculpate, and hold harmless the STATE of Indiana, Indiana Department of Highways and the Federal Highway Administration its officials and employees from any liability due to loss, damage, injuries, or other casualties of whatever kind, or by whomsoever caused, to the person or property of anyone.

the right-of-way arising out of, or resulting from the work covered by this Agreement or the work connected therewith, or from the installation, existence, use, maintenance, condition, repairs alteration, or removal of any equipment or material, whether due in whole or in part to the negligent acts or omissions (A) of the STATE, its officials, agents, or employees: or (B) of the LPA, its agents or employees, or other persons engaged in the performance of the work; or (C) of the Federal Highway Administration, its officials, agents or employees; or (D) the joint negligence of any of them; including any claims arising out of the Workmen's Compensation Act or any other law, ordinance, order, or decree. The LPA agrees to pay all reasonable expenses and attorneys fees incurred by or imposed on the STATE in connection herewith in the event that the LPA shall default under the provisions of this Section.

10. Pursuant to I.C. 22-9-1-10 the LPA and its subcontractor, if any, shall not discriminate against any employee or applicant for employment, to be employed in the performance of work under this Agreement, with respect to hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of race, color, religion, sex, handicap, national origin or ancestry. Breach of this covenant may be regarded as a material breach of the Agreement.
11. If this Agreement is for \$100,000.00 or more the LPA
  - a. Stipulates that any facility to be utilized in performance under or to benefit from this agreement is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities issued pursuant to the requirements of the Clean Air Acts, as amended, and the Federal Water Pollution Control Act, as amended.

- b. Agrees to comply with all of the requirements of section 114 of the Clean Air Act and section 308 of the Federal Water Pollution Control Act, and all regulations and guidelines issued thereunder.
  - c. Stipulates that as a condition of Federal-aid pursuant to this Agreement it shall notify the STATE and Federal Highway Administration of the receipt of any advice indicating that a facility to be utilized in performance under or to benefit from this Agreement is under consideration to be listed on the EPA Listing of Violating Facilities.
12. Insofar as authorized by law, this Agreement shall be binding upon the parties hereto their successors or assigns.

IN WITNESS WHEREOF The State of Indiana and the LPA, through their undersigned respective officials, have hereunto affixed their signatures.

Clerk-Treasurer or County Auditor

Mayor, with (Board of Public Works with (Town Board) or (County Commissioners)

ATTEST:

Sam Humphrey  
Signature  
SAM HUMPHREY  
Auditor  
(Print or type Name and Title)

Robert L. Willner  
Signature  
Robert L. Willner, President  
Vanderburgh County Commissioners  
(Print or type Name and Title)

\_\_\_\_\_  
Signature  
Richard J. Borries, Vice-President  
Vanderburgh County Commissioners  
(Print or type Name and Title)

Carolyn McClintock  
Signature  
Carolyn McClintock, Member  
Vanderburgh County Commissioners  
(Print or type Name and Title)

\_\_\_\_\_  
Signature  
(Print or type Name and Title)

Approved as to legality and form

STATE OF INDIANA  
BY: INDIANA DEPARTMENT OF HIGHWAYS

Linley E. Pearson  
Attorney General of Indiana

John P. Isenbarger  
Director

Attest:  
Daniel A. Novreske  
Chief Deputy Director

State of Indiana

(County) (City) (Town) of Vanderburgh

On this 13<sup>th</sup> day of March, 1989

there appeared before me, a Notary Public in and for said (LPA)

Robert L. Willner, \_\_\_\_\_,

\_\_\_\_\_, and Carolyn McClintock respectively, of the  
Board of Commissioners of Vanderburgh

and stated that the above agreement was signed and attested in behalf of said  
LPA.

WITNESS my hand and seal this 13<sup>th</sup> day of March,  
1989.

*Joanne A. Matthews*

Notary Public

My Commission expires \_\_\_\_\_

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

STATE OF INDIANA

COUNTY OF MARION

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
there appeared before me, a Notary Public in and for said

County, \_\_\_\_\_, Director of the Indiana Department of Highways, and  
acknowledged the execution of the above agreement in behalf of the State of  
Indiana.

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
Notary Public

My Commission expires \_\_\_\_\_

Prepared by \_\_\_\_\_

Jack N. Smitherman  
Administration Assistance Manager

TO BE ADVERTISED IN THE COURIER & THE PRESS  
ON FRIDAY, MARCH 17, 1989

NOTICE OF PUBLIC HEARING  
RE  
COUNTY ROADS  
MONDAY - MARCH 20, 1989  
6:30 P.M.

NOTICE IS HEREBY GIVEN that a Public Hearing will  
be held on Monday, March 20, 1989, at 6:30 p.m. in Room 307,  
Civic Center Complex, preceding the regular County  
Commissioners Meeting, which will be held at 7:30 p.m.

PURPOSE OF SAID HEARING is to give County residents  
an opportunity to voice their concerns regarding the various  
County Roads.

THE BOARD OF COMMISSIONERS OF  
VANDERBURGH COUNTY, INDIANA

Robert L. Willner, President  
Richard J. Borries, Vice President  
Carolyn McClintock, Member

ATTEST:

Sam Humphrey, Auditor  
Vanderburgh County

TO BE ADVERTISED IN THE COURIER & PRESS ON  
FRIDAY, MARCH 17, 1989

NOTICE OF  
SPECIAL DRAINAGE BOARD MEETING  
MONDAY - MARCH 20, 1989  
6:15 P.M.

NOTICE IS HEREBY GIVEN that a special meeting of  
the Vanderburgh County Drainage Board will be held at  
6:15 p.m. in Room 307, Civic Center Complex, Evansville,  
Indiana on Monday, March 20, 1989.

PURPOSE OF SAID MEETING is to approve Request for  
Additional Appropriation.

VANDERBURGH COUNTY DRAINAGE BOARD

Richard J. Borries, President  
Robert L. Willner, Vice President  
Carolyn McClintock, Member

ATTEST:

Sam Humphrey, Auditor  
Vanderburgh County

TO BE ADVERTISED IN THE COURIER & THE PRESS ON  
FRIDAY, MARCH 17, 1989 AND FRIDAY, MARCH 24, 1989

NOTICE OF FINAL PUBLIC HEARING  
RE  
COMAIER AMBULANCE, INC.  
SERVICE PROGRAM ORDINANCE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held at  
2:30 p.m. on Monday, April 10, 1989 in Room 307, Civic Center  
Complex, Evansville, Indiana.

PURPOSE OF SAID FINAL HEARING is to consider the following  
Ordinance, which was approved on FIRST READING this 13th day of  
March 1989.

BOARD OF COMMISSIONERS OF  
VANDERBURGH COUNTY, INDIANA

Robert L. Willner, President  
Carolyn McClintock, Member

ATTEST:

Sam Humphrey  
Auditor, Vanderburgh County

Copy of Ordinance attached herewith.

---

AN ORDINANCE APPROVING AN AMBULANCE SERVICE PROGRAM FOR  
COMAIER AMBULANCE, INC.

---

WHEREAS, I.C. 27-4-5-2(a)(10) exempts ambulance service providers who transact business in the state from obtaining a certificate of authority from the Insurance Commissioner of the State of Indiana if the ambulance service program is approved by the legislative body of the County in which it operates and if the ambulance service provider does not offer any membership program that includes benefits exceeding one year in duration; and

WHEREAS, Comaier Ambulance, Inc. requests such approval of its "Sure Care Program" from the County Commissioners of the County of Vanderburgh; and

WHEREAS, Comaier Ambulance, Inc. represents that it is duly qualified under the provisions of I.C. 27-4-5-2(a), that its Sure Care Program is in compliance with all applicable laws and regulations of the State of Indiana, and the offering of such program will be of benefit to the citizens of the County of Vanderburgh;

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

Section I. Approval of Program

The County Commissioners of the County of Vanderburgh, State of Indiana hereby approve the "Sure Care Program" of Comaier Ambulance, Inc. for purposes of complying with I.C. 27-4-5-2(a) only which approval shall terminate on April 30, 1990. Should Comaier Ambulance, Inc. desire further approval after the above expiration date, an ordinance for extension of such approval shall be filed prior to January 10, 1990.

Section II. Notification of 911 Exception

Comaier shall inform prospective members of the Sure Care Program, and Comaier's contracts shall contain a clause stating that the Sure Care Program is not effective if the emergency 911 phone number is used. Such notification provision shall be initialed by the contracting member.

Section III. Effective Date

This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

This special Ordinance shall not be published as part of the County Code.

Robert L. Willner

Richard J. Borries

Carolyn McClintock

Presented by me, the undersigned County Auditor of the  
County of Vanderburgh, State of Indiana, this 13<sup>th</sup> day of  
MARCH, 1989.

County Auditor

Reviewed and Approved as to Form:

Date: 3/3/89

David V. Miller, County Attorney

MINUTES  
COUNTY COMMISSIONERS MEETING  
MARCH 20, 1989

I N D E X

Subject	Page No.
Approval of Minutes (March 13th) deferred until Commissioner McClintock returns.....	1
Presentation re Proposals on Eickhoff-Koessel Rd. and the USI Overpass by Commissioner Willner.....	1
Discussion re Union Township Overpass..... (The Board will continue to study the matter and nothing will be done without a Public Hearing to explain all the problems and pros and cons.)	5
Amendment to Contract with Simon's Governmental Services, Inc. to allow 10% retainage to be returned was approved...	9
Legal Ads & Reassessment Letter given to Secretary for inclusion with minutes.....	12
EUTS - ROSE ZIGENFUS..... Boonville-New Harmony Rd. Realignment agreement with the IDOH approved and signed Lynch Road Extension Project agreement approved and signed	12
County Attorney - Curt John..... Reported that no letter from Thornber Election Systems, Inc. has been received Micro-Vote Systems, Inc. will make presentation on Monday, April 3rd, per Commissioner Willner	13
Sale of County Surplus Real Estate..... Secretary authorized to advertise; Auction is scheduled for Monday, April 24, 1989	13
County Highway - Cletus Muensterman..... Weekly Work Reports & Absentee Reports Ditch Behind County Garage (Indiana Hi-Rail) Upper Mt. Vernon Rd./Water Problems	13
County Engineer - Greg Curtis..... St. Joe/Allen's Lane Intersection (Mr. Curtis to finish the plans and bring back to the Board with his recommendation re funding. Boonville-New Harmony Rd./U.S. Highway 41 Intersection (Letter to IDOH Vincennes District Office). G. Curtis to provide address info to Mr. Willner for transmittal to Darmstadt. State Approval on Bridge Inspection Agreement received and G. Curtis to prepare Notice to Proceed to Bernardin, Lochmueller Franklin Street Bridge & Columbia-Delaware Overpass Bridges to be inspected this Thursday Fulton-Fifth Avenue Bridge (agreement for \$21,000 additional expenditure approved and signed. English Way/Green River Rd. Intersection (Mr. Curtis authorized to advertise for bids - estimated cost is \$6,900.)	14

Travel Request - Judge William H. Miller (Approved).....	16
Alexander Ambulance - Monthly Report.....	16
Holiday Closing (Good Friday).....	16
Old Business (None).....	16
Scheduled Meetings.....	16
Claims.....	17
C.A.P.E. - \$32,000; action deferred until a full quorum is present	
Employment Changes (None).....	17
Meeting Recessed at 9:15 p.m.	

MINUTES  
COUNTY COMMISSIONERS MEETING  
MARCH 20, 1989

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Monday, March 20, 1989 in the Commissioners Hearing Room with President Willner presiding. Commissioner McClintock was absent.

RE: APPROVAL OF MINUTES

President Willner said the approval of minutes of meeting held on March 13th will be deferred until Commissioner McClintock returns, as Commissioner Borries was absent from that meeting.

RE: PRESENTATION RE PROPOSALS ON EICKHOFF-KOESSEL RD. AND THE USI OVERPASS

Commissioner Willner requested that he be allowed to finish his presentation prior to any questions. At that time, he will give each and every one time to ask questions or make comments.

Proceeding, Commissioner Willner said he has been working on the proposal for Eickhoff-Koessel and the USI Overpass for approximately a year and a half to two years. To outline the project, what he is proposing is an Interchange at USI, and then 12.9 miles due north to the intersection of I-64. This would be right-of-way enough to build four (4) lanes, but the construction would only be two (2) lanes at the present time. In the proposal, Old Highway 65 would be returned from the State to the County Highway Department, which is a total of 10.23 miles. It is a curvy, very high accident road, and should be returned from the 55 mph speed limit back to a 45 mph speed limit -- and should be a County road to start with. The road is presently in fairly good condition and, according to our engineer's estimates, would take no major improvements in the next ten (10) years. Also, S.R. 57 from I-64 down to Highway 41 would be returned to Vanderburgh County. It is also a road that when I-164 is built will relieve most of the thru traffic off S.R. 57. That is a highway of 10.04 miles and makes a total of over 20 miles returned to the County from the State Highway System and would add 13 miles to the State. We presented this plan last week to the Governor's office and the State Highway Department, and he thinks he can speak for them in that they liked it very well. It does a number of things. First of all, it completes the belt around Vanderburgh County and would, in fact, create a system on the outer side of Vanderburgh County for the next 100 years without any improvements. This thirteen (13) miles would be a limited access so that you could travel the State speed limit very easily. That only leaves one small (designated on map) portion that is still four lane, but doesn't have limited access. But the outer belt or loop or whatever you want to call it is complete with that proposal. It does a number of other things. First of all, he wants to say that designated section of Eickhoff-Koessel is currently on the drawing board (5 miles of it) -- but the Feds have said that if we do not buy right-of-way within two (2) years of this date that the Federal Highway Department will take it off of their Fiscal Year report. Eickhoff-Koessel has been around for somewhat longer than he has (and he's pretty old) -- but it was here when he got here, so that is at least twenty (20) years. The Feds have said that is long enough and if we don't do something within two (2) years it is coming off. He would ask that the attendees keep this in mind as he goes through the other aspects of the presentation.

Secondly, he would like to address the safety aspect -- and he will start in the middle of the project at Boonville-New Harmony and U. S. Highway 41. If this road is relocated and was built today, it would divert an estimated 1,200 cars from that intersection in one day. In the year 2010, it will divert 2,100 vehicles in one day. So one can see just what that does to that intersection.

As for Kansas Road -- I-164 will certainly help that. There have been numerous accidents out by Sunbeam Plastics, etc.

Ruffian Lane at Busler's is our second worst intersection in the County. We'll take the same number of vehicles away from that intersection. You can see what is happening to Highway 41; it would certainly be a viable, less traveled highway than previously and we certainly need that.

The existing traffic volume on old Highway 65 is 1,276 vehicles per day.

When we come down to S. R. 65, in the year 2,010, there will only be 85 vehicles at designated site. So this will strictly be local traffic only and the high speed will all come off that. The accidents on the new road versus the old road would be a 35% to 65% accident reduction. The traffic volume in the center of the project in the year 2110 is estimated to be 5,633 and as we come on down to S. R. 66, 8,935 vehicles and then to the other side of Highway 66, 4,335, and in the year 2110 the traffic volume at this intersection should be 8,213 vehicles per day -- and that gives us County participation into this interchange. This gives us Federal dollars. The Federal government has said that if the county builds this interchange it will get no help from the Feds because it doesn't carry enough vehicles per day. So that means the County would have to do that completely on its own. If we incorporate to continue 13 miles, the Federal government will participate.

Continuing, Commissioner Willner said that with regard to cost of this project, herein lies the real meat of this proposal. He thinks the chart is self-explanatory. If we build the interchange at USI with all County dollars, it is going to cost \$4,438,500. Eickhoff-Koressel from USI to S.R. 66 is going to cost \$2,439,000. When you add those figures together, the local participation in those projects is \$6,877,500. If we build the complete length of 13 miles and make this a viable project, the County's share will only be \$5,919,750 -- or almost \$1 million less -- if we go with the new proposal. It is actually hard to believe until you put these figures together. We have showed them to the State and they like them. He doesn't know whether they are going to be approved. The Commissioners have a meeting this Wednesday with the State Highway Department in Indianapolis and we have requested that they tell us at that time whether this is a project they can participate in. What we would be asking the State to do would be to give us \$23,000,679 of their Federal allocation. That is all we're asking for -- not one dollar of State money -- just their much from their Federal allocation. We think there is no one who loses from this project -- the taxpayer, the driver of the vehicle, the County, the City, the State -- everybody. He would like to get some comments and try to answer any questions. These figures were put together by the County Highway Engineer and some various engineering firms with whom he has talked. These are not his (Willner's) figures. He is not going to try to tell meeting participants he is an engineer and knows these figures are accurate. They are an educated guess, based on other projects in the State of Indiana over the last four or five years.

Councilman William Taylor said the problem that he sees with the State Road from I-64 back down and completing the loop as described by Mr. Willner is that we could get in the same situation Indianapolis is in with Highway 465. People will gas up their cars or do any kind of business they want to do before they get on the Interstate. With a situation like that, we would kill our entire business line down U. S. Highway 41. The reason he says that is because he goes north a lot. Before you get to Indianapolis you normally fill up your gas tank and you get on Highway 465 and don't stop anymore until you get to where you are going to cut off. He can understand Commissioner Willner saying the County should save a bunch of money, but he thinks we need to think about those business people on Highway 41 that we're assessing and they are our backbone as far as coming up with the \$5,000,000 we need to pay for the project.

Commissioner Willner said we don't think we're going to stop anybody from visiting or coming to a business on Highway 41. We think we're going to stop the guy who is driving straight through -- and that's the only one we want to stop -- if he is going straight through or if he is traveling from St. Louis and wants to get off anywhere on the west side, he would normally use designated area on map as opposed to another designated area on the map. We're not saying he is going to pass up a business -- we don't believe that. It just doesn't happen. We can't just keep killing people at the Boonville-New Harmony and Highway 41 intersection. There have been five (5) deaths at that intersection in the last two and a half (2-1/2) to three (3) years. We can't keep that up. We've got to get some of that traffic off that highway.

In response to query from Councilman Elliott as to whether this entire thing is going to be one (1) project or whether we will have to tie the USI overpass into this new highway, how long before construction could start and whether he would still be alive, Mr. Willner said designated section has to go to right-of-way purchase within two (2) years. He doesn't think the entire length of that project can be built within two years. It would strictly be up to the engineers -- he doesn't care whether it is one package or whether it is divided into several projects. But before you let a contract, you have to have the funding available, whether it goes as one project or whether it goes in sections.

Councilman Elliott offered further comments opposing the proposed route and expressing concerns re the cost, but they were inaudible since he was speaking from his seat.

The meeting was interrupted as County Auditor Sam Humphrey said if the comments are to be included in the taped proceedings, those offering comments should come to the podium so their comments can be recorded.

Commissioner Willner said he doesn't think the cost estimate for the interchange is too much. It is his understanding that the Highway 41/I-264 Interchange cost \$30 million. The figures he has are Veach, Nicholson's figures on the last study, and that was the exact construction cost. That was not County Engineer Curtis' cost figure, he took that strictly from Veach, Nicholson's \$10,000 study on the intersection. In response to query as to what effect this would have on the wheel tax, Mr. Willner said there is no way other than the wheel tax to do this. He wants to make it very clear that there are not enough County dollars to build any of this -- unless we have some other form of tax. There is just no way.

Mrs. Shirley James asked, "Not even with the increased Local Option Income Tax?"

Mr. Willner said he doesn't know what that will raise.

Councilman Taylor said, "If you're talking two years to justify the right-of-way, then there will be money available in the Local Option Income Tax fund. But if we're talking about doing it tomorrow, then we probably need to shoot a bond. But Mr. Willner has said it will take two years just to do the acquisition of the land, etc. In two years we would accumulate a little over \$4 million in Local Option Income Tax monies.

Commissioner Willner said Councilman Taylor is the expert on how many dollars -- he will just tell him how much and when -- and Councilman Taylor can do the rest.

Councilman Elliott said that within the next five (5) years, the City and the County each will receive about \$35 million in Local Option Income Tax.

Mrs. James asked if the environmental studies have been finished?

County Engineer Curtis said the environmental studies have been 100% completed on the southern portion and forwarded to the State for their approval.

Councilman Elliott asked if Mr. Willner has an estimate of how much additional wheel tax revenue we get each year.

Councilman Taylor queried Mr. Willner concerning mileage on Highway 65.

Mr. Willner said Highway 65 is 10.23 miles and 10.04 on the other -- or about 21 miles returned from State Roads to County Roads. In return for that we get our yearly mileage allotment upped by 20 miles or approximately \$20,000.

Ms. Sherri Standley of USI said she thinks the proposal is an excellent long range solution to Vanderburgh County traffic patterns. On behalf of the students, she does think she needs to say they are concerned about the time table. If it is going to take five years, they'd like to do whatever they can to help expedite this and get it going as soon as possible.

Commissioner Willner thanked Ms. Standley. He said he talked to Dr. Rice two days ago and he said he would like to endorse the proposal and would try to influence whoever he has in Indianapolis. Mr. Willner said he is under the impression that this project with Federal funds takes no longer than if we would build it ourselves, because we have to have State approval anyway.

County Engineer Curtis confirmed that this is correct. Both the highway and the overpass (if we go over State property) have to be approved by the State.

Councilman Taylor took exception to this, saying if we used our money we are not liable to all their regulations.

Commissioner Willner said we are liable to every one of their regulations. He does not say this -- the IDOH does.

Councilman Curt Wortman asked, "Of the \$23 million Mr. Willner speaks of, what is allowed from the Federal government to the State of Indiana? Do they allow \$100 million or what? Is there any chance we will get the Federal monies? There are other parts of the State.

Commissioner Willner said \$17,000,259 is all Federal money; the State is not footing a penny of it. As for our getting the Federal monies, there is a definite chance. He understands -- and he doesn't know what Indiana's allocation per year is, but he would think it is over \$100 million.

Mr. Elliott said the overpass at USI is going to cost about \$2-1/2 million more than he thought it was going to run to start with, why couldn't they add about \$2-1/2 million to their budget? They have a budget every year. It's for the safety of their students. He thinks we should get one of our Representatives in the Legislature to get us some money through the USI budget -- at least \$2-1/2 million for the overpass. He asked if Commissioner Willner will work on that?

Commissioner Willner said he certainly will -- he has no problem with that. Nor does he believe USI would have any problem with it. They probably need all the money they can get; they are an expanding school and the enrollment is skyrocketing and that is probably due to a good program.

Mrs. Shirley James said she knows that the West Side Improvement Association would soundly approve the proposed plan. It is something they have wanted for a long time.

Commissioner Willner expressed appreciation to Mrs. James and said as soon as we get this project on the board -- we'll take up the Barker Avenue project. When the Commissioners were up in Indianapolis last Wednesday, they got aerial photos of the complete west side (B Street, Barker Avenue, Eickhoff-Koressel -- all of them) and they will be putting the best minds in the County on that project to see what we can come up with.

There being no further questions, Commissioner expressed appreciation to the meeting participants for their attention. The next thing we will ask the State to do is give us a commitment and he hopes that will come on Wednesday (maybe sooner). The State asked how long we'd give them to make up their minds and he said two. The period ends Thursday and he understands the IDOH has studied it and returned their recommendations to the Governor's office. As far as he is concerned it is a good, viable proposal and will cost less insofar as the County is concerned than any alternatives.

County Engineer Greg Curtis said one thing Commissioner Willner may want to make clear, is that the State Federal allocation money required is \$17 million. The \$23 million is the total of local and Federal monies added together. We don't want the people in Indianapolis thinking we want an extra \$6 million.

Commissioner Willner clarified that we want \$17 million of the State's federal allocation and thanked Mr. Curtis for calling this to his attention.

RE: UNION TOWNSHIP OVERPASS

Mrs. Shirley James of the West Side Improvement Association was recognized. She said with all this good news about the USI overpass, she hopes we can be very optimistic and have really good vibes about Barker Avenue. They have been rather concerned, because they heard in recent days that Barker Avenue was no longer going to be considered -- that they were going to go back to B Street and this has caused them a bit of consternation. They are anxious to get this project going and thought we were all moving in one direction. They'd like to continue moving in a steady direction. Is there some credence to the rumor? Is there some question about Barker Avenue at this point?

Commissioner Willner said he wants to be very truthful with Mrs. James. There are some serious problems with the Barker Avenue overpass. He is not saying it cannot be built and he is not saying that it won't be built. He is saying there are some serious problems, one being the Federal requirement for height to ground clearance between the top of the rail and the bottom of the bridge deck is 22.9 ft. (give or take three inches). That

gets you up three stories. In order to have a 5% grade up and down, you lengthen the project out almost to the Ohio River. So, there are serious problems. Additionally, every foot of track that has to come out of Howell Yards has to be put in somewhere else and that is a problem. Thirdly, for every pier that is located within "x" number of feet of the track -- it has to have a crash wall around it, so that when a train leaves the track it will not knock the bridge down. Those are three of the problems that we see that affect that project. But he does want to say it has not been discarded. We will continue to look at it. The County will have some engineering companies come in and give us an expert opinion. We had that one time and they said the yard was out. We need to reaffirm that if that is, in fact, true. The County will look at anything Mrs. James wants them to and tell her what the problems are.

Mrs. James asked, "You don't believe either of the two plans submitted by CSX are presently viable?"

Commissioner Borries interrupted saying, "I have not backed off one iota with regard to Barker Avenue. I will say that until someone simply says that it cannot be done, I will not change my mind. I see problems of flooding too far south at Nurrenbern Road which ultimately will result in another road project on Red Bank Road and the resulting expense there. I see tremendous negative impact on property acquisition on B Street. So I see as many problems there as I do on Barker Avenue. I'm not going to say that Barker Avenue will not probably be the most expensive in some cases. But until I see that it simply cannot be done -- perhaps with some modification (maybe even changing our County standards to a 7% grade) I will not change my position on the Barker Avenue location."

Mrs. James said, "The thing that really concerns us here is that the Wheel Tax is coming up for hearing on March 23rd. We did a little survey or actually a study to see how West Side residents felt about the wheel tax and the majority of the votes that came back (we've received 50 votes so far out of 198 family members or 50 families) and 38 favored a wheel tax if it were directed to both of the overpasses. But they were not in favor of the wheel tax if it were directed in other areas -- although there was a high percentage of people who said they wouldn't mind if it were directed to the West Side Treatment Plant and things like that. But our feeling is this -- we don't want an unnecessary tax if it is not needed. If you raise the Cumulative Bridge Fund to its ultimate level, how would this affect the dollars that could be directed to the Union Township Overpass? Would that make an appreciable difference in the amount of money that would be available between now and the start of construction without a wheel tax?"

Commissioner Borries said we have a number of projects. And the problem this year is that we don't have a Cumulative Bridge Fund. We're going to have to reinstate that. So that is one of the reasons a bonding situation was discussed. After reading the Statute, I think there are some members on Council who could clearly see that the Statute says in order to specify bonds for a transportation improvement or a bridge, you must have the wheel tax in place as a funding mechanism.

Mrs. James asked, "So you do think that the bonding there will definitely have to be a bond issue?"

Commissioner Borries said, "I don't think there'd be any question -- if you're going to do it in the very near future. We all pay too much in taxes, but when you compare Vanderburgh County with the other four or five major counties in this State, you will see that the tax rates in Vanderburgh County are much, much lower. There has been good management in this County in that sense -- and ultimately you get what you pay for in terms of you're either

going to have an improvement in the relatively near future or we can keep talking about it forever, and ever, and ever -- and never get anything done. And if you don't look at some kind of bonding situation on it, that is what is going to happen."

Ms. Gail Cummings was then recognized. She said she represents the Union Township Betterment Association. She would like to reiterate that the people in Union Township would still like to have the best long range possible access into and out of Union Township. Right now the only plans presented to them concern the Barker Avenue site. In the long run, it will probably be the most expensive. Back when the study was done by Hayes, Seay, Mattern and Mattern, the cost was one reason why it was not even considered. B Street was chosen by the residents at that time because it was the only in town access that was given to them for the proposal. Right now, B Street has some bad affects to it that it didn't have before. Since CSX brought in its piggyback operation, there are larger semi-trucks coming down through there. She doesn't know how many semi-trucks are sitting in their yard, plus there is the Southern Indiana dock which uses the Dixie Flyer there. If you put it at Barker and the access is down on Dixie Flyer where CSX had projected, it would alleviate the passenger traffic in the Dixie Flyer area away from the heavy truck traffic that is now up there by CSX. There are several bad curves up there and the truck drivers sometimes think nobody is coming in from the "bottoms" and we have a major problem there. She is surprised there has not yet been a major wreck. Also, there is concern about the 22.9 ft. overpass at Barker. There is still talk about Nurrenbern. We're going to have the same problem at Nurrenbern. When Hayes, Seay, Mattern and Mattern did the figures, she believes it was an 8% incline off Old Henderson Road coming up over the tracks and 7.9% incline going down to Red Bank. And we have the farm trucks going over that with a load (if they'd ever go that way) -- and it would be hard for them to get up over that embankment. The school bus also uses the Red Bank/Nurrenbern crossway now. There are two school buses that use the Claremont entrance now -- and they get stopped by trains numerous times -- and that delays the children enroute to and on the way home from school. She is open to suggestions, but she'd still like to be on track for Barker Avenue -- because right now that is the only best solution there is to the problem in a long range situation.

Continuing, Ms. Cummings said something was said that if Nurrenbern had the overpass it would help the traffic going to Burdette Park. I see it in reverse. If we had the overpass at Barker Avenue, the heaviest traffic from the park is after the ball games. When you go to the ball games, people stagger in and out. But, after the ball games that is the most heavily trafficked area on Red Bank. If the overpass was at Barker and there was no train at Nurrenbern, people going to the east and north sides could cross at Nurrenbern and know they have a way out using the Barker Avenue overpass, which would bring them down on Broadway where there is already a street light -- which would not mean any additional lights anyplace. I've had a lot of people tell me that after ball games it is impossible to get back out onto Red Bank Rd. and Broadway because of the heavy traffic. If it were to be put at Barker Avenue, that may help the traffic departing the Burdette Park area.

Commissioner Willner said he believes the Nurrenbern area is strictly out. He doesn't know of anyone who even wants the overpass there.

Councilman Harold Elliott said he spent a lot of time studying this overpass/underpass connection with Union Township. He's told everybody since he won his second term that this is the time we can finally do it -- we have the money for it. Then, somebody throws a \$7 million or \$8 million project at us. He said he thinks this is a lot of nonsense. First of all, you have to

consider the entire traffic pattern out there. If you're to believe the Manager of Burdette Park, the bulk of the traffic going down Red Bank Road right now is people going to Burdette Park. Suppose you're going to Burdette Park and you have this long, sweeping overpass at Barker Avenue. When you get to Barker Avenue and turn to Broadway, you're not going to take the overpass. You're going to go Broadway to Red Bank, turn left and over to Nurrenbern. We're talking about well over half the traffic. People who'd go over the Barker Avenue overpass to go to Burdette would be kind of stupid, because when they get to Nurrenbern there might be a couple of trains sitting there -- and they sit there for a long time. He's sure the attendees are familiar with the study done about two years ago by Hayes, Seay, Mattern and Mattern of Roanoke, Virginia. He studied that very carefully and talked with the former County Highway Engineer about it. They were in total agreement that Nurrenbern would be best. Hayes, Seay, Mattern and Mattern said it would be best. They say that first, Nurrenbern underpass would be \$1.2 million. Nurrenbern Underpass would be about \$1.4 million. Stinson Avenue about \$2.7 million and B Street in the neighborhood of \$2 million plus some houses we'd have to buy. He asked if the Commissioners have any idea of what Barker Avenue would cost? He's going to guess \$1 million. He's driven that route pretty often. Along the Henderson Road you look in the Howell freight yard and you see these tracks right by the road. At the risk of being facetious, he is going to say right now that if we build an overpass over the Howell yards, when you come to Henderson Road you're still 23 ft. 5 in. up in the air. He sees three solutions:

- 1) Build an elevator there and take these cars and trucks up and down one at a time.
- 2) The second is to take that bridge all the way across the river and build another bridge so they can get back.
- 3) The third alternative is what Hayes, Seay, Mattern and Mattern said, build a long sweeping curve to an elevator at Henderson Rd.

He is estimating a difference of between \$4 million and \$5 million. If we can build Nurrenbern, the only people who need an overpass really are the ones east of the tracks in Union Township. The people west of the tracks don't need it at all. She talked to a lady who said they sometimes take the Cypress-Dale Rd. across the tracks, but they like to get back on it on the other side of the tracks at Barker Avenue. The people with the boats travel Nurrenbern. If they take an overpass there instead of Barker, they end up at the same exact corner with less than a minute's extra driving. Now, who wants to spend \$4 million or \$5 million extra to save a minute's driving. They said they need it for medical emergency purposes. He talked to Jess Roberts of Alexander Ambulance a couple of years ago when this 911 issue came up and asked him the difference between B Street and Nurrenbern? He said they didn't care. He talked to one of these people on the phone and she said they had a letter from Alexander Ambulance and she'd send a copy to him. She did and he read it. He said the same thing in the letter -- all they want is an overpass or an underpass -- they didn't name a location. He would say to the Commissioners that if he were sitting in their place and somebody wanted an overpass that cost \$5 million more than another one which would do the same job and take most of the traffic off Red Bank Rd. going to Burdette, there wouldn't be any question in his mind at all -- he'd go for the Nurrenbern location. He hopes the Commissioners will think about this very carefully.

Commissioner Willner said, "Certainly."

Mr. Elliott continued, "I'm going to be lobbying on the Council not to spend the extra \$4 million or \$5 million."

Commissioner Willner thanked Mr. Elliott for his comments.

Mrs. James said she respects Harold Elliott and she thinks Council has been doing a job of managing the money. But she also thinks you have to stop and think of the industries that are behind the tracks. There are several oil tanks and, as she understands it, several industries couldn't get fire insurance because they didn't have the proper fire protection -- and they favored the Barker overpass for that reason.

Commissioner Willner said the Board will continue to study the matter and he is certain nothing will be done without a public meeting to explain all the problems and pros and cons.

RE: AMENDMENT TO CONTRACT WITH SIMON'S GOVERNMENTAL SERVICES RE REASSESSMENT

Commissioner Willner said Mr. Chuck Simon of Simon's Governmental Services is present today concerning an amendment to the contract we have with his firm regarding reassessment. Also present are Attorney Mike Schopmeyer, Harry Tornatta (the spokesman for the Township Assessors), Gary Wagner (German Township Assessor), and Al Folz, Knight Township Assessor.

Attorney Schopmeyer asked if Commissioner Willner received the letter he sent?

Mr. Willner said that he and Commissioner Borries have read the letter.

Attorney Schopmeyer explained that in 1987 we entered a contract for Technical Advisor for the Reassessment to provide services essentially for the four (4) large urban townships. It contemplated a completion date of March 1 just passed. The contract also provided for a 35% retainage in lieu of a performance bond, inasmuch as this sort of service was not capable of being bonded and the State approved this 35% retainage -- almost Statewide, so he understands. Again, it was contemplated the contract would be finished or nearly finished by March 1, 1989. However, values have not been received by the State for the land values on the reassessment until last week or the week before actually, and there have been other delays which have been in the press almost Statewide -- but, certainly, the four urban counties of Marion, Allen, St. Joseph, and Vanderburgh County. Mr. Simon approached the Assessors as a body and requested that part of his retainage be returned as of the contemplated date of the contract's completion. He specifically requested 40% that was voted upon by the Assessors and rejected. As a group they did, by consensus, agree that a 10% return of the retainage would be appropriate at this time, which would amount roughly to \$23,000 to \$25,000 of some \$237,000 currently in that retainage fund. It is contemplated that the total contract value here will be in the ballpark of \$900,000. He will let Mr. Simon address any questions the Board may have at this point.

Mr. Chuck Simon introduced himself. He said Mike Schopmeyer had asked him to explain where Simon's Governmental Services is with regard to the project. Hopefully, we can proceed to approve the amendment to the contract. The State Board has also approved the contract which has been approved by the Assessors. It not only has been approved in Vanderburgh County, but in other counties where he has worked, as well as other vendors -- the extension along with the retainage has been granted. In some cases, from his own personal knowledge, as high as 50%. Basically, because the State had committed back in March of 1987 that the project should be completed by March 1, 1989. Unfortunately, they were not able to furnish all the values to us. Briefly, here is where we are today. They have completed all the residential data collection, the residential pricing, and they are currently entering the residential cards in the County computer center. He

thinks we've entered 18,000 in the four townships. Perry Township has entered an additional 6,000 to 7,000. So, we're in the neighborhood of 22,000 or 23,000 insofar as cards put into the computer for pricing. The problem we're going to encounter later on is that these land values have not been final, which will require us to go back in and re-enter additional information in the computer so it can price the complete value for the Assessors. Briefly, that is where that stands.

The main reason the values couldn't be completed is that the State Tax Board just sent those last week or week before last. The land rates went in December 31, 1987 to the State Tax Board by the County Land Committee and were not returned to the County until the first week of March 1989. The Township Assessors have a 20 day process during which they can examine these land values and accept them and/or repeal them. After a careful study and going through the values last week, he and the Assessors had a meeting with the Attorney last week and they have found some irregularities -- some inequities -- in the values. Some of the values are great. Some of them are not. We can go ahead and enter part of them. But, in his opinion, it will possibly take another two to four months before these values will be final. But until the State gives the final order on the values that are appealed, he can't enter those values for pricing, because the Assessors feel they are in error and, in some cases, they definitely are in error. There are inequities between Township lines. This is basically the main reason that we cannot finish the project on time. And it will probably be July or August before everything is completed. Because they had planned to be completed by March 1st and they, as a company, had made commitments to some people, that is why they would like to have at least part of that retainage back -- because the remaining work is approximately 10% of the whole contract. But, because of the delay in getting the values, they can't enter them into the computer.

Commissioner Borries asked if this 10% is part of this original 35% retainage? Mr. Simon confirmed that it is.

Mr. Simon said it was his understanding that the Assessors agreed to give back 10% of the 35%, which would be 3.5%, leaving 31.5%. If they release 10%, that will leave approximately \$200,000 in the retainage.

Commissioner Willner asked Mr. Simon if this will be the last time he will ask for a reduction until the assessment is complete?

Mr. Simon said he can't say that, because he doesn't know when the State is going to give us the final values. It may come to pass that we may not get these values for another four (4) months. If we don't get the values for another four months and we are sitting around here with all the work finished except that, then he, personally, feels that more than 10% should be released now -- or he would not have asked for it. But if the State does not give us the values so he can enter them and they have to wait on them and they have everything else completed, then he will probably ask the Assessors one more time if they would again release part of the additional funds.

Commissioner Borries said he thinks the 3.5% is very conservative on their part.

Commissioner Willner asked Mr. Simon if he understood him to say that as far as he is concerned, 90% of the reassessment is done?

Mr. Simon said that as far as he is concerned, his obligations of completing this reassessment are finished, excluding the land value (because that is a separate item) -- which is probably 10% to 12% of the total. But, again, this is another thing that is

going to have to be looked at -- and he has talked to Messrs. Folz, Stucki, and Tornatta about it -- they're going to have to go back in and re-do something that they should have been able to do the first time. He has indicated to them that on his part he may have to ask for additional funds to go back in and re-do that, because they could have completed this task on their original send through. This means they have to go back to approximately 60,000 to 62,000 parcels and go through every parcel one more time to put these values in. If the values were final and the State had given their final approval and the Assessors had given their final approval, they could complete that property record card and have the notice ready to mail to the property owner. But because of the fact that they are not completed and have not been given to him, then they are not yet legal for him to use until such time as they have been certified -- and he can't enter them into the computer for pricing.

Commissioner Borries asked if there are other Counties faced with this same situation?

Mr. Simon said, "Every County in the State, with the exception of 32 Counties. I have three (3) Counties I've completed, but of those three Counties of the six (6), one County didn't appeal. The other two Counties had their hearings February 14th and February 16th. But, as the Assessors and I had agreed, we went ahead and used the land values we thought we had to have. And, fortunately, the State agreed with us and changed the values based on my presentation at the hearing. In other words, I made a presentation to the State Tax Board at the Formal Hearing that these values were out of line, these values were okay, and told them the reason certain values were out of line and presented specific data. Consequently, the State Tax Board unanimously approved every correction and/or change asked for. So the two counties where I did this are done. But that is because they had planned ahead to go through with that and their values were sent back in August 1988, not March 1989. And they had had those values. They received the values in August 1988, but did not have the actual State Hearing until February 14th and February 16th of 1989. So, if this is delayed as long as those were, then theoretically it will be July before the actual hearing is held in Vanderburgh County. This creates a problem with time for us and does not allow us to complete the project."

Continuing, Mr. Simon said he feels confident the reassessment can be accomplished by late August, which will still allow plenty of time to mail the notices and hold the Board of Review. Hopefully, if they can get the additional funds from Council and the approval of the Commissioners and the Assessors to go on with this thing, we can have this hearing prepared and ready and the State Tax Board can possibly hold a hearing and everything will be finished by June 1st. He thinks the spirit of the last meeting held indicated they are on the right track. In other words, he means that all eight (8) Assessors are in agreement that this is the plan with which we have to proceed and the reassessment has to be finished.

German Township Assessor Gary Wagner said Chuck Simon has been very helpful and the Assessors have been working together. They've been having meetings and are trying to get the reassessment completed. Mr. Simon asked for 40% retainage and the Assessors voted for 10% of the retainage. The four big townships that hired him definitely agreed to let him have 10% retainage back. As far as he is concerned, the State has taken Mr. Simon's job and made it go another six or eight months. He gave us a price for doing this in a year or whatever -- but the State is holding him up. He has money invested and it is costing him interest-wise and whatever. This is why he voted to let him have at least 10% of the retainage back.

Knight Township Assessor Al Folz introduced himself and said he was, of course, part of that meeting. He thinks he took a hard line. Knight Township was appropriated something like \$250,000

up to this particular point. He is having an appropriation for another \$30,000 to finish up as far as the parcel count, etc. He has about \$86,000 in the retainage. After some hard line discussion at that particular meeting, he agreed to go along with the 10% retainage, which would be something like \$8,600 from Knight Township. When he calculated about how far along they were insofar as completion is concerned by Simon's Governmental Agency, he found that even though we have been delayed insofar as the State sending back land values (and when they did, we didn't agree with them -- because they are too high, they were inequitable) -- still the percentage that Simon's has up to this particular point are, insofar as data collecting, he just finished up the commercials in Knight Township. The apartments are not finished and we still have some condos to go -- but they are data inputting. There are some 24,500 parcels in Knight Township; of that, 15% have been entered into the computer. They put Knight Township's in three times a week basically. But he did vote for the 10% retainage. He feels Mr. Simon is moving along and is trying. He is going to put two more people on Monday to hurry it along to get the information into the computers. Once they get the extra personnel on -- they are starting to put in 1,000 parcels per day and that is pretty darned good. Each Township has to sign their own blue claim for the retainage in that township account. So when Mr. Simon submits a blue claim for the 10%, he will sign it for \$8,600 insofar as Knight Township is concerned.

Perry Township Assessor Harry Tornatta said he believes Mr. Simon asked for 25% retainage and he voted for 25%, but was voted down. He therefore voted for the 10%. He thinks Mr. Simon is doing his job and he thinks he should have the retainage.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, retainage of 10% or actually 3.5% of the amount of money held in retainage at this time by the Township Assessors budgets was released. So ordered.

President Willner said he would certainly hope the Assessors will be able to come back and say that this project is completed without anymore reductions.

RE: LEGAL ADS & REASSESSMENT LETTER

Mr. Willner passed legal ads for the Commissioners' Executive Session, the Special Drainage Board Meeting, and the Public Hearing re County Roads to be included with the minutes, as well as copy of the letter re the Reassessment.

RE: EUTS - ROSE ZIGENFUS

Boonville-New Harmony Road Realignment Project: Mrs. Zigenfus said she received some contracts today from the Indiana Department of Highways and one of the contracts will allow a bid letting on the Boonville-New Harmony Road realignment project so that next month perhaps we can get a good bid and go to construction the following month. The total cost on that is \$1,331,000 and the County is responsible for 25%. That money has been budgeted, so there is no problem with executing the contract. (There are three copies to be executed and returned to the IDOH.)

Lynch Road Extension Project (Oak Hill Rd. to Burkhardt Rd.): The second contract concerns the extension of Lynch Road from Oak Hill Rd. to Burkhardt Rd. These are agreements with HNTB in Indianapolis, IN for Preliminary Design. (HNTB is the lead agency and they are doing this in conjunction with Veach, Nicholson.) This was awarded a year and a half ago and the contracts were never executed because we had to wait for approval from the Federal Highway Administration on the Interchange -- they're doing the portion from Burkhardt Rd. to Warrick County

The money has also been appropriated through the budget process. The total cost for Vanderburgh County is \$350,290 and Warrick County's portion is \$129,214. Warrick County had agreed to their local share and Vanderburgh County's local share is 25% of that figure. The cost figures were reduced by about \$50,000 from their original submission and now they are down to where the State will accept these costs as true costs.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, both contracts were approved and signed. So ordered.

RE: CURT JOHN - COUNTY ATTORNEY

Election Systems: Attorney John said he had hoped to have the letter from Thornber Election Systems for today's meeting, which apparently has not been received either by the Commissioners or him at this point. He has sent them two letters and discussed the matter with three different people at Thornber and was informed we'd have the letter discussing the problems occurring during the vote counting and any possible solutions. He is open to suggestions from the Commissioners.

Commissioner Willner said he has asked Micro-Vote of Mt. Carmel, in to make a presentation concerning their system. They will make this presentation at the Commissioners Meeting on Monday, April 3rd. Mr. Riney has notified the News Media, County Council, all Officeholders, the Election Board, and both the Democratic and Republican County Chairmen.

RE: SALE OF COUNTY SURPLUS REAL ESTATE

President Willner said he has a list of eight (8) parcels of surplus County real estate, on which the Auditor has held the Tax Certificates for a one (1) year period. They were subsequently deeded to the County. The eight (8) parcels have been appraised by the County Assessor's Office. Secretary Joanne Matthews has noted we have to advertise four (4) consecutive weeks prior to conducting the sale and she has prepared a Legal Ad for the Commissioners' approval and signatures and scheduled the Auction at 2:30 p.m. on Monday, April 24, 1989.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the Secretary was authorized to advertise the sale of subject properties. So ordered.

County Auditor Sam Humphrey said he would remind the Commissioners that in the meantime, these eight (8) parcels have to be maintained (the weeds have to be cut, etc.) by the County.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports/Absentee Reports: Mr. Muensterman had submitted copies of the Weekly Work Reports and Absentee Reports for the previous week for both employees at the County Garage and the Bridge Crew.....reports received and filed.

Ditch Behind County Garage: Mr. Muensterman said Indiana Hi-Rail is working on the ditch that runs behind the County Garage (from St. Joe Avenue to Mill Road).

Upper Mt. Vernon Road: Mr. Muensterman reported that he'd also received complaints re water on Upper Mt. Vernon Rd. He is going to try to do something different out there to get rid of the water on that road.

RE: COUNTY ENGINEER - GREG CURTIS

St. Joe/Allen's Lane Intersection: Mr. Curtis said he has a plan for the St. Joe/Allen's Lane intersection improvement. The project involves widening the radius of each of the four corners to allow for a wider turn. At the present time there is not sufficient space to make left-hand turns from Allen's Lane onto St. Joe Avenue and the medians will be pulled back approximately 25 ft. (one will be pulled back 23 ft. and the other 25 ft.). In addition to that, the current speed limit is fairly high.

Mr. Borries said he'd like to see the speed limit lowered -- at least for that portion -- he thinks that would help. Beyond that, you could roll. But he thinks lowering the speed limit in that vicinity to 35 mph would help. (The State has portions of Lloyd Expressway posted at 35 mph -- nobody goes 35 mph, but it is posted 35 mph.)

Mr. Curtis said there are some other improvements, but they will involve some costs -- things you run in to by doing this. First, there is a traffic manhole that will have to be moved and the conduits also moved and connected and design changes will also have to be made to a manhole and an inlet in designated area. There is also a fire hydrant which he will ask the City to move prior to starting this project -- hopefully. It is our intention to do quite a bit of thermoplastic line striping, which is the plastic line striping that the State does at intersections -- these stay there for a considerable period of time, with fairly good visibility. What we intend to do is coming from both directions, to have the lanes marked with a 24 inch STOP BAR and we'll pull the lines back as shown on the plans and those lines will be in in thermoplastic and on St. Joe the centerline and the solid lane for the turn collection will be done in thermoplastic. We also are proposing to put a STOP sign on each side of the approach on Allen's Lane. This will be a 48 inch sign as opposed to the current 30 inch sign at each corner. It is his understanding that we presently do not have a line item in the budget for funding this project -- so he doesn't know where we'll take it from. The estimated cost is \$18,000 to complete this project. If at some later time we find that for some reason, this does not relieve the majority of the traffic problems at that intersection and the Commissioners should choose to have a stoplight put at that location, this work will definitely not be in vain. In fact, most of this work will be required anyway.

Commissioner Borries said he would support this, again with the aspect that he would want to consider from S.R. 66 to Allen's Lane a reduction in the speed limit. Beyond that point he doesn't think we have much of a problem.

Commissioner Willner requested that Mr. Curtis go ahead and finish the plans in their entirety and then bring them back to the Commissioners with his recommendation for funding. Then we can go on Council Call. It would come under R&S.

Boonville-New Harmony Rd./U.S. 41 Intersection:

Mr. Curtis read the following letter he'd drafted concerning the Boonville-New Harmony & U. S. Highway 41 Intersection:

March 20, 1989

Mr. Aden Carr, P.E.  
District Engineer  
Indiana Department of Highways  
2526 North Sixth Street  
Vincennes, IN 47591

Dear Mr. Carr:

After reviewing the intersection of U. S. Highway 41 and Boonville-New Harmony Road, our inspection indicated that lane improvements on Boonville-New Harmony Road could improve traffic safety.

It is our understanding that you will be evaluating this intersection this spring. We hope that your investigation will result in substantial overall safety improvements to this intersection. When your study is complete, and you begin to develop any planned improvements, we would like to coordinate our building of right turn lanes on the Boonville-New Harmony Road approaches.

It is our position that this intersection is the most dangerous intersection in Vanderburgh County. It is imperative that improvements to this intersection be made before more traffic accidents occur.

Sincerely.

The Board of Commissioners of  
the County of Vanderburgh

/s/ Robert L. Willner, President

Commissioner Willner said he has also asked Mr. Curtis to supply him with the addresses of the Highway Department District Office in Vincennes. Darmstadt has also requested that they put their two cents worth into that intersection and he told them he'd give them the address.

Approval on Bridge Inspection Agreement: Mr. Curtis reported that we have received approval from the State on the Bridge Inspection Agreement with Bernardin, Lochmueller & Associates and have been given the go-ahead to write them a Notice to Proceed and he would like the Board's authorization to do so.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, authorization was given. So ordered.

Franklin Street Bridge & Columbia-Delaware Overpass Bridges: Mr. Curtis said the first two bridges he intends to have them look at (and they're scheduled to look at them this Thursday) are the Franklin Street Bridge and the Columbia-Delaware Overpass Bridge. They will be evaluating them and giving an up-to-date inspection so that when we submit that information to the State it is up to date and thus will enable us to get those projects moving much more quickly.

Fulton-5th Avenue Bridge #67/Supplemental Agreement: The Supplemental Agreement re the Fulton-5th Avenue Bridge was presented. Mr. Curtis said he told the Board last week that we had some problems with some of the information that they'd been working under for the initial agreement. That has caused some changes that need to be made in the Veach, Nicholson, Griggs agreement. First of all, basically to summarize the amendments, in the original agreement it did not include anything for a survey or a design study report, because we believed a field survey had been done prior to design and we believed that the design study report was done. However, those items were not completed. This also requires a \$19,000 increase in the design because the initial design will have to be started over based on the field survey and the design report. The agreement really amounts to \$21,000 additional cost.

Commissioner Willner asked if there are sufficient funds to cover this and Mr. Curtis responded in the affirmative.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the agreement was approved and signed. So ordered.

English Way/Green River Road Intersection: Mr. Curtis said the last item on his agenda concerns a problem brought to his attention this past Friday re the intersection of English Way and Green River Road. We accepted the roads March 25, 1985 and we have a drainage problem on the approach to Green River Road. There are two elongated grates and at the present time they are sitting on concrete walls that are supposed to be spaced apart approximately 8 inches -- that are sitting on top of the concrete pipe that the top is busted out of. To make a long story short, that is failing and we need to fix it. He has a cost estimate of \$6,900 and he is basically wanting to know from the Commissioners whether to get more cost estimates and have a contractor do this work or whether they want the County Highway Garage forces perform this work.

Instead of putting the long rectangular grates in, what he proposes to do is to put in two circular grates that are in a regular inland casting to where we won't have a problem with the grates busting out all the time.

Commissioner Borries asked if the County Highway forces can do it?

Mr. Curtis said it is a borderline type project in that it will require a lot of time and when you're doing this, you're not doing something else. He's spoken with Mr. Muensterman.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, Mr. Curtis was authorized to advertise for proposals.

RE: TRAVEL REQUEST - JUDGE MILLER/CIRCUIT COURT

The meeting proceeded with Commissioner Willner reading a letter from Judge William H. Miller of Vanderburgh Circuit Court, advising that he will be attending a meeting of the Board of Directors of the Indiana Judicial Center on Friday, March 17, 1989 in Indianapolis. Expenses for room and board will be paid from the users fees account.

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

RE: ALEXANDER AMBULANCE SERVICE - MONTHLY REPORT

The monthly report from Alexander Ambulance Service, Inc. for February, 1989 County Billing was submitted.....report received and filed.

RE: HOLIDAY CLOSING

President Willner announced that all County offices will be closed on Good Friday, March 24, 1989.

RE: OLD BUSINESS

Commissioner Willner entertained any matters of Old Business for discussion. There were none.

RE: SCHEDULED MEETINGS

Wed. March 23 2:00 p.m. County Council Mtg. re  
Excise Tax & Wheel Tax  
(Room 301)

Mon.	March 27	2:30 p.m.	Public Hearing re Cumulative Bridge Fund
Wed.	March 29	2:00 p.m.	County Council Personnel Committee (Room 303)
		2:30 p.m.	County Council Finance Meeting (Room 303)
Mon.	April 3	2:30 p.m.	Micro-Vote/Voting Equipment Presentation & Demonstration

RE: CLAIMS

A claim in the amount of \$32,000 from C.A.P.E. re SMILE Transportation was submitted. Mr. Willner said it is his understanding that \$32,000 was allocated by the County Council for this purpose. However, the Commissioners do have some problems with the whole project insofar as advertising, etc., so he will defer action on this claim until a full quorum is present.

RE: EMPLOYMENT CHANGES

Commissioner Willner said there are no employment changes to be approved.

There being no further business to come before the Board at this time, President Willner declared the meeting recessed at 9:15 p.m.

PRESENT:

Robert L. Willner/President  
Richard J. Borries/Vice President  
Absent: Carolyn McClintock/Member  
Sam Humphrey/County Auditor  
Curt John/County Attorney  
Cletus Muensterman/County Highway Supt.  
Greg Curtis/County Engineer  
Jim Lindenschmidt/County Council  
Rose Zigenfus/EUTS  
Robert Lutz/County Council  
Betty Hermann/County Council  
Harold Elliott/County Council  
William Taylor/County Council  
Mark Owen/County Council  
Curt Wortman/County Council  
Bill Jeffers/Chief Deputy Surveyor  
Gary Wagner/German Township Assessor  
Tim Mueller/County Line Rd. resident  
Chuck Simon/Simon's Governmental Services  
Harry A. Tornatta/Perry Township Assessor  
Shirley Reeder/Knight Township Assessor's Office  
Al Folz/Knight Township Assessor  
Keith Lochmueller/Bernardin, Lochmueller & Assoc.  
Sherianne Standley/USI  
Shirley James/West Side Improvement Association  
Gail Cummings/Union Township  
Bonnie Murphy/USI Student Gov't. Representative  
Mark Parker/USI Student Gov't. Representative  
Jerry Riney/Commissioners' Assistant  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

  
Robert L. Willner, President

  
Richard J. Borries, V. President

\_\_\_\_\_  
Carolyn McClintock, Member

MINUTES  
PUBLIC HEARING RE COUNTY ROADS  
MONDAY - MARCH 20, 1989

6:30 P.M.

MINUTES  
PUBLIC HEARING RE COUNTY ROADS  
MARCH 20, 1989

The Vanderburgh County Board of Commissioners met in session at 6:30 p.m. on Monday, March 20, 1989 in the Commissioners Hearing Room for purposes of conducting a Public Hearing re County Roads.

The meeting was called to order by President Robert Willner, who subsequently welcomed all of those in attendance. He then asked for comments from the audience.

Petersburg Road/Les Lantaff: Mr. Les Lantaff was recognized by the Chair. He said that Petersburg Road was resurfaced to Browning Road, but between Browning Road and Boonville-New Harmony it is in very, very bad condition -- there are a lot of cracks and potholes and that road needs to be resurfaced this year.

Motz Road/Jeanne White: Mrs. Jeanne White said she represents the residents on Motz Road. The residents are here tonight as the result of an article in the newspaper last week wherein Mr. Curtis is proposing stopping the project because of right-of-way obtainment. She said she has brought videos, a letter from the German Volunteer Fire Department -- and she doesn't know what more she can do. Motz Road was on the list all last year. They had 300 signatures. She has been told she is speaking for the people along Motz Road and they don't have a voice. Tonight she has the people with her -- this is everybody with the exception of two residents, and she has letters from them and Mr. Stocker stating we can have easements. Mrs. White said she doesn't know a lot about building roads -- that is what surveyors and engineers are for -- but she doesn't think anyone has come out and walked the road. When the Commissioners had a meeting last October, she proposed that we go with an 18 ft. roadway. Most of the way the road is 18 ft. wide -- until it gets to the blind curve that leads back to Mr. Stocker's ground. It then goes down to 15-1/2 ft. to 16 ft. It is her understanding that the County needs the same amount of easement from both sides. She doesn't understand this. All on the left side (which is a straight shot all the way back) they have letters from the people on that side saying "Take 50 ft., take 25 ft., take whatever you need on that side". They came to the Commissioners meeting in March 1988 and then in September of 1988 she came back and spoke again and brought more pictures. At that time she said she thought the Surveyor's office was proposing moreso a highway. They wanted a big road and all the residents wanted was improvements. In October of 1988, the Commissioners came out and she thought everyone had the understanding that improvements were needed and the County was going to get back to the Motz Road residents with an engineer and a proposed plan.

She didn't hear from anyone and she called Mr. Dan Hartman in December 1988. At that time, he said the surveying wasn't done. It was her understanding from talking with Mr. Jeffers a couple of times in November and December that it was almost done. Mr. Hartman said this wasn't done. She wished him a Happy Holiday and asked that we get on this -- because she had the understanding that dirt needed to compact over the winter and the excavating needed to be done in the winter.

In January of 1989, she called Mr. Jerry Riney and told him about a drainage culvert. He was very congenial and very helpful. He got out there and took the culvert out and got the work done and said there was a meeting in December -- and it was brought up that she would probably be able to take the contracts around. She really doesn't feel she should have done that -- she is not a County employee, she is not a lawyer, and she is not an engineer. But she said she would do that to expedite the services to get it done. She talked to Mr. McCarthy (Ms. McClintock's representative) again in February -- and he said Motz Road was still on the agenda to get the road taken care of and they were still working on the paperwork. She then read the article last week that said we're proposing to stop the project because they can't obtain right-of-way. She only had five (5) contracts and out of those five (5) contracts one contract called for going through part of one man's house. One contract called for going through part of a man's lake. And she told those people at that time that she didn't think they should sign this -- she thinks a 45 ft. easement on either side of the center is out of the question. But Mr. Stuckey had said if there were any problems not to write it on the contract -- just get back with him. She has not had time to get back with him, because all of the contracts were not given. On Friday of last week, Mr. Stuckey brought some of the other contracts to her -- which are the same -- nothing has changed on them.

Mrs. White said she and the Motz Road neighbors don't understand why the County can't come in and take easement on the side the residents are offering. It would be less expensive for the County -- the utilities are not on that side. The way they see it, maybe one or two poles would have to be moved. All they're asking is for somebody to please come out and explain to them why this has to be a major undertaking, when there are a lot of other roads in the County which aren't this much trouble. They also asked for some easement from some people on St. Joe and St. Wendel Road -- and she doesn't feel it is her responsibility to get -- and she doesn't feel like this is needed. She noticed in the paper that we don't have an ingress/egress lane on Highway 41 and Boonville-New Harmony. Why should they have a 200 ft. easement going from Motz onto St. Wendel. The residents are here tonight to see why Motz Rd. is not paved, widened, and improved. She is also here to clear up the fact that she has been accused of speaking for the people and they are here with her. She is not speaking for them. She just thought it would be easier for the Commissioners to hear from one (1) person as opposed to some 30 or 40 people. She volunteered. She wishes these people would speak up. She is not telling the Commissioners or Mr. Jeffers, the Television or newspapers what she wants. She is speaking for the Motz Road residents and they are all here. They want to know if Motz is going to be paved and when.

Commissioner Willner said if he understands correctly, what Mrs. White is telling the Commissioners is that the people along Motz Road are willing to give 50 ft. right-of-way, but some of it is 45 ft. on one side. Is this correct?

Ms. White said that is not what she is saying. She thinks the road should be paved -- existing like it is from St. Joe -St. Wendel to the curve. It is 18 ft. -- it is fine. If you go through there and want a 25 ft. easement, you're going to be in a lake. She doesn't understand why we can't slap pavement down on the first half of that road to the curve, and then take 25 ft. or 30 ft. all on one side from the curve back to Stockers. It would be cheaper. Why should the County go out there and take a 25 ft. easement when they don't need it? This is what she is asking. She wants someone to explain this to her. She has asked Surveyors and Engineers to walk the road with her. She doesn't know much, but she does know it would cost the County more to take down a row of 150 trees than it would to go to the side

where there has been a cornfield and there are no trees. She doesn't understand why pavement can't be put on the first of the road which is currently 18 ft..

Commissioner Willner asked Chief Deputy Surveyor Bill Jeffers if he has any comments? Does he know who wrote the contracts?

Mr. Jeffer said he has no comments. The contracts were probably prepared by the County Engineer's office.

Mr. John Martin of 9334 Motz Road was recognized. He said one of the main concerns in the winter months when it snows is that buses won't come down Motz Road because there is no turn-around. The road is narrow and you have to pull off the road to pass. All the mothers take the kids up to the curve every morning to wait for the school buses and it is congested up there. He thinks this is pretty unsafe. The Motz Road residents have a letter from the Fire Department saying it is unsafe. He knows Mrs. White has been accused of being the only one who wants the road blacktopped, but she is speaking for everybody on that road. This is better than 30 or 40 people calling or coming up here every day.

Commissioner Willner said if the County blacktops the road at it's present 18 ft. width (and it is not 18 ft. in its entirety) that buses will come down the road either. He is not sure this is true. We probably need 20 ft. plus for the buses to come down the road.

Mr. Martin said there are other roads that are just as narrow where buses do come down.

Mr. Jim Eickhoff of 11546 St. Wendel Road was recognized. He said he is not against the road project, but he is against the temporary easement that comes in his house - it is over his well, over his field bed, over his shrubbery, and everything -- and he can't go along with that 25 ft. It looks like they want another 25 ft. or 30 ft. to make the turn there. He is on the northwest side of Motz Rd. on St. Wendel Road.

Mr. Willner asked if Mr. Eickhoff's property runs down to Motz Road.

Mr. Eickhoff said his property is along Motz Rd. and St. Wendel Rd. The temporary easement they want runs through his house.

Commissioner Willner said he would say this was a mistake.

Mr. Eickhoff said his house was omitted from the plans. They have deleted his house and it looks like a vacant lot. He'd like somebody to stake this off. It looks like they're taking more than they will need.

Commissioner Willner said this is a reasonable request and he has no problems with that whatsoever.

Mr. Art Glaser of 9425 Motz Rd. was recognized and said he knows for a fact that there is going to be another home built on Motz Rd. The man will be starting in probably another 6 to 8 weeks. Other property has been purchased -- within the next two years he knows there will be another home built. So we are getting more and more residents on the road. Insofar as the school bus, Mr. Stocker has offered to give as much ground as they want to make a turnaround for buses.

Mr. Bill Luigs/Trapp Road: Having been recognized, Mr. Luigs said he lives on Trapp Road. He said he's been a County taxpayer since 1966. There are two buses that use this road and it gets pretty dusty in the summer and pretty muddy in the winter. It is

hard to find anyone to car pool with you in the area. Nobody wants to come down the road and get their vehicles dirty. He feels he has been pretty patient.

Mr. Mike Loherlein/Motz Rd.: Mr. Loherlein said he lives at 9519 Motz Rd. and wants to get his name on record that he is here with the rest of the people to back everything they have said. He doesn't have property directly on Motz Rd -- he lives on one of the off lanes -- and the entrance to their lane is in an area where it is not passable by two cars. They live right in front of the area that is in the bottleneck. They are concerned with the safety factor and being able to have a usable road in that area.

Commissioner Willner asked for further comments on Motz Lane.

Mr. Charlie Stocker said he resides on Stocker Drive. He has property on Motz Rd. On occasion over the past 10 years some accidents and near accidents have occurred because of some blind spots and the narrowness of the road. He is sure the Commissioners are also aware of the concerns that the Fire Department has, as do the bus people, in terms of getting buses down there. There appears to be a unified group. They all want the same thing -- the betterment of the road and the safety of the children.

President Willner advised County Engineer Greg Curtis that one of the questions concerned the temporary easements. One went through the middle of a resident's house. Is Mr. Curtis aware of this?

Mr. Curtis said that is one of the incidents he is checking out.

Mr. Willner said Mr. Eickhoff has asked that this be staked out and he would request that Mr. Curtis see that this gets done.

Mr. Curtis said he is not sure it has all been finalized, but Commissioner McClintock had contacted him about meeting out on Motz Road on March 29th at 6:00 p.m. -- and that is one of the things he'd like to do at that time.

Commissioner Willner said one of the other problems -- they feel like a 50 ft. right-of-way is possible, but sometimes it needs to go more off one side than the other. Can we look at that?

Mr. Curtis said we can. In response to request from Mr. Willner, he will furnish the Commissioners with a map of Motz Rd. and exactly where the lines are on each side -- possibly by the next meeting or within a reasonable period of time.

Ms. Jeanne White was again recognized by the Chair. She said she thinks what they are asking for -- the first half of Motz Rd., there is a gentleman who has a fence and horses and a lake on the corner on one side -- and then Mr. Eickhoff is on the right hand side. They have their septic systems. What they thought they could do (the road is 18 ft. it was measured today) would be to pave the road from St. Wendel Road to the 90 degree curve. They want a pavement on that part just like it sits -- and then widened from the curve back to Mr. Stocker's on the left hand side. All those residents on the left hand side have said the County could have all the easement on the left side after the curve. They thought this would be less disturbing.

Commissioner Willner said the law of Indiana is 8 ft. for a vehicle. In other words, any vehicle that is 8 ft. wide can travel any County, State, or Federal road. If you put two of those vehicles side by side -- you can see why the County does not like to build 18 ft. If you get up to 22 ft., then you feel like you have a reasonable safety factor. But if the County were to build an 18 ft. lane and have two (2) vehicles 16 ft. wide,

that leaves us 6 inches on each side -- and if one vehicle gets off the road and tries to get back on, you have an accident and we have lawsuits.

Ms. White said she understands this and appreciates the Board being concerned about safety -- but why are they paving roads 16 ft.

Commissioner Willner said there are a lot of different reasons. The County has paved some 18 ft. roads, but they don't do it often -- and they request of all developers in Vanderburgh County at least 40 ft. That is the absolute minimum. But when we get to a reconstruction, we'd rather have it wider and he thinks it is possible. He would still like to go ahead with the project and get it done. If we don't, then we have to do the next best thing. But he doesn't see any insurmountable problems. And he doesn't think it will be another year.

Patty Fehrenbacher of R. R. #7 Trapp Rd.: Mrs. Fehrenbacher said she doesn't know whether it is cheaper -- but if they'd just pave 3/4 mi. that would cover all the road the school buses travel, because previously they have turned around in their driveway and then come back out. She has two small children just starting to school, so school buses will be coming back to that road for a long time. Also, the mail man came through and got stuck off the road -- it's really soft right now.

Commissioner Willner asked if Mrs. Fehrenbacher knows how wide the right-of-way is on Trapp Road?

Mrs. Fehrenbacher said she has no idea. They paved the other end of the road which is no wider -- so she thinks there is plenty of width.

County Line Road: Mr. Gary Wagner of County Line Road was recognized and said they have a problem out there, too. They have a gravel road. The residents of German Township would like to see the Commissioners spend a little money in German Township on the roads. They only have two or three gravel roads in this township altogether, and they'd like to see them blacktopped. The Commissioners have been doing a fine job. Also, they've been getting some work done on the bridges and the culverts. The taxes are getting higher and higher and anything the Board can do for the residents in German Township would be appreciated.

Tim Muehler/County Line Rd.: Mr. Muehler said they have problems with four families back there and it is approximately .8 mi. from Denzer Rd. to County Line and the other part Posey County maintains. But down towards the south side (Marx Road) about six houses it is Vanderburgh County, but Posey County takes care of that part of the road. They also have one family that has foster children and a lot of people come from town to check on these children, etc., and he would appreciate the Commissioners' consideration in paving the road.

Commissioner Willner said County Line Road is Posey County's responsibility -- are we talking about the gravel road?

Mr. Muehler said the part he lives on is called North County Line Road -- but it is in Vanderburgh County. The west part of the road is Posey County.

Commissioner Willner asked Mr. Muensterman if this portion of the road is the responsibility of Vanderburgh County? He asked that Mr. Muensterman provide him with a description of that portion of the road.

Mrs. Shirley James/West Side Improvement Assn.: Mrs. James read the following letter from the Transportation Committee of the Westside Improvement Association:

March 20, 1989

Vanderburgh County Commissioners  
Civic Center Complex  
Evansville, Indiana 47708

Attn: Robert Willner, Commissioner

Dear Commissioners:

First, we would like to express our appreciation for the improved west side county roads; the past few years have shown considerable progress in this area.

The Transportation Committee of the Westside Improvement Association would like to submit the following projects for your consideration: (1) All roads leading into the new shopping areas at Highway 62 and Red Bank Road need to be widened; (2) West Mill Road needs to be repaved again; (3) in Southview Park, the streets that were repaved need to be widened to a uniform length and width; (4) Pleasant, Graff, and Creamery Road need resurfacing; and (5) Old Henderson Road needs repairs from flood damage.

Since there has been so much improvement in roads, WIA would like to request emphasis in our area now be directed to improving the drainage on all roads and a routine maintenance program for weed cutting be instituted, especially at dangerous intersections.

Also, our directors would like to see the Cumulative Bridge Fund raised to its maximum amount so there will be enough money to cover bridge repair.

The results of an informal survey taken by us show there is support to widen Hogue Road to Peerless and Red Bank in some areas (both north and south of Highway 62). Requests were made to improve the drainage over most of the length of Red Bank Road.

The city is presently instituting a computerized road maintenance program; will the county be undertaking a similar program?

Very truly yours,

/s/ Mrs. Shirley W. James  
President

cc: C. Muensterman  
W. Hardy - Transportation Chairman  
File

Mrs. James said that last year they had problems with weed cutting along Upper Mt. Vernon Rd. and Middle Mt. Vernon Rd. A great deal of weeds were cut, but they were left piled high along the road and during the drought it became very dangerous -- because those are highly trafficked roads and it became a real fire hazard with a lot of people smoking, etc. Yet, they are not allowed to burn in some of those areas without a permit. Frequent calls were made to WIA complaining about the fact that debris was piled so high on those two roads. If this could be corrected, it would be helpful.

Mrs. James concluded by saying they do have their ever present interest in Eickhoff Road and the USI Overpass and, of course, the Union Township Overpass, which they will address at another time.

Commissioner Willner thanked Mrs. James for her comments and said if she wants to stay for the regular Commissioners Meeting, the Eickhoff-Koressel matter will be discussed.

Mr. Carl Hoge of 5500 Pollack Avenue: Mr. Hoge said the road about which he is concerned is Calf Lane. There is a landscape nursery at the end of Calf Lane and they use semis to take trees and bushes back there. In the summer months it creates a lot of dust and dirt -- which comes across into his yard and toward his house. Mrs. Hoge said they'd like to see if the County couldn't get Calf Lane paved -- it's about a half mile stretch of gravel road. When those trucks turn off Pollack Avenue -- they put the pedal to the metal and that dust absolutely rolls. One family that lived back there over 20 years finally gave up and moved because the dust got so bad. It's terrible.

Mr. Willner asked Mrs. Hoge if she called anyone previously to discuss the problem?

Mrs. Hoge said she called and talked to Mr. Muensterman today. She had not called previously. But you can't open the windows in the house or hang clothes outside, etc.

Mr. Willner asked how wide this road is, and Mr. Muensterman said Calf Lane has a 50 ft. right-of-way.

Mrs. Hoge asked if they're going to do anything about Pollack Avenue? It has a lot of holes, too. And the road needs to be widened.-- by the bridge abutment, which the County was nice enough to put up. But it kind of goes downhill and in the winter when it is icy, it seems like it pulls you over to that -- you tend to slide that way. She'd heard they are supposed to widen the road by 1988.

Mr. Willner said he thinks Pollack will eventually be widened -- but he is a little hesitant to say when.

There being no further comments from the audience, Mr. Willner asked Mr. Muensterman for the tentative list of County Roads he has prepared which he'd like to see paved this season and Mr. Muensterman provided him with same. Commissioner Willner read the following tentative list put together by the County Highway Superintendent over the past year as a result of telephone calls from County residents. The Commissioners have not yet looked at this list of roads and he is not sure the County Engineer has looked at all of them, but the roads mentioned tonight will be incorporated and there will be a final list.

Boonville-New Harmony ....Hwy. 41 to Green River Rd.

(Mr. Willner said there is a question mark on this road, because we had wanted to look into a 3-R Program, which is repaving, restoration, etc., and he is not sure that will go next year --but it is on the list.)

Stacer Rd. Old Princeton to Hwy. 41

(This was on last year's list, but did not get done.)

Honeysuckle Drive.....Schlensker Rd. to Woodland Hills

Magnolia Lane Old Boonville Hwy to dead end

Oak Hill Rd. Lynch Rd. to Hwy. 57

Eissler Rd. Old State Rd. to dead end

(There is a housing project going up on Eissler Rd. and we probably would wait to see if that housing project is finished before we pave that one.)

Browning Rd. Old State Rd. to Boonville-New Harmony Rd.

Kansas Road Green River Rd. to dead end

Heckel Road Oak Hill to Green River Rd.

Petersburg Rd. Hwy. 57 to dead end

Caranza Drive Old State Rd. to Pinehurst Dr.

Pinehurst Drive Briar Ct. to Bob Ct.

Bob Court	Old State to Pinehurst Drive
Mt. Pleasant Rd.	Darmstadt Rd. to Old State Rd.
Ward Rd.	St. George Rd. to dead end
(There is a petition from the residents to do this road.)	
Green River Rd.	Hirsch Rd. to Pigeon Creek Bridge
(This is included in the new Green River Rd. project -- so maybe or maybe not)	
Baseline Road	Sections

Tonight we've added the following:

Petersburg Rd.	Browning to Boonville-New Harmony
Trapp Rd.	Buente Rd. North to Baseline Rd.
County Line Road West	Denzer Rd. (need description)
Calf Lane	Pollack Avenue to dead end
Pollack Avenue	

Also on the list are the following:

Schenk Rd.	St. Joe Ave. to Orchard Rd.
Kremer Rd.	Mesker Park to Kleitz Rd.
Kleitz Rd.	Meier Rd. to Mesker Park Drive
St. Joe Avenue	Baseline to Adler Rd.
#3 School Rd.	Hillview to St. Joe Rd.
Henze Rd.	Mill to #6 School Rd.
Neu Rd.	#6 School Rd. to St. Joe Rd.
Plainview Drive	Hwy. 65 to Neu Rd.
Heppler Rd.	Baseline Rd. to Hwy. 65
Neubling Rd.	St. Joe Ave. to Darmstadt Rd.
Emge Rd.	St. Wendel Rd. to Buente Rd.
Motz Rd. (45 ft.)	St. Wendel to County Line West
Meier Rd.	St. Joe Ave. to Fisher Rd.
Selzer Rd.	Broadway to dead end
Peerless Rd.	Hogue Rd. to Upper Mt. Vernon Rd.
Buena Vista	Detroy Rd, . to dead end
Rosser Drive	Felstead Rd. to dead end
Nolan Avenue	Speaker Rd. to dead end
Winterheimer Drive	Old 460 to dead end
Allen's Lane	Harmony Way to dead end
Mahrenholz Rd.	Middle Mt. Vernon to dead end
Broadway Ave.	Speaker Rd. to County Line West
Pleasant Rd.	Bayou Creek to Cypress Dale Rd.
Seminary Rd.	Bayou Creek to gravel
Graff Rd.	Bayou Creek to Nurrenbern Rd.
Creamery Rd.	Hogue Rd. to County Line West
Smith Diamond	West Franklin to County Line West

President Willner said this list is probably bigger than the County Council will give us dollars for -- so the list will certainly have to be trimmed. But this list probably reflects the need and we will continue to patch the holes brought to the Commissioners' attention tonight and in another month we can probably declare Vanderburgh County free of potholes again -- as soon as the weather dries enough to patch the roads. He said he certainly appreciates the attendance of the several individuals tonight and their input.

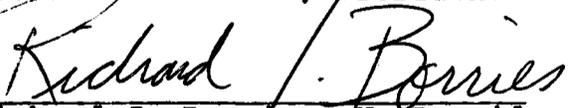
There being no further discussion, President Willner declared the public hearing adjourned at 7:15 p.m. and declared a 15 minute recess prior to convening for the regularly scheduled Board of Commissioners Meeting.

PRESENT:

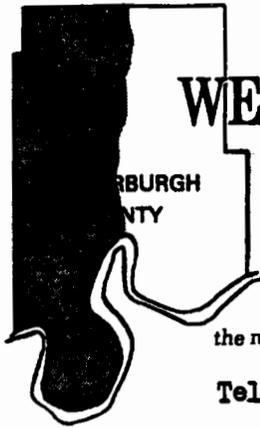
Robert L. Willner/Commissioner  
Richard J. Borries/Commissioner  
Absent: Carolyn McClintock/Commissioner  
Sam Humphrey/County Auditor  
Curt John/County Attorney

Cletus Muensterman/County Highway Supt.  
Greg Curtis/County Engineer  
Jerry Riney/Commissioners' Assistant  
Jim Lindenschmidt/County Councilman  
Richard Lutz/County Councilman  
Harold Elliott/County Councilman  
Curt Wortman/County Councilman  
Mark Owen/County Councilman  
William Taylor/County Councilman  
Betty Hermann/County Councilman  
Bill Jeffers/Chief Deputy Surveyor  
John J. Martin  
Amy Martin  
Chad Martin  
Stacey Adler  
Mindy Martin  
Katie Martin  
Erir Loherlein  
Larry White  
Jeanne White  
Lisa White  
Art Glaser  
Debbie Glaser  
Francis J. Voelker  
Jim Eickhoff  
Christina C. Voelker  
Dorothy Mayer  
Syl J. Mayer  
Patty Fehrenbacher  
Jamie Luigs  
Bill Luigs  
Melvin Fehrenbacher  
Mr. & Mrs. Bob Loherlein  
Mike Loherlein  
Mark Parker  
Bonnie K. Murphy  
Gail Cummings  
Shirley James  
Tom May  
Mary May  
Mark Reis  
Ralph Koester  
Kenny Reis  
Joan Hoge  
Carl Hoge  
Robert Matthews  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

  
Robert D. Willner, President  
  
Richard J. Borries, V. President

Carolyn McClintock, Member



# WESTSIDE IMPROVEMENT ASSOCIATION

INCORPORATED

POST OFFICE BOX 6172, STATION B, EVANSVILLE, INDIANA 47712

Exerting influence upon public and private sectors to accomplish those objectives which will enhance the natural environment of the west side of Vanderburgh County, and serve the common goal of the residents.

Telephone: (812) 422-0564

March 20, 1989

VANDERBURGH COUNTY COMMISSIONERS  
Civic Center Complex  
Evansville, Indiana 47708

Attn: Mr. Robert Willner, Commissioner

Dear Commissioners:

First, we would like to express our appreciation for the improved west side county roads; the past few years has shown considerable progress in this area.

The Transportation Committee of the Westside Improvement Association would like to submit the following projects for your consideration: (1) All roads leading into the new shopping areas at Highway 62 and Red Bank Road need to be widened; (2) West Mill Road needs to be repaved again; (3) in Southview Park, the streets that were repaved need to be widened to a uniform length and width; (4) Pleasant, Graaf, and Creamery Road needs resurfacing; and (5) Old Henderson Road needs repairs from flood damage.

Since there has been so much improvement in roads, WIA would like to request emphasis in our area now be directed to improving the drainage on all roads and a routine maintenance program for weed cutting be instituted, especially at dangerous intersections.

Also, our directors would like to see the Cumulative Bridge Fund raised to its maximum amount so there will be enough money to cover bridge repair.

The results of an informal survey taken by us show there is support to widen Hogue Road to Peerless and Red Bank in some areas (both north and south of the Highway 62). Requests were made to improve the drainage over most of the length of Red Bank.

The city is presently instituting a computerized road maintenance program; will the county be undertaking a similar program?

Very truly yours,

(Mrs.) Shirley W. James  
President

cc: C. Muensterman  
W. Harty - Transportation Chairman  
File





TENTATIVE ROADS TO BE PAVED

		MI.	WIDTH
Boonville-New Harmony Rd.	Hwy. 41 to Greenriver Rd. ?	4.5	19'
Stacer Rd.	Old Princeton to Hwy. 41	.8	19'
Honeysuckle Dr.	Schlensker Rd. to Woodland Hills.	.2	21'
Magnolia Ln.	Old Boonville Hwy. to dead end.	.2	20'
Oak Hill Rd.	Lynch Rd. to Hwy. 57. ✓	3.4	22'
Eissler Rd.	Old State Rd. to Dead end. ✓	.5	19'
Browning Rd.	Old State Rd. to Boonville-New Harmony Rd.	1.5	19'
Kansas Rd.	Greenriver Rd. to Dead end.	.9	19'
Heckel Rd.	Oak Hill Rd. to Greenriver Rd.	1.1	19'
Petersburg Rd.	Hwy. 57 to Dead end. (East of Hwy. 57)	.2	15'
Caranza Dr.	Old State Rd. to Pinehurst Dr.	.1	26'
Pinehurst Dr.	Briar Ct. to Bob Ct.	.3	26'
Bob Ct.	Old State to Pinehurst Dr.	.1	26'
Mt. Pleasant Rd.	Darmstadt Rd. to Old State Rd.	.9	19'
Ward Rd.	St. George Rd. to Dead end. (Petitioned)	.3	18'
Greenriver Rd.	Hirsch Rd. to Pigeon Creek Bridge. ✓	.5	23'
Baseline Road (Sections)			
✓ PETERSBURGH RD.	BROWNING + BOONVILLE W.H.		
✓ TRAPP RD	BUENTE RD NORTH TO BASELINE	1.31	30'
✓ COUNTY LINE RD WEST	DENZER RD (NEED DISTRICTION)		
✓ CALF LANE	POLLOCK AVE TO DEAD END		
POLLOCK AVE			

MINUTES  
COUNTY COMMISSIONERS MEETING  
MARCH 27, 1989

I N D E X

<u>Subject</u>	<u>Page No.</u>
Approval of Minutes..(March 13th).....	1
Acting County Attorney - Cedric Hustace.....	1
Resolution re Cumulative Bridge Fund..... (Approved 10 cents per \$100 for 5 yr. period )	1
Relocation of Fire Hydrant - Daylight, IN..... C. McClintock to contact Utility Board to see if County can arrange its own contract or whether we have to use City employees. Board to vote 4/3/89. Commissioners will also have to go on Council Call for funds.	2
Request for Establishment of Weed Board..... R. Willner to attend Farm Bureau Mtg. 3/27/89 and will make a report to the Board next week.	3
Acceptance of Alexander Ambulance Lawsuit Collection Checks (2).....	4
County Highway - Cletus Muensterman..... Weekly Work Reports & Absentee Reports Cuts on Schutte Rd. & Middle Mt. Vernon Rd. (County Engineer to write letter to City Utility Dept. requesting better cooperation re road cuts. Revised Specs re Roads to be presented in the near future. Repair of Roller - In progress; vendor to send engineer and mechanic to help install the newly purchased screed. Ditch Behind County Garage - Muensterman and Stuckey to continue efforts with Hi-Rail to solve this problem Intersections at Highway 65 & New Harmony Way and Schenk Rd. & Orchard Rd. - Muensterman and Curtis to check out Schenk & Orchard Rd. with regard to proper striping, etc. Highway 65 & New Harmony Way is a state route intersection and not the County's respon- sibility.	4
County Engineer - Greg Curtis..... Franklin Street Bridge & Columbia-Delaware Overpass Bridges are to be added to the Bridge Program; the latter will be a rehabilitation program; the former, no decision yet made. G. Curtis to prepare paperwork so proposals for Consulting Engineering Services on these two projects can be solicited. St. Joe Avenue & Allen Lane Intersection - G. Curtis to prepare paperwork so we can advertise for bids. Authorization to go on Council Call (Local Roads & Streets) in the amount of \$25,000 for the St. Joe Ave.-Allen Lane Intersection improvements. EUTS to investigate and have results re speed limit in approximately three weeks. Alt & Witzig selected as geotechnical consultants to perform soil work on N. Green River Road project English Way-Green River Rd. Intersection - County to perform this work because of time element involved in advertising for bids. Estimated cost \$6,500 Boonville-New Harmony Road - No paving to be done on	5

this road until decision is made with regard to going 3-R. G. Curtis to provide cost estimate on paving portion between Green River Rd. & Highway 57 using either County forces or contracting program. Inglefield Rd./PPG Area - G. Curtis to see if PPG will give some right-of-way for expansion/improvement of this road. (He is awaiting word from PPG.) Claim/Bernardin, Lochmueller - \$6,411.77 for work on Lynch Rd. Extension project approved.

North Green River Road/Access - G. Curtis to contact Atty. Jim Flynn. Commissioners to chat with IDOH people next week and review portion of plans that affect Mr. Spurling, etc. and will meet with Flynn/Spurling prior to the scheduled Public Hearing.

Public Hearing re North Green River Rd. Project - Commissioners to provide County Engineer with any questions they want answered prior to Public Hearing scheduled at 7:00 p.m. on Thursday, April 20, 1989.

IRS Sections 89 & 125 - County Auditor Humphrey to make recommendation to the Board on 4/3/89.....	10
Adler Claim/Woods Rd. Bridge Project..... Atty. Hustace to let Board know if this claim has been settled.	10
Scheduled Meetings.....	10
Claims (None).....	10
Employment Changes.....	11
Meeting Recessed (3:40 p.m.).....	12

MINUTES  
COUNTY COMMISSIONERS MEETING  
MARCH 27, 1989

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, March 27, 1989 in the Commissioners Hearing Room, with President Robert Willner presiding. Commissioner Borries was not present, as he is on vacation.

RE: APPROVAL OF MINUTES

President Willner entertained a motion concerning approval of the minutes of March 13th. Approval had been deferred until Commissioner McClintock's return from vacation, since Commissioner Borries was not present for that session..

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

RE: ACTING COUNTY ATTORNEY

Commissioner Willner announced that Cedric Hustace of Bowers, Harrison, Kent & Miller is Acting County Attorney today in lieu of David V. Miller and he welcomed Mr. Hustace.

RE: RESOLUTION RE CUMULATIVE BRIDGE FUND

The meeting resumed with President Willner stating that the Board has a Public Hearing scheduled today on the Cumulative Bridge Fund. He asked if anyone is present who wishes to speak concerning this matter. There was no response. Continuing, Mr. Willner said the Board of Commissioners originally advertised 15 cents per \$100 assessed valuation on all taxable personal and real property starting next year, as the basis for the Cumulative Bridge Fund. Since that time, Council has spoken with him and he believes someone has spoken with Commissioner McClintock and said they think it would be an exceptional hardship on the County Council to approve 15 cents, because that is under the cap. Council will only be able to raise 5% next year and they would think then that the detriment of 10 cents would hurt them. They have asked the Commission to amend their motion from 15 cents to 10 cents. He thinks this has met with approval -- but we will find out in a moment. He doesn't know that this is a burden on the property owner, because this year we will not have a Cumulative Bridge Fund -- so he will save his 10 cents this year. What is now proposed is 10 cents per \$100 assessed valuation on all taxable personal and real property within Vanderburgh County, Indiana, payable annually thereafter for the next five (5) years. Referring to the legal advertisement, Mr. Willner said the 15 cent figure was advertised, and he understands this Board can lower this figure but cannot raise the figure after the Public Hearing. He asked Attorney Hustace if this is correct, and received an affirmative response.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the levy of 15 cents per \$100 assessed valuation of all taxable personal and real property as advertised was changed to 10 cents per \$100 assessed valuation for the first two years (payable in 1990 and 1991). So ordered.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the Resolution re the Cumulative Bridge Fund payable in 1990 and annually thereafter at the same rate for the next four (4) consecutive years (or until reduced or rescinded) at 10 cents per \$100 assessed valuation of all taxable personal and real property within Vanderburgh County, Indiana, was approved. Commissioner Willner asked if a roll call vote is required, and Attorney Hustace said it is not; this is a Resolution, not an Ordinance So ordered.

RE: FIRE HYDRANT - DAYLIGHT, IN

Commissioner McClintock said that following the last Commissioners Meeting she attended (she was absent last week), she attended the Utility Board Meeting with a representative of the Scott Township Volunteer Fire Department. The Scott Township Volunteer Fire Department had approached the Commission and requested that they move the fire plug from the west side of Green River Road to the east side of Green River Road so it would be adjacent to the fire station. What they were told by the Utility Board was that they could do one of two things. They could put a 2-1/2 inch line in across the road at a cost of \$1,015.00. The Scott Township Fire Department has said and the representative indicated that day that this was inadequate to meet their needs. To put a line for a fire hydrant underneath Green River Road would cost approximately \$4,500. In neither case is the Utility Department -- despite the fact that they were the ones who put it on the wrong side of the road in the first place -- willing to participate and assist either the Scott Township Fire Department or the County or whomever in correcting this serious, dangerous problem.

Ms. McClintock said she has also spoken with the Scott Township Assessor, who insists and assures her that they have no funding to pay for the relocation of the fire hydrant from one side of the road to the other, as does the Scott Township Fire Department. Therefore, a month later we are back full circle. The Scott Township Fire Department is requesting that the County Commission request funding from the County Council to pay to relocate the fire hydrant from the east side of the road to the west side of the road so it will be adjacent to the Fire House. They went through the whole routine with the Utility Board and they said they didn't make an exception. The other thing they wanted to do -- if they move a 2-1/2 inch line they want to put a meter on. What they are saying is that they would not charge immediately for water, but that eventually when all other Fire Departments have to pay for their fire fighting water (not the other water they use in the fire house) that this is when they would begin to charge. They did find a lot of assistance.

Commissioner Willner said if he understands correctly, if we did use County funds to put it under the road, they would not meter it.

Ms. McClintock said the distinct impression she had when she left the meeting was that if they were going to put in a new fire hydrant, they would meter it. Originally they were going to start charging for water then. But, after some discussion, they agreed they would not charge for the water until such time as the taxpayers have to pay for water for all fire hydrants in the City and the County -- and the day that would happen is the day Scott would also have to pay. A representative of the Scott Township Volunteer Fire Department is present today should Commissioner Willner have other questions.

Commissioner Willner asked if the County could get our own contract to relocate the fire hydrant, or do we have to use the City Waterworks?

Commissioner McClintock said that is an excellent question. She thinks probably they would prefer that the County use their employees -- but she doesn't know what would prevent us from doing an informal solicitation of bids -- it's under \$10,000.

Commissioner Willner asked if Commissioner McClintock will make a telephone call to see if we can do that and the matter will be discussed again next week. The Commissioners have until April 15th to go on Council Call.

Commissioner McClintock asked if there is anything the Scott Township Volunteer Fire Department representative (Jess Roberts) would like for her to ask the Utility Department when she makes the call.

Mr. Roberts said he thinks they stated their case previously.

Ms. McClintock said she will contact the Utility Department and simply ask them whether we have to use their employees or whether we can try to find someone to do it for less than \$4,500 -- and then the Commission can come back and vote on it next week.

RE: REQUEST FOR ESTABLISHMENT OF WEED BOARD

Commissioner Willner recognized Mr. Bob Bernard, and asked him if he is an officer in the Farm Bureau.

Mr. Bernard introduced himself and said he is Chairman of the Local Affairs Committee of the Vanderburgh County Farm Bureau, Inc. It has been his assigned job today ask that we have a Weed Board established in Vanderburgh County and he doesn't know the exact make-up of this Board. He understood that it includes their Extension Agent and One (1) Commissioner -- and he would guess that if such a Board is established that it would be established according to the County's regulations.

Commissioner Willner said this is correct.

Mr. Bernard said he would request that a Weed Board be established in Vanderburgh County.

Commissioner Willner asked if we're talking about a certain problem? Are we talking about a County Road problem? Or, are we talking about John Jones, the farmer, who has problem?

Mr. Bernard said he's talking about both.

Mr. Willner asked if he understands that the Weed Board, once it is established, has the authority to go into each and every farmer's field and require some action? Is Mr. Bernard aware of this?

Mr. Bernard said he is aware of this. Whether or not they do it is, of course, something else. He knows that our neighboring counties do have such a Board -- whether or not they function. It just became his job to request that we have one in Vanderburgh County -- and he doesn't know all the background on the reasoning -- whether there is a special problem or what.

Commissioner Willner said he thinks the problem probably is that some of them might shoot you if you get on their farm. He asked if there is a possibility of the Commissioners discussing this with the full Farm Bureau Board?

Mr. Bernard responded in the affirmative.

Mr. Willner asked when their next meeting is?

Mr. Bernard said it is tonight (March 27th) at 7:30 p.m. in the Conference Room of the Farm Bureau Building on Diamond Avenue.

Mr. Willner asked if it is agreeable that he look up the Statute and then meet with the Farm Bureau group this evening? He will subsequently bring the discussion back to the Board of Commissioners. He is not too happy with setting up a Board that has the authority to go on someone's farm. But if that is what it takes, then the Commission will do it -- because it certainly is within the Statute. He was not aware that we had a problem. Has it escalated during the past couple of years?

Mr. Bernard said he cannot answer that -- except insofar as his own area (Union Township) and part of it is on the railroad right-of-way and especially with regard to the Canadian thistle. It has gotten to be a problem and nobody seems to want to deal with it.

Mr. Willner confirmed that he will be at the 7:30 p.m. meeting tonight and he thanked Mr. Bernard for coming to the Commission meeting.

RE: ACCEPTANCE OF ALEXANDER AMBULANCE LAWSUIT COLLECTIONS

Attorney Cedric Hustace presented two (2) checks as follows with regard to the Alexander Ambulance Lawsuit Collections:

Daniel McFarland.....\$ 20.00  
Lori Devasier.....\$142.00

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

Mr. Hustace also submitted an update on the pending lawsuit cases set for various dates between April and October.....report received and filed.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports/Absentee Reports: Mr. Muensterman said he sent copies of the Weekly Work Reports and Absentee Reports for Employees at the County Garage and the Bridge Crew for period of March 17 - 23, 1989 to the Commissioners earlier for their review.....reports received and filed.

Schutte Rd./Middle Mt. Vernon Rd. Cut: Mr. Muensterman reported that Schutte Rd. across from Clark Lane was cut sometime within the last two to three days. The same outfit cut across Schutte Rd. and Middle Mt. Vernon Rd. Following an investigation, he understands it is a City sewer going in. The outfit is from Mt. Vernon, but the work is being done by the City of Evansville. He can't understand how the City can get by with this. We do all the work paving -- and then anytime they want to cut -- they go ahead and cut.

County Engineer Curtis said they did have permission to make the cut, but they did not notify the County as to when the cut was going to be made.

Mr. Muensterman said the first two cuts on Schutte Rd. and Middle Mt. Vernon Rd. were done at least five (5) weeks ago. He didn't know who it was and they called the City Sewer Department and they said they'd take care of it. They still haven't repaired it. Also, there is a break along Schutte Rd. where he guesses the back-hoe broke the new material away from the road -- about 1-1/2 ft. out in the road. He'll have to call them tomorrow on this. They finally got the one on Mt. Pleasant Road, which was reported last week.

President Willner requested that County Engineer Curtis draft a letter to the City Utility Department asking for better cooperation re road cuts between them and the County Engineer's office? Do we have a set of specifications for cuts?

Mr. Curtis said they are being revised. In response to query from Commissioner Willner, the revised version has not yet been approved by the Commissioners.

Repair of Roller: Mr. Muensterman reported they will be working on the old roller this week. It needs new bearings and they are going to revamp the water system on it. They received a letter the other day advising the new screed will be in on April 7th. The vendor is sending down two men (an engineer and a mechanic) to assist the County Highway personnel with the installation of the new screed.

Ditch Behind County Garage: Commissioner McClintock said she received a copy of the letter from Indiana Hi-Rail with regard to the ditch behind the County Garage. She asked if Mr. Muensterman is going to stay on that?

Mr. Muensterman said he is -- he and Lee Stuckey are going to stay on top of this.

Stop Signs/Melody Hills: Commissioner McClintock asked if Mr. Muensterman recalls the stop signs we installed out in Melody Hills not too long ago (Elmridge, etc.)? She received a call from a Mrs. Ashby in that area on the Friday she left for vacation and, according to her, the signs were put up on Cunningham (which is the main thoroughfare) instead of on Elmridge and the other roads we said to put them on. Ms. McClintock said she hasn't had time to go out there -- but Mrs. Ashby thinks maybe the signs are backwards. What we're stopping is traffic on the main thoroughfare -- not on the side streets. Ms. McClintock requested that Mr. Muensterman check this out and let her know.

Commissioner Willner requested that Mr. Muensterman take County Engineer Greg Curtis with him when he checks this out.

Intersections at Highway 65 & New Harmony Way & Schenk & Orchard Rd.: Commissioner McClintock said another lady called her about the stop signs at these locations.

Commissioner Willner said he believes there is a stoplight at Highway 65 & New Harmony Way. That is a State route and the County doesn't have anything to do with that. With regard to Schenk and Orchard Rd., there is a Yield sign -- not a Stop sign.

Ms. McClintock said the lady says the Schenk Rd./Orchard Rd. intersection is really dark at night and very dangerous -- and she was asking if the County ever lights any intersections -- and Ms. McClintock said she didn't know.

Commissioner Willner said he agrees with the lady -- he has noticed the same intersection -- and it really is dark. He said he is not sure we can light it -- but perhaps we might be able to stripe it. He requested that Messrs. Muensterman and Greg Curtis check this out and think about permanent stripe at this location.

RE: COUNTY ENGINEER - GREG CURTIS

Approval of two (2) Bridges to the Bridge Program: Mr. Curtis reported that we received notification from the IDOH basically approving the addition of two (2) bridges into our Bridge Program and authorizing us to proceed. They want to know which two bridges we want to add. He proposes we notify them that we want to add the Franklin Street Bridge and the Columbia-Delaware Overpass Bridge. As he told them last week, we got our notice to

proceed from the State and forwarded that to the Engineering Company on the bridge inspection. Tuesday, they went out and looked at these two particular bridges and Franklin Street Bridge (in the opinion of the Inspection Consultant) is going to be kind of a borderline case as to whether we go with a replacement or rehabilitation. Therefore, that project will have to be turned in as not really knowing which program we'd like that one to come from. The Delaware-Columbia Street Overpass Bridge was turned in as a bridge rehabilitation project.

It also says they would advise that our Consultant proceed with the necessary work. Regardless of which two bridges we enter into the program, we don't at this time have Consultants chosen for any two bridges that aren't in the program. Therefore, he'd like to go ahead and advertise for Consulting Services on these two bridges, with the Franklin Street Bridge, part of that Consulting Agreement to be to determine what the scope of work will be -- whether a replacement or rehabilitation project. Therefore, he needs two actions: One that we enter these two bridges and the other that he advertises for Consultants.

Commissioner Willner said he has no problem with either one. It is probably overdue.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the Franklin Street Bridge and the Delaware-Columbia Street Overpass Bridge are to be added to the Bridge List for the State of Indiana. So ordered.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, County Engineer Curtis is to prepare paperwork so proposals can be solicited for Consulting Engineering Services on both of these projects. So ordered.

St. Joe & Allen Lane Intersection: Mr. Curtis said that at last week's meeting there was discussion concerning adjusting the speed limit near this intersection. The State Code says that after a traffic engineering investigation is made. He has talked with EUTS about making the proper investigation and they have informed him they will have the results with regard to the speed limit in approximately three (3) weeks to bring before the Commissioners.

Mr. Curtis then submitted a set of plans on the intersection improvement. The radius at each of the four corners will be widened. This will require moving an inlet on designated side and also moving an inlet that will be tied into a manhole in designated area. He also plans on pulling the median back approximately 23 ft. on one side and 25 ft. on the other side to allow for left turns. Left turns at the present time run into the concrete median to get into the inside lane.

Commissioner Willner said we're going to improve the intersection -- so why not get it back all the way to the right-of-way. This is the only problem he has with the plans.

Mr. Curtis said there are arguments pro and con. He offered comments, saying the other major revision he is proposing to make is to put down a lot of thermoplastic line or permanent stripe or whatever. Basically, we're proposing to mark the lanes (the lanes are presently very vaguely marked where they are marked) and put those lanes in there and put "Only" signs as well as the word "Stop" on each lane and putting the striping over on St. Joe Avenue, as well. This will give us a much more illuminated intersection, particularly at night. We're also proposing to place four (4) Stop signs (two on each side) on Allen's Lane -- the large signs, rather than the small signs -- and putting some warning signs in designated location on plans.

Commissioner Willner raised some questions about designated area -- to prevent drifting over into another lane.

Mr. Curtis said that normally where we have two lines -- we generally have two lanes of traffic turning left.

Mr. Willner again made comments -- saying they have this at Highway 41 and Highway 57 intersection -- both lanes can turn left. With that exception, he really likes the rest of the plan.

Mr. Curtis said the plan is primarily what was discussed and he will take another look at this specific area. In response to query from Commissioner Willner concerning cost estimate, Mr. Curtis said the estimated cost is \$22,000.

Mr. Willner asked if we want to get this done during this construction season.

Mr. Curtis said he is of the opinion that we would.

Commissioner Willner said we need to advertise for a contractor -- but not a consultant. Is that correct?

Mr. Curtis said we wouldn't really have to advertise for bids, because the cost is under \$25,000. It doesn't really matter, we have plans prepared and we could go ahead and do that. However, there is one imperative thing -- and that is that we ask Council for the money. We presently do not have the funds available to do this. This would come out of Local Roads & Streets.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, Mr. Curtis was authorized to go on Council Call for \$25,000 from the Local Roads & Streets account for the improvement of the intersection at St. Joe Avenue and Allen's Lane.

Commissioner McClintock said she would like to advertise for contractors.

Mr. Curtis said that is no problem. He will have it basically prepared that way anyway. It is really a little time delay -- but we'll not really be on a time delay with having to wait on the appropriation.

Geotechnical Consultant for Green River Rd. Bridge #91 Over Pigeon Creek: Mr. Curtis said we need to hire someone to do some borings for the Green River Road Bridge (Bridge #91) over Pigeon Creek, which is in the Green River North project that we presently have with United Consulting Engineers. This project is being done in-house and we hired a local Consultant to do the soils work and he was not a State-approved Consultant. Therefore, the information is not acceptable to them. In addition to that, we also did not have that Consultant do a sediment analysis and stability analysis of the soil. Therefore, we need to hire a consultant. He would recommend we hire the firm of Alt & Witzig, who presently is doing soil work for United Consulting Engineers. He talked to the State and they confirmed that this firm is an approved Consultant and they have indicated they would be more than willing to do it on the unit price that they have already agreed to with United Consulting Engineers on the roadway, which is at the price of two years ago -- so it would be some savings, although somewhat insignificant.

In response to query from Commissioner Willner concerning estimated cost, Mr. Curtis said the State determines how many borings we do, and they approve the unit cost. He doesn't have a cost estimate because the State hasn't yet seen the plans.

Commissioner McClintock asked who is responsible for hiring this firm to do the soils consultant work?

Mr. Curtis said that we are, as the Local Public Agency.

Ms. McClintock said, "No, we hired someone who wasn't a qualified soils consultant. Who specifically did that?"

Mr. Curtis said he would imagine that Mr. Dan Hartman had handled that. He was Acting County Engineer prior to Mr. Curtis' arrival.

Commissioner Willner said this may go back a long way.

Commissioner McClintock said it seems this is a pretty simple thing to mess up on.

Mr. Curtis said he is not sure what the procedure has been in the past insofar as what the County Engineer handled and what the Bridge Engineer handled -- but the last sheet in that is a sheet excerpted from the Public Agency Manual for Federally Funded Projects, which tells you what processes you have to go through for different phases of the work and he would assume that someone didn't read the requirement that they had to be approved by the State.

Commissioner Willner said there is a possibility this wasn't required way back then, too. Could that be?

Mr. Curtis said that is not what the State informed him.

Commissioner McClintock asked if Mr. Curtis has any idea how much money was spent on doing the soil work we can't use?

Mr. Curtis said he does not.

Ms. McClintock asked Mr. Curtis to check on this for her.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, permission was given to hire Alt & Witzig to do the necessary soil work for the Green River Road Bridge Project. So ordered.

English Way-Green River Rd. Intersection: Mr. Curtis said that last week he reported on this intersection and had an estimated cost of \$6,500. After further review and discussion with Mr. Muensterman, they decided it might be best if we proceed with the County doing it -- simply because of the time restraint involved in advertising for bids.

Boonville-New Harmony Rd.: Commissioner Borries had asked for additional information with regard to the Boonville-New Harmony Rd. as a Three-R Project. He would like to defer relaying this information since Commissioner Borries is not present today. Is there any additional information the other Commissioners would like him to include next week with regard to this matter.

Commissioner Willner said the only question he has is whether Boonville-New Harmony is on the road paving program for this year. If we're going to go Three-R, it is not going to go this year -- and probably shouldn't. We shouldn't pave it if we're going to use the Three-R program. Thus, he would ask that they not let them do anything on Boonville-New Harmony Rd. this year until the Commissioners determine whether this Three-R should go. He'd still like to do that portion of Boonville-New Harmony from Green River to Highway 57 (about 1-1/2 blocks long) -- and he thinks possibly we should reconstruct that with our own forces -- or maybe with the contracting program. He requested that Mr. Curtis take a look at that and provide the Board with a cost estimate.

Inglefield Road at PPG: He also would request that Mr. Curtis look at the expansion/improvement of Inglefield Road by the PPG plant. Mr. Curtis was going to contact officials to see if they would give the County some right-of-way on their side of the road to do that expansion.

Mr. Curtis said he hasn't heard from them yet.

Claim/Bernardin, Lochmueller & Assoc.: A claim in the amount of \$4,611.77 for work done on the Lynch Road Extension project was submitted.

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

RE: NORTH GREEN RIVER ROAD - ACCESS

Commissioner McClintock said she received a copy of a letter to Commissioner Willner from Attorney Jim Flynn regarding Bill Spurling's access on North Green River Road. She wants to say for the record that she and Commissioner Willner did inform United Consulting Engineers when they met with them on the engineering project that they wanted them to look at that. Unfortunately, the specific individual that Mr. Flynn contacted (Mr. Snyder) was out of the room when discussion concerning that particular portion of the project was taking place. Messrs. Spurling and Flynn had requested that a meeting be set up with County Engineer Greg Curtis, the Commissioners, and perhaps the County Attorney. She wondered whether Commissioner Willner has yet had the opportunity to set up that meeting.

Commissioner Willner asked Mr. Curtis if the Commissioners were going to look at the plans first.

Mr. Curtis said he left those with Mr. Miller. Ross Snyder was there when the meeting started and had to leave prior to their discussing Mr. Spurling's area of the road. He and Ron had discussed the access at that point and felt they had a fairly reasonable solution and he assumes that got lost in the shuffle somewhere, because from what Carol has told him, the gentleman indicated he had talked with Ross Snyder and Ross was unaware of any problems in that area. When the matter was discussed down here, the names of developments were not mentioned. When they met up there, he had received some information from Mr. Morley on Mr. Harp's development and had not yet received anything on Mr. Spurling's.

Ms. McClintock said she'd like to chat with these people prior to the Public Hearing re North Green River Road, which is to be held on Thursday, April 20th at 7:00 p.m. in the Auditorium of the Oak Hill Elementary & Jr. High School.

Commissioner Willner asked if Mr. Miller is going to be down here next week.

Mr. Curtis said he indicated that most likely he will be here next Monday.

Commissioner Willner asked that Mr. Curtis contact Mr. Miller and ask him to bring that particular section of the plans so the Commissioners can discuss same with him when he is in the City.

Commissioners Willner and McClintock asked that Mr. Curtis call Mr. Flynn and tell him the Commissioners are working on this.

Mr. Curtis said he might also add that Commissioner McClintock has referred a number of questions to him. If Commissioners Willner and Borries have any questions they would like him to answer prior to the Public Hearing on Green River Road, while he is getting answers ready -- he will be glad to include same.

Commissioner Willner said since the areas the Commissioners felt were crucial were discussed, he is not going to travel to Indianapolis to see the plans -- but he would like to discuss those with Mr. Miller when he is in Evansville next week.

RE: COST BREAKDOWN FOR IRS SECTIONS 89 & 125

Commissioner McClintock said she received some cost breakdown information on the IRS Section 89 from County Auditor Sam Humphrey. Is that something the Board needs to take action on today -- or should that be put on the agenda for next week?

Commissioner Willner said it will be put on the agenda for next week, because Mr. Humphrey had a bid from another firm today. He requested that Auditor Humphrey be prepared to make a recommendation to the Board at next week's meeting.

RE: ADLER CLAIM - WOODS ROAD BRIDGE (FLOODING & CROP DAMAGE)

Commissioner McClintock said she received a call a couple of weeks ago and she wonders if Attorney Hustace can check to see whether we've ever settled the claim with the Adlers on flooding and crop damages?

Commissioner Willner said this had to do with the Woods Road Bridge project. The contractor had insurance and he doesn't think it is a County matter.

Ms. McClintock said that according to the Adlers' attorney (Les Shively) that information has not been passed on to them and he feels the Commissioners have just ignored them.

Commissioner Willner said he was under the impression this had already been taken care of.

Attorney Hustace said he will check on this.

RE: SCHEDULED MEETINGS

Wed.	Mar. 29	2:00 p.m.	County Council Personnel Mtg. (Room 303)
		2:30 p.m.	County Council Finance Mtg. (Room 303)
Mon.	April 3	1:30 p.m.	Executive Session (to discuss trial strategy in JoAnn Reed case - Room 303)
		2:30 p.m.	Micro-Vote Corp. re Voting System (Room 307) Demon- stration in Council Chambers following Commissioners Mtg.
			Special Drainage Board Mtg. to Award Annual Ditch Mtce. Bids (following Commissioners Meeting)
Thurs.	April 20	7:00 p.m.	Public Hearing re North Green Green River Rd. Project (Oak Hill Elementary School & Jr. High Auditorium Informal Hearings at 3:00- 4:30 p.m.)

RE: CLAIMS

Commissioner Willner said there are no further claims to be considered for approval today.

RE: EMPLOYMENT CHANGES

Jail (Appointments)

Lenora McLamb Civilian \$15,668/Yr. Eff: 3/17/89

Jail (Releases)

Arlita McGuire Civilian \$16,451/Yr. Eff: 3/7/89  
James Basham Civilian \$16,451/Yr. Eff: 3/12/89

Sheriff (Appointments)

James R. Basham Prob. Patrol. \$21,110/Yr. Eff: 3/13/89  
Mark Russler Guard Duty \$10.00/Hr. Temp. Assignment

Sheriff (Releases)

Robert Hahn Patrolman \$22,110/Yr. Eff: 3/12/89

Knight Township Assessor (Appointments)

Tonya Ann Kolley Deputy \$ 14,229/Yr. Eff: 3/13/89

Knight Township Assessor (Releases)

Tonya Ann Kolley Deputy \$14,229/Yr. Eff: 3/13/89

County Highway (Appointments)

Gary J. Bray Laborer \$ 8.94/Hr. Eff: 3/17/89

County Highway (Releases)

Daniel V. Gossman Laborer \$ 8.94/Hr. Eff: 3/14/89  
Gary J. Bray Greaseman \$ 9.94/Hr. Eff: 3/2

Circuit Court (Appointments)

Michael John Cox P.T. Intern \$ 5.00/Hr. Eff: 3/13/89  
Robt. V. Howerton P.T. Intern \$ 5.00/Hr. Eff: 3/13/89  
Rachael Maasberg P.T. Bkpr. \$ 5.00/Hr. Eff: 3/13/89

Circuit Court (Releases)

Steve Lehman PTWR \$5.00/Hr. Eff: 3/15/89  
Carolyn Johnson PTWR \$5.00/Hr. Eff: 3/15/89  
Denise Karcher PT Intern \$5.00/Hr. Eff: 2/24/89  
Robt. Howerton PT Intern \$5.00/Hr. Eff: 3/10/89

Knight Township Assessor (Appointments)

Leah K. Douthitt Deputy \$13,978/Yr. Eff: 3/13/89

Knight Township Assessor (Releases)

Leah K Douthitt Deputy \$13,978/Yr. Eff: 3/13/89

Burdette Park (Appointments)

Jeff Mitchell Rink Guard \$4.35/Hr. Eff: 3/1/89

Burdette Park (Releases)

Jeff Mitchell Rink Guard \$4.00/Hr. Eff: 3/1/89

Circuit Court (Releases)

Michael J. Cox P.T. Intern \$5.00/Hr. Eff: 3/10/89  
Rachael Maasberg P. T. Intern \$5.00/Hr. Eff: 3/10/89

County Clerk (Appointments)

Sandra Julian	Filing Clerk	\$6.00/Hr.	Eff: 3/13/89
Eunice Heacock	Filing Clerk	\$6.00/Hr.	Eff: 3/13/89
Pauline Dyer	Filing Clerk	\$6.00/Hr.	Eff: 3/27/89

Voter's Registration (Releases)

Pamela Bailey	Dep. Reg.	\$14,557/Yr.	Eff: 3/24/89
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Superior Court (Appointments)

James Schmitt	Bailiff	\$9,830/Yr.	Eff: 3/27/89
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Superior Court (Releases)

Paul Partington	Bailiff	\$9,830/Yr.	Eff: 3/27/89
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There being no further business to come before the Board, President Willner declared the meeting recessed at 3:45 p.m., with an announcement that the Drainage Board will meet following a five minute recess.

PRESENT:

Robert L. Willner/Commissioner  
Carolyn McClintock/Commissioner  
    Absent: Richard J. Borries/Commissioner  
Sam Humphrey/County Auditor  
Cedric Hustace/Acting County Attorney  
Cletus Muensterman/County Highway Supt.  
Greg Curtis/County Engineer  
Bob Bernard/Vanderburgh County Farm Bureau  
Dave Ellison/Vanderburgh County Farm Bureau  
News Media

SECRETARY: Joanne A. Matthews

  
Robert L. Willner, President

Richard J. Borries, V. President

  
Carolyn McClintock, Member

RESOLUTION CONCERNING CREATION AND FUNDING OF CUMULATIVE BRIDGE FUND OF VANDERBURGH COUNTY, INDIANA, AND REPEALING RESOLUTION ADOPTED MAY 23, 1988, CONCERNING A CUMULATIVE BRIDGE FUND

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

1. A fund, to be known as the "Cumulative Bridge Fund," is hereby created pursuant to Indiana Code §§8-16-3-0.5--8-16-3-3 (Burns 1988 Cum. Supp.), subject to approval by the State Board of Tax Commissioners (the "State Board").

2. The Cumulative Bridge Fund is for the purpose of providing funds for the cost of construction, maintenance and repair of bridges, approaches and grade separations in Vanderburgh County, Indiana, as authorized by I.C. §8-16-3-1.

3. To provide monies for the Cumulative Bridge Fund, there shall be levied, after approval by the State Board, an additional tax, beginning with a levy in 1989, at the rate of Ten Cents (10¢) on each One Hundred Dollars (\$100.00) assessed valuation of all taxable personal and real property within Vanderburgh County, Indiana, payable in 1990 and annually thereafter at the same rate for the next four (4) consecutive years (or until reduced or rescinded), as provided in I.C. §8-16-3-3. The tax levy shall be annually advertised by the Auditor of Vanderburgh County, Indiana ("Auditor").

4. The Auditor shall cause a notice to be published of the pendency of this proposed plan and of the public hearing to consider same to be held by the Board of Commissioners of Vanderburgh County, Indiana, in Room 307, Civic Center Building, in the City of Evansville, Indiana, on Monday, the 27<sup>th</sup> day

of March, 1989, at 2:30 p.m. The notice shall be published two (2) times each in the Evansville Courier and in the Evansville Press newspapers, each publication being at least one (1) week apart, but the second publication in each newspaper being made at least three (3) days before the hearing, all in accordance with I.C. §§8-16-3-2(b) and 5-3-1-2(f) (Burn's 1988 Cum. Supp.). Upon adoption of this Resolution, the Auditor shall submit a certified copy of same to the State Board, together with proofs of publication. After such submission to the State Board, the Auditor shall further publish a notice of such submission one (1) time each in the Evansville Courier and the Evansville Press newspapers, when directed to do so by the State Board in accordance with I.C. §§8-16-3-2(c) and 5-3-1-2(g).

5. Resolution adopted May 23, 1988, concerning a cumulative bridge fund, is hereby repealed.

6. This Resolution shall be in full force and effect upon adoption.

PASSED by the Board of Commissioners of Vanderburgh County, Indiana, on the 27<sup>th</sup> day of March, 1989, and upon that day signed and executed by the members of the Board as appears by their respective signatures and all attested to by the Auditor of Vanderburgh County, Indiana.

BOARD OF COMMISSIONERS OF  
VANDERBURGH COUNTY, INDIANA

Robert L. Willner  
Robert L. Willner, President

Richard J. Borries, Vice President

Carolyn McClinton  
Carolyn McClinton, Member

ATTEST:

Sam Humphrey  
Sam Humphrey, Auditor  
Vanderburgh County, Indiana

APPROVED AS TO LEGAL FORM:

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David V. Miller  
County Attorney

MINUTES  
COUNTY COMMISSIONERS MEETING  
APRIL 3, 1989

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Report on Farm Bureau Meeting/Dave Ellison..... A Sub-Committee to be formed to work together on weed control for one (1) year. If the job desired is not accomplished, the Farm Bureau can then come back and pursue the establishment of a Weed Board. Mr. Muensterman to get with Mr. Ellison re Purdue Certification for spraying of chemicals.	11
County Attorney - Curt John..... Acceptance of Check/Evansville Dance Theater (\$100) Letter from Business Records Corp. re Thornber Voting Equipment Board must make decision - as we have to have 100 additional machines for the next election Mr. Riney to contact Allen County re their experience with Micro-Vote equipment; also to check on availability of companies to come in and demonstrate their equipment to us.	12
County Highway - Cletus Muensterman..... Weekly Work Reports/Absentee Reports Flooded Roads Road Cuts Melody Hills/Stop Signs Marlene Drive/C. Muensterman to check a downed sign Inglefield Rd./Speed Limit Sign/Muensterman to check	15

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 Purchase Order/Repair Parts for Paver (Approved in amount of \$6,558.56)

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Acceptance of Streets in Oakridge Subdivision Section "B" approved	
Bridge Inspection - Plans for Bridges #34 and #35 on Outer Darmstadt Rd. being revised and will be submitted to the Board for their review	
Green River Road/English Way Intersection - Board approved contract to Harvey Klenck Masonry in an amount not to exceed \$13,500 (if extra fill is needed).	
Right-of-Way Cuts Across Roads/G. Curtis to discuss with Attorney Miller the status and see if we possibly want to pass an ordinance	
Acceptance of Right-of-Way/Jobe's Lane (Approved)	
Report on Soil Consultant (Mr. Hansen) payments on N. Green River Rd. project in Feb. 1987.	
Green River Road North Project/Plans - Mr. Curtis advises these plans are in his office for perusal by the Commissioners or others	
Motz Road Project - Plans are being revised and Mr. Curtis hopes to have those summarized, as well as an answer from one of the property owners who was originally unwilling to give us right-of-way.	
Union Township Overpass Project/Mr. Curtis does not have a recommendation as yet.	
3-R Projects/Written information provided to Mr. Borries Petition re Signalization Light at St. Joe/Allen's Lane Intersection (Mrs. Engelbrecht said County's current plans are acceptable; if there are problems at a later date, they may come back with the petition requesting the light.)	
Claim/Veach, Nicholson, Griggs (\$1,016.38) on Orchard Rd. approved.	
Schenk Rd./Orchard Rd. Intersection/Nothing to report yet Inglefield Rd./PPG - Mr. Curtis awaiting word from PPG Officials as to what they want the County to do.	
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MINUTES  
COUNTY COMMISSIONERS MEETING  
APRIL 3, 1989

The Board of Commissioners met in session at 2:30 p.m. on Monday, April 3, 1989 in the Commissioners Hearing Room, with President Robert Willner presiding.

RE: APPROVAL OF MINUTES

The meeting was called to order by Commissioner Willner, who subsequently entertained a motion concerning approval of minutes of meetings held on March 20th and March 27th.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the minutes of March 20th were approved as engrossed by the County Auditor and reading of same waived. So ordered.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the minutes of March 27th were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: OPENING OF SESSION - SHERIFF SHEPARD

Since it was the first meeting of the month, the meeting was opened by Sheriff Shepard, who declared the Board of Commissioners in session pursuant to adjournment.

RE: MICRO-VOTE SYSTEM - MR. LARRY SLAUGH

Mr. Larry Slaugh of Micro-Vote Systems, Inc. was recognized and gave a presentation on the Micro-Vote System election equipment and demonstration of same. Mr. Slaugh said he appreciates the opportunity to make the presentation. Micro-Vote is a local company out of Indianapolis, IN and their equipment is manufactured by Carson Manufacturing in Indianapolis, which is the high-tech company that invented the electronic siren which is on almost all emergency vehicles. He mentions this mainly because, as in emergencies when you want to use a siren it had better work and when you want to use a voting machine, it had better work. The quality control at Carson is very, very stringent and Micro-Vote is pretty proud of their record up to this point.

Micro-Vote is in seven counties in Indiana at this particular time. Their system is very, very similar in size and structure as we're used to with the punch card and we'll find the weight is 52 lbs. The unit itself has two side curtains that come down, with the voter's back to the wall, to offer complete privacy. The reason the machine is designed this way, the legs and all the cords -- everything -- fits within the machine itself. So this offers minimum storage requirements and allows you to be totally self-sufficient in that particular manner. The machine itself is also handicap friendly. There are no adjustments needed for the handicapped. They just roll right up to the machine and can vote from their wheelchair position, with absolutely no special attention having to be given to them.

The machine is voted by the voter coming into the precinct and reporting in and signing the poll books and giving their eligibility. He understands that in Evansville or the County we

use color cards for primary elections and he imagines other designations for whatever lockouts we might have. But the Judge would activate the machine the voter is going to be sent to. The machine automatically comes to the first page the voter is eligible to vote on. When he says "First Page", he means that the unit has four pages for a total of 256 voting positions. If the ballot happens to take more than 64 positions, a second page would be needed (which he will demonstrate) -- but the voter simply goes in and pushes the button next to the candidate or candidates of his/her choice. In the general election they have the straight party capability. By pressing a button, all the candidates of that particular party are lighted. If they desire to cross over, they must turn out the light next to the candidate for whom they do not wish to vote, turn on the light by the candidate for whom they do wish to vote -- there is no way they can spoil or over-vote on this machine. Therefore, they must turn out the light they don't want and turn on the light they do want. Once they are satisfied that this is the way they want to vote, they press the cast button and they are finished.

Micro-Vote is the only company in the U.S. that has an audit trail. The first four voters' selections are put into memory. As the fifth voter votes, the machine selects one of these five and prints it and continues to do that with every voter until the polls are closed. The reason they feel this is very, very important, as does the F.E.C. in Washington, is that if anything were to possibly happen during the day, no candidates lose any votes. They have a complete audit trail so they can go back and make reference to anything during the day insofar as the voting that was done. Naturally, they have the ability to pull totals off that. But their machine generates totals on both sides. They have a totals printer and, of course, the audit trail printer. So they are totally protected and whatever could happen -- they will get totals.

The machine itself has some very distinct advantages, also. It operates on either AC or DC current. If we have a trouble area (like Davies County does -- when they turn on all machines in the morning at 7:30 a.m., the whole County goes down to about 60 volts and people are re-setting their alarm clocks, stoves, etc.). In that case, we might want to put a battery in conjunction with the machine, and it will automatically monitor input power and switch itself over. But in all other areas, if we look back through the history of voting in the County, we will find that our power outages are very, very minimal. If we have a battery and it is activated, this means somebody has to provide maintenance throughout the year, whether we are using it or not, to keep that battery charged. They feel it is an either/.or situation and not only a savings money-wise but a savings in maintenance and down the line cost. The unit itself uses ballots that are 8-1/2" x 22" and fit into an envelope that is inside the machine and any printer from Ben Franklin on up can do that -- it is the most simple printing in the block. The unit is totally self-sufficient. You need no computer people, no computer-wise experts. The custodians who set up the lever machines program these machines and maintain them. There is no need for any electronic experts on the staff to handle this. The units are repaired through strictly modular type of repair where every piece on the unit can be taken out and replaced within a matter of minutes. This adds an advantage during election day. If we have a problem, the custodian can get the unit out in the precinct, and back up and running in a minimum amount of time.

As he said, they are local. He understands they are supposed to go to Room 303. They will be set up down there and be glad to answer any questions later on. Again, he appreciates the opportunity to demonstrate the equipment.

Commissioner Willner asked if he understood correctly in that it is possible to have a battery pack with the unit?

Mr. Slaugh confirmed that this is correct. They have an attachment whereby we could use any battery. And one Judge can handle two or three machines with absolutely no problem.

Commissioner McClintock queried Mr. Slaugh re the unit cost.

Mr. Slaugh said the units are \$3,000 each. You need one (1) machine for approximately every 500 voters. They maintain the same breakdown the State of Indiana has for the lever machines -- although in other States it varies. Kentucky has one machine for every seven hundred fifty (750) voters and Florida has one (1) machine for every two hundred fifty (250) voters.

Following further brief questions and discussion, Mr. Slaugh said a voter cannot vote until he/she has viewed all the ballot that they are eligible to see. His example is a 2-page ballot. He must advance to the second page. There is increased voting re referendums, non-partisan school boards, constitutional amendments, etc., because they have to go to the pages they are on -- so the increase has been very, very substantial. Any desired changes can be made prior to activating the "cast" button.

Commissioner Borries asked where this equipment is currently being utilized.

Mr. Slaugh said in Indiana they are in Noble County, Allen County, Davies County, Tipton County, Blackford County and monies have been approved in Shelby County, and they are being voted on in Bartholomew County and Morgan County. In areas outside the State, Iowa, Kentucky, and Pennsylvania.

Commissioner Borries asked if Mr. Slaugh can give some kind of cost figure re the investment made by Allen County -- this is Ft. Wayne, which is probably the nearest to us in terms of comparison.

Mr. Slaugh said the initial buy in Allen County was 100 machines. They wanted to do a partial input because of the size and the education of their people. They found in a larger jurisdiction it is advantageous in taking the poll or precinct workers and educating them into the new system. They have a lot of helpful things to utilize -- such as newspaper inserts; tapes for the T. V. stations, T. V. spots, handouts put out at the grocery stores and banks, etc., in highly populated areas for voter education type of situation. But the precinct board members still have to get in and what they like to do is give them hands-on situation. So for 100 machines we're talking about \$300,000.

Mr. Borries said, "So right now it is not activated in terms of every precinct in Allen County having one."

Mr. Slaugh said they just allocated the monies for one-third to be purchased this year with no election, and the final third to be purchased prior to the May Primary of 1990.

The precinct worker has the job to break the seal in the back of the unit and open the total side. Inside is a mode button. They press the mode button and the information window will say "Tally". You then press the "cast" button and all the totals are then burned into a memory cartridge and also printed on the tapes on both sides of the machine. They then take the cartridge out and pull the tape and bring those into the Clerk's office. They have a totalization package that reads these cartridges and does all the reports. This is done in no time at all. It takes the average precinct about three to five minutes to close. Depending on whether they have to eat or not depends on when they will be in with the totals.

Mr. Willner asked what kind of machine they use to count?

Mr. Slaugh said it is an IBM compatible disc. They do have the ability though to adjust to about any computer the County might have in house. For example, in Ft. Wayne they bought a big multi-network type of unit they want Micro-Vote to go into.

With regard to Absentee Ballots, Mr. Slaugh said absentees have to be done the way the Counties are doing them now -- on paper. since they have to count them in the precincts. There is no way they can solve the counting problem; but they do solve the verification problem, because once the machine is closed after 6:00 p.m., the absentees will be counted in the precinct and those totals can be added into the machine, although they are kept separate, and burned into the cartridge as well as being added to the tape. When it is brought into the totalization package at the Clerk's office or election headquarters office, those totals would be in this cartridge and would be generated right along with all the reports. They do not have to be put in by hand.

The Chair entertained further questions.

Commissioner Borries said he doesn't know what a normal precinct would be, but we have some precincts where if you have a large number of people who arrive at the same time (particularly in the morning hours or after work) -- we'll have maybe four machines on the punch card being used at the same time. Let's suppose you have 20 voters lined up at 6:00 a.m. How fast would you be able to vote 20 voters?

Mr. Slaugh said that depends upon the complexity of the ballot. They found in November that their lines moved extremely well. They had machines here turned in with over 400 votes on them and they came up with a 12-1/2 hour day -- that is a lot of voters on one particular machine. It is far above what lever machines ever thought about doing. They will go a lot faster, especially in primary elections, because all they get to see in the Primary Election is the ballot for which they are eligible to vote on -- so they won't be perusing the booklets or whatever -- looking at other things they are not eligible to vote on. Blackouts on this particular machine are very, very simple -- and they really come into play in the Primary areas where you have non-partisan types of things. It makes it a lot less complex for the precinct workers.

Commissioner Willner asked if there is a possibility of Micro-Vote relieving Vanderburgh County of their present system?

Mr. Slaugh said they did this for their first customer (Noble County); they found them a customer for their lever machines. It might be a little harder in the case of Vanderburgh County, but they will certainly try.

President Willner said if anyone in the audience wants to get hands-on experience, they can go to Room 303. Mr. Slaugh will be available to answer any additional questions.

Commissioner Willner said he will hold his support or non-support until he learns more about the voting system. In response to query from the news media, he said Vanderburgh County needs to update their present system. Since the new precincts will go into effect, we do not have enough machines. We either have to buy 100 machines or change the system. That is the only reason we are looking, because we have to do something.

RE: COUNTY CLERK - BETTY KNIGHT SMITH

Mrs. Smith said she is here with regard to the badges she ordered for her employees and asked that this be paid out of the Incentive Fund. That is the fund given to the Clerk and the Prosecutor, and one-third of it to the General Fund, for whatever is necessary to run their offices. That is to be spent at their discretion.

In the meantime, she would like to explain what goes through that office. There were 30,619 cases filed in 1988. Over 10,000 child support cases; judgments and fines were 16,000; and they took in \$12,806,653.98. There are many people coming in and out of the office. There are employees, there are people who come in from the abstractors offices. They don't know who they are talking to. She's had people say they are standing back there talking and won't wait on them. Those people don't work for her. In the last few days that this has been in the paper, she's had seven (7) people come forward and offer to pay for the name badges. She doesn't feel that is necessary. However, she has a letter she'd like to read to the Commissioners. (Incidentally, the County Commissioner in Posey County said he'd pay for them if the Vanderburgh County Commissioners didn't see fit to.) The letter is from the Lower Ohio Valley Building & Construction Trade Council:

Dear Betty,

Through our members, the situation regarding the name plates has come to our attention. With hundreds of similarly dressed people in the Court building and throughout each office, it seems to have been a very proper decision on your part to issue Identification Badges to your workers. This definitely would help the public to quickly and correctly identify the proper employees of the Clerk's office. What disturbs our people, however, is the gross waste of your valuable time and the time of the various County officers in the debate over who should pay for those name plates. It is hard to believe that a simple identification system that appears to have such a practical purpose, one of helping the public identify the proper authority, can create such a turmoil in the County system. In light of that, as a public service, the Lower Ohio Valley Building Trade Council stands prepared to donate the \$167.40 to the County for the purpose of paying for the needed identification plates. if a sensible decision by the proper authorities is not quickly forthcoming. With all the important issues facing our community, this needs to be quickly resolved. Please inform us if we can be of assistance to the County in putting this issue to rest.

Continuing, Mrs. Smith said that when she ordered these badges she thought it was proper; she still thinks it is proper. The State mandated that all the License Branches have name plates. All the Boards that serve for the Governor have name plates. This is what it is (holding up name badge) and she would like for the Commissioners to instruct the County Auditor, who feels he has the authority from her incentive fund to say what she can spend it for, to pay the \$167.40 bill.

Commissioner Willner entertained questions.

Commissioner McClintock asked, "I read the article in the newspaper, but I want to make sure I have all the information. You ordered these name plates for the employees in your office and then you put through a purchase order to be paid..

Mrs. Smith interrupted, "Out of the incentive fund - the Acct. 266 fund. Carol, for the month of December we received \$12,254 from the State for the County Incentive Fund. This is from the Title IV-D program for the month of December. They said we should apply \$4,086.00 to the Clerk's budget, \$4,084.00 to the Prosecutor's budget, and \$4,085.00 to the County General Fund. They give us incentive funds for the number of cases and number of people we handle."

Ms. McClintock asked Auditor Humphrey why he felt he didn't want to pay the bill.

Mr. Humphrey stated, "I have in front of me departmental correspondence from the Vanderburgh County Commissioners to all Vanderburgh County Officials, Officeholders and Employees dated January 20, 1989. We've had one of these every year for as long as I can remember.

Re: Business Cards, Name Plates, etc.

This is to inform you that no County elected officials, officeholders, or employees may order business cards, name plates, etc. for their personal use at the County's expense.

Mrs. Smith said, "This is not out of the County General Fund."

Commissioner Borries said, "Betty, I think it is a good idea. I know there are some concerns about security and that sort of thing. But I also do have some concerns in relation to what Sam (Humphrey) had pointed out. What happens if someone doesn't wear their badge?"

Mrs. Smith said, "But they do."

Mr. Borries asked, "What if they don't?"

Mrs. Smith said, "Well, we give them to them and ask them to wear them and so far they are wearing them. And I think most every place they do wear them."

Mr. Borries asked, "But will they be required to wear them as a result then of your expending....."

Mrs. Smith interrupted, "I require them to wear them. Because I have people come in..."

Mr. Borries interrupted, "What will happen if they don't?"

Mrs. Smith said, "Then they will go home and get them, because I believe in them -- for the simple reason I've had people call me and say, 'That person was nasty to me'. A man came in today and said, 'I'll pay for your badges, because I came up here and the woman was very nasty to me -- and I couldn't call in and say who it was.' But if you've got a name facing you -- and we're talking about a lot of people coming to that counter."

Mr. Borries said, "What happens if the officeholder orders them all at once and they are somewhat uniform -- but then we begin to get into some real big -- you have the discretion to use it properly, then I commend you for doing so. I guess my question again is, what will happen if they don't use them? And I would want to ask the County Attorney that if this does not come out of the General Fund, is this a proper expense?"

Attorney John said, "First of all, I know of no law that says that this expense can't be made on behalf of the County. I think it has been done in the past and the problem right now is whether or not these funds fit within your guidelines and what you stated at the beginning of the year -- that these name plates or

business cards cannot be purchased for their personal use at the County's expense. The funds are County funds. Your question may be, "Is this for personal expense?" They are used in the office and this may be an exception -- or may not even fit within this directive. I know of nothing that says it is an illegal or improper expense and you want to check with the Board of Accounts. If the Board of Accounts prohibits it, then you can't make that expenditure."

Mrs. Smith said, "I've already checked with them."

Mr. Humphrey said, "The question has never been whether or not they were desirable -- and I personally think they are."

Attorney John interrupted, "And I tend to agree with that."

Mr. Humphrey continued, "I checked with the State Board of Accounts and the only thing that the IV-D implies is that the money that is spent does not have to be appropriated by the Fiscal Body. The money is still County money and has to be subject to County rules. My statement initially to Betty was that if the County Commissioners approve, it will be paid. I told her that the first day."

Mrs. Smith interrupted, "I beg your pardon, Sam. You banged your fist on my desk and said 'I will not pay for the damn things'."

Mr. Humphrey continued, "Without the Commissioners' approval -- and that is exactly what I told you and I've never changed my mind on it. If the Commissioners release it and say it is okay, it will be paid today period."

Commissioner Willner said, "There are some other counties that do furnish name tags for all the county employees. So I don't think it is a question of whether it is legal. It certainly is. And I don't think there's a question that if the...."

Mr. Borries interrupted, "What do we do about business cards?"

Mrs. Smith said, "I agree with business cards. But this is not a business card and I don't think any employees are going to wear this when they go out partying at night."

Attorney John said, "What you may want to consider as a Board is to remain with this stance and any exception is to be presented to the Commissioners for approval before a purchase is made -- whether it is name plates for other offices or some other similar expenditure -- prior approval is necessary from this Board."

Commissioner Willner entertained further questions. There were none. He then asked if the Commissioners are ready for a vote.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the expenditure of \$167.40 for badges for the County Clerk's office to be worn by the Clerk's employees was approved. So ordered.

Commissioner Willner asked if Ms. McClintock would care to add to her motion "Any other offices in the future"?

Ms. McClintock said she doesn't have a problem with them coming to the Board if we want to keep it straight that way. But the Commissioners' directive said "Personal Use". She would agree with Ms. Smith -- she doesn't think these would ever be used personally -- but if we did want them to come back -- should there be another office that would want to do this -- so she will include this in her motion.

Commissioner Borries said he definitely believes they should seek approval from the Board prior to ordering -- we could have hats, blazers -- business cards -- a lot of things. He commends Mrs. Smith; he thinks it makes sound sense to have a badge. But he doesn't want to go any further than that. He simply doesn't believe that business cards and other things should be paid for at the taxpayer's expense. We have other offices and what this Commission needs to do is to maybe look at the long term -- if we're going to do it for one office, then maybe we need to buy the same kind for all offices and then ask them to wear them. But I think it opens up a whole new legal issue in terms if someone refuses to wear them.

RE: APPROVAL OF SPECS FOR SOFTWARE APPLICATION & SUPPORT SERVICES FOR THE COMPUTER SYSTEM

The meeting continued with President Willner recognizing Lieutenant Art Gann. He said he is here today to address the Commissioners on behalf of the Data Processing Board that the City and County have empowered to bring them up to date concerning the Peat, Marwick approach to sending out the final request for proposals and the request for bids for the City-County computer conversion program that we've been going through for the past year and a half. He has the final drafts of the two documents, which he provided to Mr. Riney earlier to give to the Commissioners. They were presented to the Data Processing Board this morning and were unanimously approved by the Data Processing Board as sufficiently addressing all the concerns the different offices in the City and the County have. They would request at this time that the County Commissioners approve and make a motion that the documents be submitted to the appropriate vendors after they are approved by the Board of Public Works on Wednesday morning. Basically, he is here to address any questions the Commissioners might have had. He would repeat that it was the unanimous decision of the Data Processing Board that these documents be forwarded so we can continue with the time table that is put forth in the documents. It is a very aggressive time table. We're allowing approximately 4 to 5 weeks and they know we've been in this process for almost two years now, so it is a very aggressive program and we're working well together now in trying to get it through and they think they have addressed all the concerns the County Council and the County Commissioners had and are willing to move forward at this time.

Commissioner Willner asked if there is a signature page on the documents, or does Mr. Gann just need approval in the minutes.

Mr. Gann said basically they need approval of the documents and then they'll do the same thing with the Board of Public Works on Wednesday morning and then the Purchasing Agent for the City-County can send these to the various vendors involved.

Mr. Willner said he understands County Auditor Humphrey attended the Data Processing Board meeting this morning, and Mr. Humphrey confirmed that this is correct. Mr. Willner said he understands that both Mr. Humphrey and Mr. Elliott approved the set of specs and Mr. Humphrey again confirmed that this is correct. Mr. Willner said we need to proceed and it would seem that the hiring of Peat, Marwick satisfied everyone's wants and desires.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the documents prepared for bidding on the the hardware/software system were approved. So ordered.

RE: CARANZA DRIVE SEWER PROJECT - JEFF HARLAN

President Willner said Jeff Harlan from Attorney David Miller's office is here, as is Mr. Victor Funke, for purposes of discussing the Caranza Drive Barrett Law sewer problem.

Mr. Harlan said there was a request made that they give a report concerning the status of the Caranza Drive sewer project. He can report that there are about a half a dozen easements that need to be obtained that have not been obtained to date voluntarily. There has been some question concerning the method of assessment as to how much each landowner will pay for their portion of the easement and that has been the concern of quite a few of the remaining property owners who have not signed their easement. Their recommendation is to assess the property owners based on a square footage basis with two exceptions. One is with regard to the property owned by Mr. James Morley. The recommendation is to assess only four (4) of his lots. The other two lots that he owns are quite a distance from the proposed sewer and he doesn't believe would be required to be placed on the sewer. The property where his house is is about a quarter mile from the sewer and he wouldn't be required to be placed on the sewer at that location either. The other modification to that method of assessment is that there are five (5) property owners on Kimbel Drive who have lots in excess of 1,000 feet in depth. What he proposes is to treat them the same as the other property owners on Kimbel Drive and treat them as having a depth of about 484 ft., so they wouldn't be penalized for having deep lots with really no increased use of the sewer at that point. That is their recommendation concerning the method of assessment, notwithstanding any earlier understanding that the property owners had concerning what the method of assessment might be. The former method was to assess everyone based upon whatever the total cost was and divide it by the number of property owners -- but that method carries with it certain problems and there are certain property owners who own more than one lot that could benefit more than someone else who lives out there and has just one lot. That has been taken care of by the square footage assessment with the modifications. He believes this will set at rest the question of method of assessment and will permit us to get the remaining easements voluntarily and then start the process of eminent domain with the remaining property owners who will not voluntarily sign an easement. He believes there are at least four or five people wherein we will have to condemn their easement to get the project started. At approximately the same time, we can then advertise for bids to commence the project, because once we start the eminent domain process appraisers are appointed by the Court and we can pay the money to the Court based on the appraised value. And once we pay the value to the Court we have possession of the property and can commence the project, notwithstanding the amount of damages, which can ultimately be determined at a later date.

Commissioner Willner asked if the Board needs to make two decisions? Is a vote of the Board required to restrict Morley's assessment to four (4) lots?

Mr. Harlan explained that Mr. Morley has six (6) lots and two (2) of them will be excluded.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Mr. Harlan's recommendation that each property owner pay on a square footage basis, with the exception of Mr. Morley and the five (5) people on Kimbel Drive, was approved. So ordered.

Commissioner Willner asked Mr. Funke if there is a chance now that we've made these determinations, whether any of the others would sign voluntarily.

Mr. Funke said he thinks so. Mr. and Mrs. Ed Commens are here and Mr. Mike Elliott (representing his mother) is here. They might have some other ideas. There are two people who are already on the sewer and we have to have an easement through their property and he thinks the easement could be moved over so one of them won't have to sign. They have indicated they won't

sign without a big fee. There are about ten (10) who haven't signed, three (3) who have indicated they will not sign -- and the rest of them just have a couple of questions they wanted clarified and Mr. Morley was one of those.

Commissioner Borries asked, "Then, in your opinion, the procedure we just voted on satisfies some?"

Mr. Funke said that is correct. This is about as equitable as the Board can make it. They were told initially we'd divide the cost by 51, but that is not fair to some.

Commissioner Willner asked if Mr. Funke will be able to tell us within a week or two who is going to sign and who is not going to sign.

Mr. Funke said we should know this within two weeks.

Commissioner Willner said the Commissioners would really like to get this project underway during this construction season. If we do not do it now, we're going to be into late summer and winter and the construction season will be over again for another year. He asked that we try to get the easement matter resolved.

Mr. Ed Commens of 6701 Kimbel Drive said his main objection from the beginning (he thinks they've resolved part of it) is that Jim Morley is sitting out there with a subdivision and some of the other people have multiple lots -- and he didn't feel like he wanted to pay one lot and then pay the same. But he understands Mr. Morley has a lot and the sewer is going to run through the middle of it -- and that lot is 206 ft. wide. If you go through the middle of it, he still is going to have over a 100 ft. lot, which is larger than most subdivision lots. So he's not going to be damaged and he understands Mr. Morley is going to file for damages. If he gets enough for damages, he's going to get his sewer for nothing. He talked to Mr. Harlan on the phone last week and this was his understanding.

Mr. Harlan said that was based upon the sewer going through the middle of that lot. He understands that Mr. Nicholson of Veach, Nicholson, Griggs has been in contact with Mr. Morley and he doesn't know the result of that conversation -- as to whether or not the sewer has been moved. It quite possibly will not go through the middle of his lot now.

Mr. Commens asked, "Is he going to ask for damages?"

Mr. Harlan said, "I don't know; it's based upon where the sewer goes through."

Mr. Commens said, "Well, if he's going to ask for damages, how much is he going to ask for? He can get his sewer for nothing. He's got a subdivision with a potential for a lot owner and I'm, willing to sign -- but I'll sign after he signs; I want to see what he's going to do."

Mr. Harlan said, "At this point I don't know what he's going to do."

Commissioner Willner said, "We'll ask Mr. Funke to go see him first then."

Mr. Commens said, "If he can get Jim Morley to sign without taking damages, then I'll sign. I just don't want to buy the sewer for some subdivider."

Commissioner Willner said, "I understand. Fair enough. We'll continue to work on this and see if we can't wrap it up."

RE: RELOCATION OF FIRE HYDRANT - SCOTT TOWNSHIP

Commissioner Willner called on Commissioner McClintock for a report regarding the relocation of the fire hydrant in Scott Township.

Ms. McClintock said that as per Mr. Willner's request, she did speak with Mr. Diekmann in the Utility Department about either using County labor or a combination of our own labor and contract labor to move the fire hydrant from one side of the road to the other. Mr. Diekmann said they had allowed that in the past; that they would have to approve the contractor. She told him it was not up to her but up to the Board of Commissioners, but her recommendation at this point is to go to the County Council for approval of funds, and once the funds are approved, to ask for a bid from the Utility Board along with the contractors. Then the Commissioners can take the lowest bid. He said it has been done before and the Board has approved it before. The Utility Board's price was originally \$4,500, so she doesn't think we should go over that amount.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Commissioners will go on Council Call to ask for an appropriation of \$4,500 to relocate the fire hydrant in Scott Township from the west side of Green River Rd. to the east side of Green River Rd. at the Scott Township Fire Department. So ordered.

RE: IRS SECTIONS 89 AND 125

President Willner said the Board does not have a recommendation from County Auditor Sam Humphrey concerning the IRS Sections 89 and 125, because he has another bid coming in next week and he has asked for a one week deferral.

Mr. Humphrey said that with regard to IRS 125 (the Cafeteria Plan) there are some implications in that plan which he picked up in Indianapolis that we may not want to get involved in. It is not just a matter of doing it, it is a complicated process in doing it. In Marion County and Allen County they have encountered a considerable number of problems. When a disparity existed, when you start putting the 89 on top of it, it brings us into focus. For example, a single person on Blue Cross pays the dollar amount and the County pays one amount for them and another amount for a family plan. When you put IRS 89 on top of 125, this brings this into focus and the employee says he is not getting paid as much money as the other one does. This has brought a lot of personnel problems into focus in those two counties that he is aware of. He wants the Commissioners to be aware of this before we start the Cafeteria Plan. He has put an item on the Commissioners' desks he would like for them to read.

Commissioner Willner thanked Mr. Humphrey for his comments and said the Board will expect his recommendation next week.

RE: REPORT ON FARM BUREAU MEETING - DAVE ELLISON

It was noted by Mr. Willner that he was to make a report on the Farm Bureau Meeting held March 27th. He sees that Mr. Dave Ellison, President of the Farm Bureau, is here today -- thus, he will ask that Mr. Ellison make the report.

Mr. Ellison said he lives at 2040 Baseline Road and he is here representing the Farm Bureau. Mr. Willner attended the March 27th Farm Bureau meeting held at 7:30 p.m. and requested that the Bureau would delay any action regarding a Weed Board, as the Commissioners had many concerns, including the fact that the Weed Board had too much power and there were a lot of conflicts between people in surrounding areas. The Commissioners were also uncomfortable with many other facets and the Farm Bureau said

they would go along with the Commissioners' request that the Bureau set up a Sub-Committee of several Farm Bureau people, willing farmers, people from the County Garage, etc., to help with direction in the spring in the control of Johnson grass, etc. We'd pursue this route for a year and if the job wasn't accomplished as they would like to see it, they would then come back and pursue the establishment of a Weed Board.

Commissioner Willner thanked Mr. Ellison for his report. He said he talked with Mr. Cletus Muensterman, County Highway Superintendent, and he tells him that the spraying tanks are still at the County Highway Garage and still in good shape. We probably need to ask him to purchase a pump of some kind and some nozzle equipment for that truck. During the summer months the County Garage hires six (6) college students for summer work and there should be no reason that we can't implement this program.

Mr. Muensterman said he has only one question. He's told that when the County did this before, we ran into trouble with the farmers and the subdivision people about killing their grass, gardens, etc. And he was wondering if we're going to get into something like this -- or are they going to help us control this.

Mr. Willner said they are certainly going to help us. Yes, we're going to get into trouble - he knows it's coming. But he guesses that goes with it. He has in the back of his mind having the operator of the nozzle get off the truck to spray -- instead of trying to sit on the front fender and just spray everything and let the wind carry it. We need to get him off the truck and let him direct it where it is needed. The Board needs to tell Mr. Muensterman to proceed to get ready.

Ms. McClintock asked if we have someone certified to use these chemicals.

Mr. Willner said you don't have to have anymore, and Mr. Muensterman said he doesn't have anyone certified to his knowledge. Mr. Willner said he's heard that since DDT and the rest of the noxious chemicals can't be used anyway -- that you don't have to have.

Ms. McClintock said the City used to have one (1) person employed by the City at each golf course location certified -- they had to have somebody certified to spray golf courses. Somebody trained and certified by Purdue University and it is not expensive.

Mr. Willner said Round-Up is the most used chemical in the farming industry and you do not have to have any certification to use Round-Up.

Mr. Muensterman said this is probably what they will be using for the most part.

Mr. Ellison said 99% of the farmers are certified...it costs something like \$7.00 every four years.

Commissioner McClintock said she thinks it would be worth our while to spend \$7.00 to \$10.00 to get one person certified to serve as Consultant -- this may save us some headaches down the road.

Mr. Muensterman said he will get with Mr. Ellison on this and Mr. Willner said the County will look forward to Mr. Ellison's direction with regard to technicalities re certification.

RE: COUNTY ATTORNEY - CURT JOHN

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

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

Thornber Election System: Attorney John said he has a copy of a letter he received from Business Records Corporation which deals with Thornber, the voting system in place in Vanderburgh County. As the Commissioners will recall, we've been trying for some time to obtain some information. They discuss what they have received as complaints, what they believe the problems were at that time, and, in essence, they have summed it up in their last paragraph in which they state, "The minor problems that have been encountered in Vanderburgh County would most certainly be described as routine or as common problems associated with any type of voting system. Card dust and chad problems are controllable if the processing teams are performing their duties to the utmost and we must be cognizant of the fact that we have to rely on many people to make the system work."

Attorney John said he'd like to give the Commissioners the opportunity to review the letter. It may create some questions which they can present to him later, and he can get back to Thornber regarding those concerns. Or, as an alternative, he can try to get those people in here to discuss the problems.

Commissioner Willner said the letter is really not telling us very much.

Commissioner Borries said the question is, he can't quite figure what they are saying in terms of "When looking at the time frames involved, it would appear that the ballot tabulation has been completed with reliability and accuracy and within acceptable time frames." Do they define what "acceptable time frames" are?

Attorney John said he is sure they are not talking any legal time frames; it is probably time frames that they've created to determine whether or not it would be considered a trouble spot. Or, they may not have a definition -- he doesn't know.

Ms. McClintock said they are basically saying they are doing a fine job.

Attorney John said that, in effect, that is what they are saying.

Ms. McClintock said they had one call during the 1986 Primary, one call in the General Election and three calls in May 1988. So apparently they're not aware we're concerned about the system.

Attorney John said that from his discussions with him, he said that's common and they've never really worried about Vanderburgh County because, in their opinion, things are running smoothly. Maybe they are compared to the other counties that have this system.

Commissioner Willner said, "They run smoothly until it's time to count them, as far as I'm concerned. That's when we have our problems --when the counting starts."

Attorney John said he guesses the real question would be what is an acceptable time frame for having the final results -- and he doesn't have an answer to that.

Commissioner Willner said he would remind the Commissioners that the Board must make a decision very quickly for the next election to have 100 more machines of some sort -- so we do need to stay on top of this.

Commissioner McClintock asked if we can mix machines? Can we have 100 of the new kind we saw today, with the idea that we would eventually phase out the punch card?

Commissioner Willner said that might present some problems with instructions to Precinct Committeemen, but he would guess that it is possible.

Attorney John said he would presume we could, because he knows the system differs for absentee voting. It used to be the paper ballot versus the machine. But he doesn't actually know of any law that prohibits it or grants it. Mr. Slauch also indicated that Allen County has 100 of them -- but he doesn't know that they've used them.

Ms. McClintock said perhaps the Board should have Mr. Riney call Allen County, see what they have done, what problem they've had -- if any.

Commissioner Willner asked if it would be advantageous to meet with County Council, the Election Board, the two party chairmen -- and resolve this issue?

Commissioner Borries said he respects Mr. Slauch's integrity; he is selling a product. He does have some concerns about \$300,000 until he knows more about it. He can't remember of any time ever when we've used this other system when, as Attorney John pointed out, what an acceptable time frame is. The polls close at 6:00 p.m. and people have to come in from Armstrong Township -- is it worth \$300,000 to have to wait by the time they get down here. He doesn't know what time they check in. He would conceivably think there are some precincts that are not even down here until 8:00 p.m. And he said something about final results at 11:30 p.m., so you're talking 3-1/2 hours to count 60,000 votes. There are about 99,000 people registered and the last time about 60,000 voted. He doesn't know whether this is worth \$300,000 or not -- he guesses this a question he has. He talked about our having to get batteries if the electricity goes off. On some computer systems are you going to have to get a surge suppressor? If you get a power surge, it could foul up that whole module.

Ms. McClintock said she would agree with Commissioner Borries. She thinks the bigger question that needs to be resolved -- she doesn't have a huge problem with the election results coming in at 11:00 p.m. -- but there was a lot of moaning and groaning on both sides that we shouldn't have to wait this long. I think we should get that group together, because we need to reach some kind of consensus. Either we stick with this and everybody agrees that we're going to get all the votes between 11:00 p.m. and Midnight. And she would agree with Commissioner Borries that \$300,000 to get election results one hour earlier -- she simply thinks we need to get the group together to reach a consensus.

Commissioner Borries said he would like to ask Mr. Riney to call Allen County, That would be a comparable county for us. We're fifth largest in population and Allen County is probably third.

Commissioner Willner said he would also urge Mr. Riney to check on the availability of companies to come in and demonstrate their equipment to us. He'd check on the availability and the price of the same machines we have now -- and set up a meeting to present the input from all of these other counties.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports/Absentee Reports: Mr. Muensterman said he had submitted copies of the Weekly Work Reports and Absentee Reports for both Employees at the County Garage and the Bridge Crew for period of March 24 thru March 30, 1989 prior to the meeting.....reports received and filed.

Flooded Roads: Mr. Muensterman said the water is coming up again. Waterworks Road was closed this morning at 8:00 a.m. River Road and South Weinbach -- so far the bottoms are open, except for Happe Road or one of the others.

Road Cuts: Commissioner Borries said he liked Mr. Muensterman's comments regarding his concerns on these cuts on the roads. Where are we on this? Is Greg Curtis going to address that?

Mr. Muensterman said he believes we got a certification from the City. We gave them a list of the roads we're going to pave and they are going to have to call Greg Curtis and he, in turn, will call the County Garage if they are going to do any cutting.

Commissioner Borries said he thinks it would be helpful to know, because a lot of times if it is not done properly, it is almost too late to ....

Mr. Muensterman said we will have someone out there to see how they perform.

Melody Hills/Stop Signs: Ms. McClintock asked if Mr. Muensterman and Mr. Curtis have gotten out to Melody Hills yet to check out the stop signs.

Mr. Muensterman said they haven't been out there yet, but he knows they are not completed. He dropped off three diagrams to the Traffic Department. The foreman was very snotty -- he'd been on vacation. Also, on Brookview -- there are no stop signs there at Old State Rd. and Brookview. He just wonders if we wouldn't be better off asking that Mr. Curtis write them a letter -- rather than both he and Mr. Muensterman calling -- he thinks it is better for the engineer to say this has to be done and here's the right way.

Marlene Drive: Mr. Willner said there is a sign down on Marlene Drive.

Inglefield Rd./Speed Limit Sign: Mr. Willner reported that the Speed Limit sign on Inglefield Rd. is down -- or can't be read.

Bridge Inspection Report: Mr. Willner said he is beginning to get some feedback from Bernardin, Lochmueller on the bridge inspection report. He's doing a preliminary report as he goes and they're getting down to there's a nut missing on the lefthand guardrail, etc. Can't we start getting our crews on those minor things immediately? And can Mr. Muensterman give the Board a checklist of what has been taken care of?

Mr. Muensterman said that he and Greg Curtis are going to work together on that. There are some boards they have to replace on the flooring of two bridges. He sent the grader out on Montgomery Rd. this morning to grade off rocks so they can see where the boards are located.

Mr. Willner said that as the bridges in that report are repaired, he wants a special report to the Commissioners saying they have been done. He guesses the one that collapsed on Hwy. 51 down in Tennessee night before last taught us all a lesson.

Purchase Order No. VC-14662/Reid-Holcomb: Mr. Muensterman submitted a Purchase Order in the amount of \$6,558.56 for repair parts for the tractor part of the paver.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Mr. Willner signed the Purchase Order. Mr. Muensterman noted the screed for the paver which was ordered from Brandeis Machinery is scheduled to be here April 12th and subsequently will be installed.

RE: COUNTY ENGINEER - GREG CURTIS

Acceptance of Streets in Oakridge Subdivision Section "B": Mr. Curtis submitted a written request that streets be accepted in Oakridge Subdivision Section "B" (copy attached). These are 29 ft. wide concrete streets. They have done a site inspection of subject streets and they have been assured by the developer that the minor problems that did exist will be corrected. In fact, he believes most of it has been done at this time.

Commissioner Willner asked if Mr. Curtis will double check to make sure this has been done.

Mr. Curtis said all of it was done with the exception of the gas line. This is still in progress.

Mr. Willner said he just wants someone to do a final check.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the streets in Oakridge Subdivision Section "B" were accepted as County roads, pending final inspection, as requested. So ordered.

Bridge Inspection: Mr. Curtis said that Bernardin, Lochmueller is in the process of reviewing the bridges and, in particular, the few bridges that have been brought to our attention and they are working on some major plans -- basically a replacement project at least on Bridge #35 on Outer Darmstadt Road, and also possibly Bridge #34. These plans are being revised and will be brought back to the Commissioners for their perusal.

Green River Road/English Way Intersection: It was noted by Mr. Curtis that last week there was discussion re doing the Green River Road/English Way Intersection with County forces, due to needing to get it done more quickly. In view of the paving and a number of other things, they felt it would be better if we didn't tie the bridge crew up for the two weeks or so it would require for this project. Therefore, he did obtain three (3) quotes on the project and a much clearer definition. For repair of that intersection and drainage repair, as well as replacing some of the street that is broken up and deteriorating, and also replacing a portion of the street that had been washed out underneath, he has maximum quotes as follows:

Harvey Klenck Masonary.....	\$ 12,966
(\$13,500 if extra fill is needed)	
Joe Mattingly Concrete Services.....	\$ 15,860
Deig Bros. Construction.....	\$ 16,000

It is his recommendation that the contract be awarded to Mr. Harvey Klenck, the low bidder. He says \$13,500 if extra fill is needed. Mr. Curtis said we need to get that repaired; we have barricades out there now that are over the existing grates that are somewhat of a hazard to the traveling public.

Ms. McClintock asked if Klenck can start immediately.

Mr. Curtis said he doesn't know that he could start tomorrow, but he indicated he would be able to get on the project immediately, for the most part.

Commissioner Willner asked Mr. Curtis if, after talking about the County Highway doing the work, he looked under there and there was a greater cavity that had washed out.

Mr. Curtis said there is a considerable amount of pavement that needs to be replaced which we originally were not planning on, and that not only adds to the amount of work to be done -- but, that is also why the cost is considerably more than originally anticipated.

Commissioner Willner entertained a motion.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the contract for improvements to Green River Estates drainage and roads was awarded to Harvey Klenck Masonry in an amount not to exceed \$13,500, if extra fill is needed or they have to remove soft areas.. So ordered.

Commissioner Willner queried Mr. Curtis about funding for this project.

Mr. Curtis said it should come out of the Bridge Account, as it is the culvert under the road -- and there are sufficient funds in the account, although it is getting close.

Right-of-Way Cuts Across Roads: Mr. Curtis said last week there was discussion concerning right-of-way cuts across roads and they were in the process of revising the form, etc. That is the form they'd come up with. However, in investigating what we had previously, it has been determined that there is a drafted ordinance (although he never found any indication that it had been passed and he has yet to speak with Attorney Miller's office, who handled that) but he will be in touch with Attorney Miller to see what the status is on that and find out what the problem was. We might possibly want to pass that in an ordinance.

Acceptance of Right-of-Way/Jobe's Lane: Mr. Curtis said he has some right-of-way on a road where the Water Department was going to put in some water line and there was no easement. Why his office got involved in this he really doesn't know, but they did. On March 24th we received a letter from one of the property owners wherein he was unwilling to give the County easement for that. He's on the end of the road. However, we do have two signed right-of-way documents (there are three property owners on Jobe's Lane) and it would give us 25 ft. from centerline of right-of-way on each of those properties and he would like for the Commissioners to accept that so we can have that right-of-way recorded and we will have that right-of-way in the future.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the right-of-way was accepted. So ordered.

Soil Consultant/Green River Road: Mr. Curtis said that last week the Board discussed the Soil Consultant on Green River Road. Commissioner McClintock had requested that Mr. Curtis provide her with the amount that had been paid to Mr. Hansen. It was \$1,944.00, which was paid in February. It was billed in February of 1987.

Green River Rd. North Project/Plans: There is a set of plans in Mr. Curtis' office for the Green River Road North Project with United Consulting Engineers. He has reviewed the plans and he understood the Commissioners wanted to go over those at some point in the future.

Motz Road Project: Mr. Curtis said a meeting was held last Wednesday out on Motz Road for the purpose of getting feedback, input, etc., from the property owners out there. At this point in time, the plans are being revised and he hopes to have those revisions summarized and get an answer from one of the property owners who, under the original plan, was unwilling to give us right-of-way.

Union Township Overpass Project: Mr. Curtis said they spent some time out in the Union Township Overpass area today reviewing the different alternatives. At this time he still doesn't have a recommendation. But we are getting a substantial amount of education about the different alternatives.

3-R Projects: Commissioner Borries had requested additional information on 3-R projects. Mr. Curtis said he now has this information. He can either go through a lengthy discussion or simply give the written information to Mr. Borries.

Mr. Borries requested that Mr. Curtis simply provide him with the written information for his review and study, and he will share it with the other Commissioners.

Petition re Signalization Light at St. Joe/Allen's Lane Intersection: Mr. Curtis said a petition was brought in last Thursday concerning a signalization light at the St. Joe/Allen's Lane Intersection by Mrs. Betty Engelbrecht, owner of WIKY. She brought the petition in and, after reviewing the plans of the proposed project, she stated that that would be more than acceptable to her and, if at a later time, there is still a problem -- they may be back with their petition requesting a light. But she said she was just glad that we are doing something.

Commissioner Borries asked if lowering the speed limit was part of Mr. Curtis' recommendation.

Mr. Curtis said the State code requires that a traffic investigation and analysis be done for determining the speed limits and EUTS will have that information in a week or so.

Claim/Veach, Nicholson, Griggs Assoc.: A claim in the amount of \$1,016.38 was submitted for work on the Indiana Hi-Rail bridge over Orchard Rd. It is his recommendation that the claim be approved for payment.

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

Schenk Rd./Orchard Rd. Intersection: Mr. Curtis said he doesn't have anything to report yet concerning this intersection.

Inglefield Rd./PPG: With regard to Inglefield Rd. and Hwy. 41 Intersection out by PPG, the PPG officials are to get back to him some time this week with their answer as to what they would like for the County to do.

Mr. Willner entertained questions of Mr. Curtis. There were none.

RE: TRAVEL REQUEST - BURDETTE PARK

Commissioner Willner said he has a travel request from Burdette Park Manager Mark Tuley. They are asking permission to take a County vehicle to Louisville, KY to pick up pool paint from Swimming Pools of Louisville for the Burdette pools for the year.

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

RE: PROCLAMATION DECLARING APRIL SPRING CLEAN-UP MONTH

The meeting proceeded with Commissioner Willner presenting a Proclamation declaring April as Spring Clean-Up Month in Vanderburgh County. He said he believes the Mayor of the City of Evansville is doing the same thing.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Proclamation was signed. So ordered. (Copy of Proclamation attached hereto.)

RE: REQUEST FOR DUMPING ORDINANCE

Commissioner McClintock said that Mrs. Shirley James of the Westside Improvement Association will be here next week with regard to her request for a Dumping Ordinance. (On the bottom of a letter, she said she talked to Jerry Riney about this.) Ms. McClintock said she wonders if we wanted to get the County Attorney to go ahead and look up what has been done, etc.

Commissioner Willner said the last time the Board looked at a dumping ordinance, if he is not mistaken, County Attorney Miller said the State Law is sufficient and anything we'd do would just be a duplication. Therefore, Ms. McClintock might wish to speak with him personally to verify that this is correct. But the law is already on the books in the form of a State Law. Why they want someone in the County to do it instead of State Government, he has no idea. But the State Law is enforceable by the Sheriff, the City Police, the State Police, or anybody who travels the road in a police capacity. Nonetheless, Ms. McClintock may want to talk with Attorney Miller.

RE: EXECUTIVE SESSION RE JO ANN REED CASE

President Willner announced that prior to today's Commissioners Meeting, the Commissioners met in Executive Session to discuss trial strategy in the Jo Ann Reed case, which comes to trial April 10, 1989. He entertained a motion for the County Attorney to continue the legal defense of that case.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, County Attorney David Miller was authorized to continue legal defense in behalf of Vanderburgh County. So ordered.

RE: SCHEDULED MEETINGS

Wed.	April 5	2:00 p.m.	County Council Second Public Hearing re Excise Surtax & Wheel Tax (Room 301)
		2:30 p.m.	Regular Council Meeting (Room 301)
		6:00 p.m.	Area Plan Commission (Room 301)
Mon.	April 10		Jo Ann Reed vs. Vanderburgh County Trial begins
		2:30 p.m.	Final Hearing on Comaier Ambulance, Inc. Sure Care Program
Wed.	April 12	2:00 p.m.	County Council Special Meeting re Revenue Sharing Appropriations (Room 301)

Wed. April 19 3:30-5:00 Informal Session re Corridor Design/New Bridge & Approaches over Indiana Hi-Rail Railroad on Orchard Rd.  
(Central High School Cafeteria)

7:00 p.m. Public Hearing re the above  
(Same location)

Thurs. April 20 3:00-4:30 Informal Sessions re New Bridge & Modification of Existing Bridge over Pigeon Creek on Green River Rd. & Widening & Reconstruction of North Green River Road.  
(Oak Hill School Auditorium)

7:00 p.m. Public Hearing re the above  
(Same location)

Mon. April 24 2:30 p.m. Public Auction of County Surplus Real Estate  
(Room 307)

Opening of Bids re Data Processing Equipment  
(Room 307)

Drainage Board Meeting  
(Opening of Re-Bids on Annual Ditch Maintenance)

RE: CLAIMS

President Willner said there are no further claims to be presented for the Board's approval today.

RE: EMPLOYMENT CHANGES

Jail/Sheriff (Appointments)

Edward Barnhill Corr. Off. \$15,66/Yr. Eff: 3/27/89

County Assessor (Releases)

Kristie Joest PTRE \$35.00/Day Eff: 3/21/89

Circuit Court (Appointments)

Karen Altman PTWR \$3.35/Hr. Eff: 3/16/89  
Michael Lotz PTWR \$5.00/Hr. Eff: 3/25/89  
Sheila Silvia PT Clk. \$3.35/Hr. Eff: 3/9/89

Circuit Court (Releases)

Angela Sumner PT Clk. \$3.35/Hr. Eff: 3/2/89

County Clerk (Appointments)

LaNelle Brenner Dep. Clk. \$12,675/Yr. Eff: 3/27/89  
Sharon Stevens Dep. Clk. \$13,848/Yr. Eff: 3/27/89  
Pauline Dyer PT \$6.00/Hr. Eff: 3/27/89  
Mabel Winkler PT \$6.00/Hr. Eff: 3/31/89  
Karen Koch File Clk. \$6.00/Hr. Eff: 3/31/89

County Clerk (Releases)

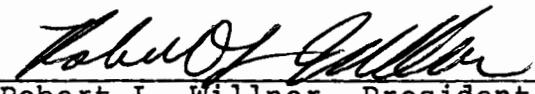
Cathy Holbrook Dep. Clk. \$13,989/Yr. Eff: 3/27/89  
Jaqualine Head Dep. Clk. \$14,775/Yr. Eff: 4/25/89

There being no further business to come before the Board at this time, President Willner declared the meeting recessed at 4:00 p.m. and said there will be a five (5) minute recess before the Drainage Board convenes for their meeting.

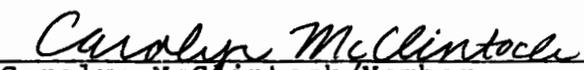
PRESENT:

Robert L. Willner/President  
Richard J. Borries/Vice President  
Carolyn McClintock/Member  
Curt John/County Attorney  
Sam Humphrey/County Auditor  
Cletus Muensterman/County Highway Supt.  
Greg Curtis/County Highway Engineer  
Bill Jeffers/Chief Deputy Surveyor  
Jerry Riney/Commissioners' Assistant  
Larry Slaugh/Micro-Vote/Indianapolis, IN  
Robert Slaugh/Micro-Vote/Indianapolis, IN  
Linda A. Cain/County Clerk's Office  
Betty Knight Smith/County Clerk  
Paul M. Wallace/Attorney  
William Jack Nellis  
Raymond M. Elliott  
Edward Commens  
Barbara Commens  
Bob Steele  
Betty Hermann/County Councilman  
Sandra Millard/Prosecutor's Office  
Vic Funke  
Al Harding  
Jim Lindenschmidt  
Jeff Harlan/Attorney  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

  
Robert L. Willner, President

  
Richard J. Borries, V. President

  
Carolyn McClintock/Member

# Board of Commissioners

OF THE  
COUNTY OF VANDERBURGH  
305 ADMINISTRATION BUILDING  
CIVIC CENTER COMPLEX  
EVANSVILLE, INDIANA 47708

ROBERT L. WILLNER  
RICHARD J. "RICK" BORRIES  
Carolyn McClintock

TEL. (812) 426-2261

## P R O C L A M A T I O N

WHEREAS, THE UNDERSIGNED, VANDERBURGH COUNTY COMMISSIONERS DO HEREBY PROCLAIM THE MONTH OF APRIL, 1989, AS SPRING CLEAN-UP MONTH.

WHEREAS, WE HOPE THAT ALL CITIZENS WILL CO-OPERATE WITH OUR CONCERNED ORGANIZATIONS THAT ARE WORKING TOWARDS BEAUTIFICATION OF VANDERBURGH COUNTY.

WHEREAS, WE ASK THAT EVERYONE HELP TO KEEP OUR COUNTY CLEAN BY NOT LITTERING AND BY HAULING TRASH TO THE DUMP.

NOW, THEREFORE, I ROBERT L. WILLNER, PRESIDENT OF THE VANDERBURGH COUNTY COMMISSIONERS, EVANSVILLE, INDIANA, DO HEREBY PROCLAIM THE MONTH OF APRIL, 1989, AS

SPRING CLEAN-UP MONTH

IN WITNESS OF, I HAVE HEREUNTO SET MY HAND AND HAVE CAUSED THE SEAL OF THE COUNTY TO BE AFFIXED THIS THIRD DAY OF APRIL IN THE YEAR OF OUR LORD, ONE THOUSAND NINE HUNDRED AND EIGHTY NINE.

BOARD OF COMMISSIONERS OF  
THE COUNTY OF VANDERBURGH

  
ROBERT L. WILLNER, PRESIDENT

  
RICHARD J. BORRIES, VICE PRESIDENT

  
CAROLYN MCCLINTOCK, MEMBER

ATTEST:

  
SAM HUMPHREY, AUDITOR

VANDEBURGH COUNTY HIGHWAY DEPARTMENT  
ENGINEERING DIVISION

325 Administration Building  
Civic Center Complex  
Evansville, In. 47708

Date: APRIL 3, 1989

Phone (812) 426-5211

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

RE: Acceptance of Street Improvements in  
OAKRIDGE SUBDIVISION - SECTION "B"

Dear Mr. Willner:

The undersigned has made an inspection of subject street improvements on  
MARCH 9, 1989. These street improvements were constructed on  
SEPTEMBER-DECEMBER, 1988.

All streets are paved with CONCRETE  
and have been constructed in accordance with the approved plans.

The following is a summary of the length of the completed 29'  
foot wide streets in subject subdivision.

<u>OAKRIDGE DRIVE (50' R/w)</u>	<u>0,09 mi</u>	<u>464</u>	<u>LF</u>
<u>MEADOWGATE COURT (50' R/W)</u>	<u>0,08 mi</u>	<u>443</u>	<u>LF</u>
<u>WOODSIDE COURT (50' R/W)</u>	<u>0,07 mi</u>	<u>390</u>	<u>LF</u>
<u>Total</u>	<u>0,24 mi</u>	<u>1297</u>	<u>LF</u>

We are enclosing a sketch of the subdivision showing the completed streets  
and a copy of the site inspection.

It is recommended that the street improvements in the subdivision be:

ACCEPTED XXXXXXXXXXXX REJECTED \_\_\_\_\_ FOR MAINTENANCE  
If you have any questions, please call the Engineering Department.

Sincerely,

[Signature]  
County Highway Engineer

[Signature]  
County Highway Superintendent

CC: Developer \_\_\_\_\_

Design Engineer \_\_\_\_\_

Area Plan Commission \_\_\_\_\_

Accepted for Maintenance by the  
Board of County Commissioners

[Signature]  
Robert L. Willner, President

[Signature]  
Richard J. Borries, Vice President

[Signature]  
Carolyn McLintock, Member



Feb. 3, 1989

County Commissioners  
Civic Center Complex  
City-County Building  
Evansville, IN 47708

Dear Commissioners:

Re: Approval of Streets  
Oak Ridge Subdivision Section "B"

By copy of this letter, I am hereby requesting that you accept the following streets in the subject subdivision at the earliest possible date:

1. Oak Ridge Drive (476')
2. Woodside Court (402')
3. Meadowgate Court (403')

The undersigned certifies that the roads have been constructed in accordance with the approved plans and are 100% complete.

Sincerely,

M.I.B. Developers, Inc.

*Alfred Bauer*

Alfred Bauer, Pres.

*3816 E Morgan Ave  
Evansville  
2/15*

RECEIVED

FEB 06 1989

VANDERBURGH COUNTY  
COMMISSIONER'S OFFICE

VANDERBURGH COUNTY HIGHWAY DEPARTMENT

ENGINEERING DIVISION

325 Administration Building  
Civic Center Complex  
Evansville, In. 47708

Date: MARCH 3, 1989

Phone (812)426-5211

TO ALL INVOLVED:

There will be a site inspection for the purpose of accepting roads in

OAK RIDGE SUBDIVISION SECTION "B"

This will take place at APPROXIMATELY 10:30 AM  
on MARCH 9, 1989 (THURSDAY).

There has been a request to accept these roads into the county road system.

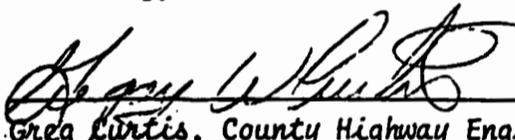
It is requested that the person or firm making the request be represented.

The inspection team will meet at OAK RIDGE DRIVE AND  
WOODSIDE COURT.

Should anyone have any questions, please contact the County Highway Engineer.

See attached for any additional information.

Sincerely,

  
\_\_\_\_\_  
Greg Curtis, County Highway Engineer

CC: Governmental

County Commissioners  
County Engineer  
County Highway Department  
County Surveyor  
Area Plan Commission  
Evansville Urban Transportation Study  
File

Private

ALFRED BAUER Dec 01

VANDEBURGH COUNTY HIGHWAY DEPARTMENT  
ENGINEERING DIVISION

Appointment 10:30 A.M.  
THURSDAY

325 Administration Building  
Civic Center Complex  
Evansville, In. 47708

Date: March 9, 1989

Phone: (812) 426-5211

SUBDIVISION: OAK RIDGE SUBDIVISION - SECTION 'B'

ROAD NAME	29' B TO B 6" CURB + CURB & GUTTER	LENGTH (LFT)	R/W WIDTH
OAK RIDGE DRIVE	88	0.09 MILE	464' 50' EXTENSION
MEADOWGATE COURT		0.08 MILE	443' 50' NEW
WOODSIDE COURT		0.07 MILE	390' 50' NEW

PROBLEMS:

- UTILITIES ALL IN EXCEPT GAS - WHICH IS IN PROGRESS
- DIRT ON ROAD BEING CLEANED UP.
- 
- 
- 

CONDITIONS FOR ACCEPTANCE:

CURB TO MATCH LOTTON ASSURANCE OF CURB UP DURING SUBDIVISION DEVELOPMENT

AGREEMENT:

We do hereby certify and assure that the above conditions for road acceptance will be met by the owner/developer.

NAME: Alfred H. Bauer Jr.  
Representative for Owner/Developer

DATE: 3/9/89

Those present for Inspection:

NAME:	POSITION	Co. Hwy. DEPT.
DICK GWINN		Co. Hwy. DEPT.
DELBERT PINKSTON		Co. Hwy. DEPT.
AL BAUER, JR.		OWNER
BILL GRIMM		OWNER/FAMILY

APPROVED: [Signature]  
County Highway Engineer

NOTE: COPY OF THIS MAILED TO MR. BAUER



3816 MORGAN AVENUE  
EVANSVILLE, INDIANA 47715  
(812) 477-4080

March 13, 1989

County Commissioners  
Civic Center Complex  
City-County Building  
Evansville, IN 47708

Dear Commissioners:

Re: Approval of Streets  
Oak Ridge Subdivision Section "B"

Pursuant to our request for acceptance for maintenance of the streets in Oak Ridge Subdivision, Section "B", an inspection was made on March 9, 1989, by Mr. Dick Gwinn and Mr. Delbert Pinkston, representing the Vanderburgh county Highway Department, Engineering Division.

Our discussion during that inspection concluded with our agreeing to perform some minor cleanup of mud that had eroded onto a section of Oak Ridge Drive following the installation of a natural gas line by SIGECO.

I want to inform you that this cleanup has already been completed and any further erosion problems during any construction of houses will be corrected.

We thank you for the promptness of the inspection and request the streets of Oak Ridge Subdivision, Section "B" be accepted.

Sincerely,



Alfred H. Bauer, Jr.  
Developer

CC: Vanderburgh County Highway Department

AHB/cs

VANDEBURGH COUNTY HIGHWAY DEPARTMENT

WORK PERFORMED MARCH 24 THRU THUR., MARCH 30, 1989

The gradall worked on St. Joe Rd., Emge Rd., St. George Rd. & Oakhill, Old 460 and on Upper Mt. Vernon Road.

The Patch Crew worked on Pollack Ave., Spry Rd., Ridgeway, Elna Kay Dr., Eissler Rd. Millersburg Road & Newbury, Fuquay Rd., Old Henderson Rd., Oakhill Rd., Ohara Drive & St. George Rd.

The Grader worked in the Bottoms, Schmuck Rd., Armstrong Rd., Wallenmeier Rd. and Mann Road.

The Tree Crew worked on Schroeder Rd., Old 460, St. Joe Rd. and on Upper Mt. Vernon Rd.

The Crews cleaned drains on St. Joseph Avenue and in evergreen Acres.

VANDEBURGH COUNTY BRIDGE CREW

WORK PERFORMED MARCH 24 THRU MARCH 30, 1989

Replaced culvert on Schenk Road, added rip-rap to culvert and bridge.

Tightened down grate on Ohio Street Bridge.

Measured for concrete casting and barrels (man holes).

On Delaware Street Bridge, cut out concrete and patched with dura-crete.

Sealed outer separation in culverts on Bujey Drive.

Sawed asphalt for culvert on #3 School Road.

Built 3 retaining walls on Little Schmuck Road.

Added fill to washout on Boehne Camp Road.

On Newman Rd., added #53 rock to extension on culvert.

I am getting lots of calls on Upper Mt. Vernon Rd. Heavy rains on Friday night had the road completely covered from the Sigeco substation to Red Bank Road. The ditch needs cleaned out all the way to the R.R. track. We have calls about every time we have a heavy down pour. The ditch cannot handle the water fast enough from the hills of Western Terrace and Red Bank Rd.

Received a Bridge Report from Greg Curtis, County Engineer. I gave a copy of the report to Dave Franklin, the Bridge Foreman. We had a discussion concerning the least repair needed and load signs needing to be posted. After we work these problems out, we will start on the major repairs the bridges need.

We checked the intersection of English Way & Greenriver Rd. and found this to be a larger problem than we could handle. Our equipment is limited, we would have to buy more, also our time on the job would be extensive. I figured all the culverts that were to be replaced to fix the roads for repaving and I had a feeling the bridge repair would run into a lot of work and be time consuming because of the neglect over the years of the bridges.

I have a grievance that the Union wants to go to third stage on. It is over an operator loosing a chain saw, due to plain negligence. It is his first written reprimand.

Removed all but 2 snow plows and salt spreaders. We need the trucks to begin hauling from the belt loader when we start pulling shoulders on Monday, April 3rd. We need to do this to ready the roads for the paving season.

The rains we received this week have really played havoc on ditches and some of the roads, washing ruts and mud onto the roads from the fields. So we do have a lot of work to do this week on the rock roads. We are widening the curve on Little Schmuck Rd. We will also replace 2 culverts which have rusted out.

I have a purchase order for Reid-Holcomb for the amount of \$6000.00 for repair parts for the tractor part of the paver. These have been replaced on the machine, now we are waiting on the screed. I will need the Commissioner's signature on this.

REPORT ON STOP SIGNS AT CUNNINGHAM DR.:

Carol, you were correct about Stop signs not placed on the correct roads. I reported this to Traffic Dept. along with a small drawing on how to correct this. As of this day, it has not been corrected. But I will keep on this and report to you as soon as it is resolved.

It was also reported by Mr. Willner that Stop signs should be installed on all streets leading onto a main thorough fare. I reported Stop signs need to be installed at Old Country Way & North Interchange Dr. leading onto Burkhart Rd.

Greg Curtis, County Engineer is working on the Schenk, Orchard Rd. intersection for markings to help light up the intersection.

COUNTY ROADS TO BE PAVED BY CONTRACT

		<u>MILES</u>	<u>WIDTH</u>
Browning Rd.	Old State Rd. to Boonville New-Harmony Rd.	1.5	19'
Schenk Rd.	St. Joseph Ave. to Orchard Rd.	.9	18'
St. Joseph Ave.	Baseline Rd. to Adler Rd.	1.4	21'
No. 3 School Rd.	Hillview Dr. to St. Joe Rd.	1.0	18'
Plainview Dr.	Hwy. 65 to Neu Rd.	.6	19'
Broadway Ave.	Speaker Rd. to County Line West	3.7	22'







EASEMENT FOR COUNTY ROAD

THIS INDENTURE WITNESSTH, That Lawrence B. Vandell and Diana L. Vanell, Husband and Wife Vanderburgh County, Indiana (herein referred to as grantor (s) hereby convey (s) and transfer (s) to the Board of Commissioners of the County of Vanderburgh, Indiana (herein referred as grantee), for the sum of One Dollar (\$1.00) and other good and valuable consideration for the public purpose of constructing, installing, maintaining, and reconditioning the Right of Way of

JOBE'S LANE NORTH OF MIDDLE MT. VERNON ROAD  
an irrevocable Easement of right-of-way, including the right of grantee to remove buildings, trees, shrubbery, and other growth necessary for said public purpose and to own same upon removal, over, along, across, within and upon the following described Real Estate situated in Vanderburgh County, Indiana, to-wit:

Part of the Northeast Quarter of the Southeast Quarter of Section Twenty-Eight (28), Township Six (6) South, Range Eleven (11) West in Vanderburgh County, Indiana, more particularly described as follows:

The West Twenty-Five (25) feet of the real estate described on Warranty Deed Document 74-07117, volume 602, page 349, of the Vanderburgh County Recorders Records.

Grantor (s) (is) (are) fully aware that grantor (s) (is) (are) entitled to just compensation based on an appraisal and hereby waive (s) such appraisal rights and make (s) the above-described conveyance of right-of-way easement.

Grantor (s) hereby release(s) grantee from any and all damages to the property of grantor (s) arising out of said public purpose.

IN WITNESS WHEREOF, the Grantor (s) (has) (have) hereunto set (his) (her) (their) hand (s) and seal (s) this 17 day of September, 1987.

State of Indiana

Lawrence B. Vanell  
Grantor

County of Vanderburgh

Diana L. Vanell  
Grantor

Personally appeared before me, a Notary Public, in and for the above County and State Lawrence B. Vanell, Diana L. Vanell Grantor (s) who acknowledged the execution of the foregoing Easement to be their voluntary act (s) and deed (s).

WITNESS, my hand and Notarial seal this 17 day of Sept., 1987

My Commission Expires:

July 13, 1991

Jean Huskins  
Notary Public, residing in  
Vanderburgh County, Indiana

Recommended for acceptance:

\_\_\_\_\_  
Vanderburgh County Engineer

Accepted by: The Board of Commissioners of  
The County of Vanderburgh on the \_\_\_\_\_ day of  
19

Attest: Sam Humphrey  
Vanderburgh County Auditor

Robert D. Walker  
Richard J. Barnes  
Carolyn McClintock

EASEMENT FOR COUNTY ROAD

Robert Martin, Administrator of  
The Estate of ANNA B. SEILER, Deceased

THIS INDENTURE WITNESSTH, That Surviving wife of Samuel A. Seiler of  
Vanderburgh County, Indiana (herein referred to as grantor (s) hereby convey (s)  
and transfer (s) to the Board of Commissioners of the County of  
Vanderburgh, Indiana (herein referred as grantee), for the sum of One Dollar  
(\$1.00) and other good and valuable consideration for the public purpose of  
constructing, maintaining, and reconditioning the Right of Way of

JOBE'S LANE NORTH OF MIDDLE MT. VERNON ROAD

an irrevocable Easement of right-of-way, including the right of grantee to remove  
buildings, trees, shrubbery, and other growth necessary for said public purpose  
and to own same upon removal, over, along, across, within and upon the following  
described Real Estate situated in Vanderburgh County, Indiana, to-wit:

Part of the Northeast Quarter of the Southeast quarter of Section  
Twenty-eight (28), Township Six (6) South, Range Eleven (11) West in  
Vanderburgh County, Indiana.

First: Twenty Five (25) feet along and abutting the property described  
on Warranty Deed Document 65-10321, Volume 479, page 92 of the  
Recorders Records.

Second: Commencing at a point where Jobe's Lane intersects the North  
property line located Five Hundred Forty Six (546) feet South and  
One Hundred Seventy Six (176) feet West of the Northeast corner of  
the Southeast Quarter of said Section 28, thence southerly along  
the center line of said road to a point being One Hundred Forty One  
and Sixty Two One Hundredths (141.62) feet west and Three Hundred  
Thirty one and Seven Tenths (331.7) feet north of the southeast  
corner of the Northeast Quarter of the Southeast Quarter of said  
Section 28, said right-of-way having a width of Twenty Five (25)  
feet either side of said center line, and

Also described upon the exhibit attached hereto, identified as Exhibit "A"  
and by reference thereto, incorporated here in.

Grantor (s) (is) (are) fully aware that grantor (s) (is) (are) entitled to  
just compensation based on an appraisal and hereby waive (s) such appraisal  
rights and make (s) the above-described conveyance of right-of-way easement.

Grantor (s) hereby release(s) grantee from any and all damages to the  
property of grantor (s) arising out of said public purpose.

IN WITNESS WHEREOF, the Grantor (s) (has) (have) hereunto set (his) (her)  
(their) hand (s) and seal (s) this 30 day of Sept., 19    .

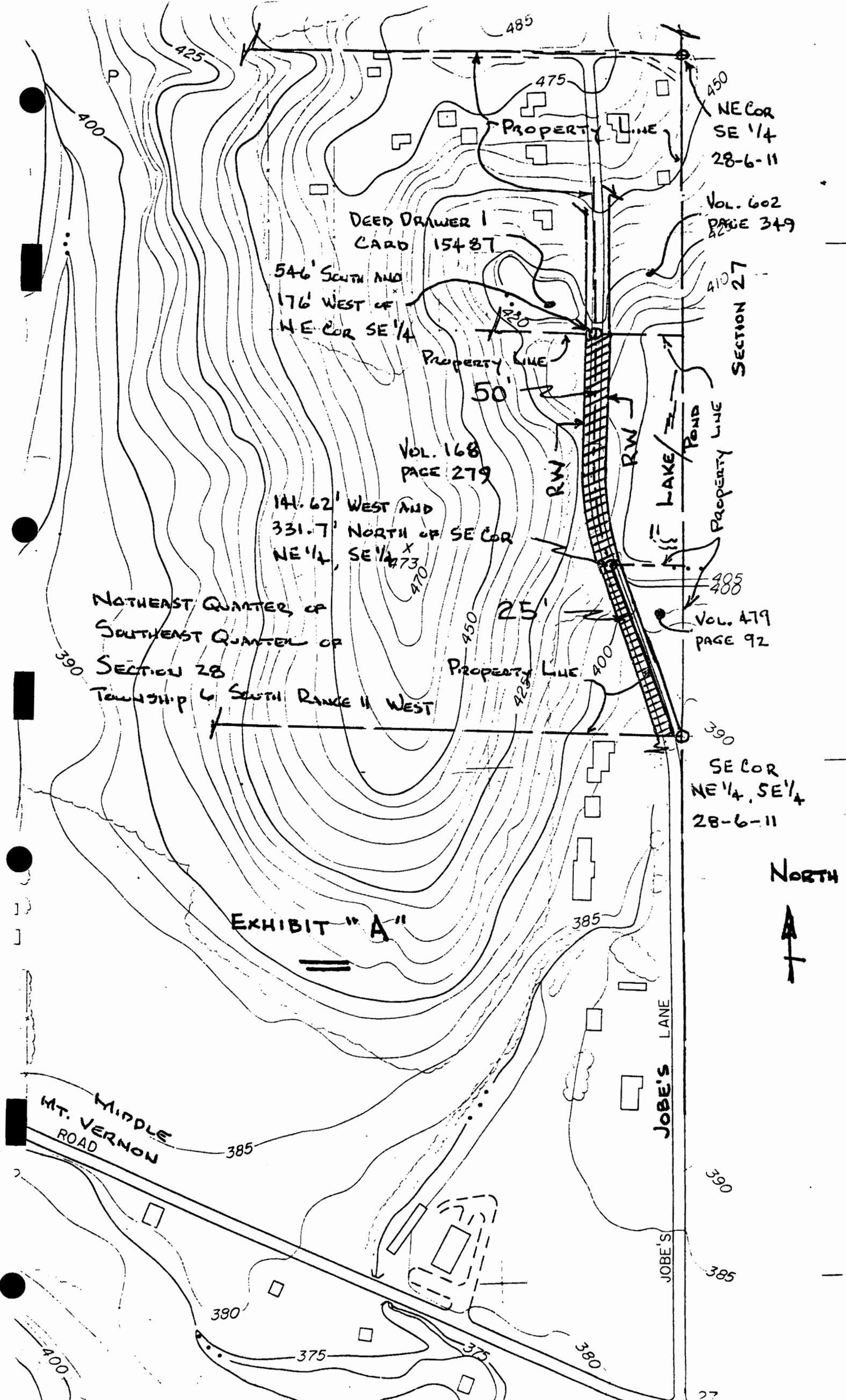
State of Michigan

Wallace L. Seiler  
Grantor

County of Madison

R. Martin  
Grantor





NORTHEAST QUARTER OF  
SOUTHEAST QUARTER OF  
SECTION 28  
TOWNSHIP 6 SOUTH RANGE 11 WEST

DEED DRAWER 1  
CARD 15487  
546' SOUTH AND  
176' WEST OF  
NE COR SE 1/4

VOL. 168  
PAGE 279  
141.62' WEST AND  
331.7' NORTH OF SE COR  
NE 1/4, SE 1/4

NE COR  
SE 1/4  
28-6-11

VOL. 602  
PAGE 349

VOL. 479  
PAGE 92

SE COR  
NE 1/4, SE 1/4  
28-6-11



EXHIBIT "A"

MIDDLE  
MT. VERNON  
ROAD

JOBE'S LANE

COUNTY HIGHWAY ENGINEER  
326 Administration Building  
Civic Center Complex  
Evansville, IN 47708

MARCH 29, 1989

MARK W. RIETMAN, ESQ.

BERGER AND BERGER

313 MAIN STREET

EVANSVILLE, IN. 47708

RE: MARVIN D. GUEST PROPERTY AND JOBE'S LANE R/W

DEAR SIR:

MANY THANKS FOR YOUR LETTER OF MARCH 24, 1989  
ADVISING THAT A RIGHT-OF-WAY GRANT FOR THE  
REFERENCE ROAD IS NOT AVAILABLE.

NO ACTION ON THIS SUBJECT IS PLANNED.

AGAIN, THANK YOU FOR THE ADVICE.

VERY TRULY YOURS,

DICK GWINN

D. L. GWINN

cc: COMMISSION

GREG CURTIS ✓

CLETIS HUNSTERMAN

DARREL METZ

WATER DEPT.

1931 ALLEN LN., EVANSVILLE, IN. 47712

MARVIN D. GUEST

617 JOBE'S LN.

EVANSVILLE, IN. 47712

FILES

BERGER AND BERGER  
ATTORNEYS AND COUNSELORS AT LAW  
313 MAIN STREET  
EVANSVILLE, INDIANA 47708  
TELEPHONE (812) 425-8101



SYDNEY L. BERGER  
1917-1988  
CHARLES L. BERGER  
SHEILA M. CORCORAN

March 24, 1989

County Highway Engineer's Office  
325 Administration Building  
Civic Center Complex  
Evansville, Indiana 47708  
ATTN: Dick Gwinn

RE: Proposed Easement on Marvin Guest Property

Dear Mr. Gwinn:

As we discussed by telephone on March 21, 1989, Mr. Marvin Guest has retained our law firm to assist him in his negotiations with your office regarding an easement across his property for a water line. You indicated to me on the telephone that the purpose of this easement is to construct a new water line along Jobe's Lane, North of Middle Mt. Vernon Road. You previously have submitted proposed easements to Mr. Guest for widening the county road easement right-of-way. Initially, you proposed a 25 foot widening of the road right-of-way. You then submitted a proposal to taper the additional easement for the county road from 25 feet at the southeast corner of Mr. Guest's property to 12 feet at the northeast corner of Mr. Guest's property.

Mr. Guest has indicated that he is willing to give the county an easement for the purpose of constructing a water line along his property without compensation. However, Mr. Guest is unwilling to give an easement for a county road. It would seem to be more appropriate to give an easement for a water line. What I would suggest would be granting language as follows:

"Grantor does hereby grant, bargain, sell, transfer and convey unto the Grantee its assessors and assigns, a perpetual easement and license with the right to place, erect, construct, install and lay, and thereafter use, operate, inspect, repair, maintain, replace and remove lines of pipe for transportation and distribution of water, under, over, across and through the real estate of the Grantor."

Mr. Dick Gwinn  
March 24, 1989  
Page 2

Mr. Guest is also unwilling to give more than a 12 foot easement across his property. The reason being that he has not heard any explanation why anything more than a 12 foot water line easement is needed. Additionally, he has certain out building on his property that would be affected by a 25 foot easement.

Furthermore, Mr. Guest would like the following provision placed in the easement grant:

"Grantee will restore the surface disturbed by any of its usage of the easement to its original condition existing prior to said disturbance."

Please see if these proposals would be satisfactory to the county. If you have any other questions or comments about this matter, please feel free to contact me.

Yours Truly,

BERGER AND BERGER

By:   
Mark W. Rietman

MWR/sbs

MINUTES  
COUNTY COMMISSIONERS MEETING  
APRIL 10, 1989

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Comaier Ambulance, Inc./Ordinance re Sure Care Program..... (Approved)	11
Speed Limit at St. Joe-Allen's Lane Intersection..... County Engineer to have final documents ready for the Board's approval either next week or the following week re improvements; Commissioner Borries would like to see the 40 mph speed limit take effect when intersection modifications are finished.	11
C.A.P.E. - Establishment of Program for the Homeless..... Ms. Weathers authorized to forward to the State	12
Request to Close St. George Rd. for Wish Upon A Star Air Show..... No action required by the Board; Whirlpool has already granted permission.	14
Burdette Park - Mark Tuley..... Change Order in amount of \$610 approved on roof structure for Pool Entry Complex Invitational Bids/Site Improvement - to be taken under advisement for one (1) week Request To Go on Council Call for Full Time Receptionist at Burdette/\$14,555 (approved) Progress Report Following Storm - to keep Board updated as repairs are completed, etc. M. Tuley to consult with County Engineer as to whether he can do the engineering or whether we should hire outside engineer re repairs in aquatics area	14
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County Highway - Cletus Muensterman..... Storm Damage/Intersection of Berry Court & Berry Lane West Terrace Storm Damage Ditch off Sil's Drive Utility Easement Problem on Anthony Drive Stop Signs/Private Drives Request to Bid on Sickie Bar for Mower (Approved) Request for Appropriation-Cumulative Bridge Fund Aspen Drive Drainage System	18

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are complete	
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Alexander Ambulance Service (\$103,662.55)	
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Meeting Recessed @ 4:55 p.m.	

MINUTES  
COUNTY COMMISSIONERS MEETING  
APRIL 10, 1989

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, April 10, 1989, in the Commissioners Hearing Room, with President Robert Willner presiding.

RE: APPROVAL OF MINUTES

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of meeting held April 3, 1989.

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

A motion was entertained concerning approval of the minutes of the Public Hearing re County Roads, which was held at 6:30 p.m. on Monday, March 20, 1989.

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

RE: CARANZA DRIVE SEWER PROJECT

President Willner said he understands there are several people here today with regard to the Caranza Drive Sewer Project, as well as one of the Attorneys for the people. Therefore, he would like to move this item up on the agenda so the people can all get back to their respective jobs. He then recognized Attorney Les Shively, who had requested to be placed on the agenda with regard to the Caranza Drive Sewer matter.

Attorney Shively said he wishes he could get this kind of service on zoning rights and expressed his appreciation to the Commissioners, for both himself and those individuals whom he is representing.

Mr. Shively said that, briefly, the concern by the residents in the area does not concern the project itself. A Public Hearing was held back on July 20, 1987 regarding this particular project. He thinks the majority of the folks out there feel this project is necessary and want to see it proceed. At the time they voiced approval for that particular project, they were led to believe that the method of assessment for the cost of those improvements would be more on a pro rata basis; that is, each property owner would be assessed equally. And he believes that one of the motivating factors, in addition to the need for the project, was waiving the right to remonstrate against the project. Last Monday, he believes Mr. Jeff Harlan (whom he assumes is representing the County on this particular project) brought before the Commissioners a proposal (or at least there was a discussion) concerning adopting some sort of methodology for assessment which was a lot different from what the property owners were led to believe. There was talk at that time of a square footage assessment basis. This would result in many property owners paying a substantial increase in their individual assessments and would not bear any reasonable relationship to the benefits they are going to derive.

"Our concern is twofold, not only were we led to believe that the property owners were going to be assessed equally, we also believe that since the neighbors are trying to work with the County -- and everyone is working together -- that if there was going to be discussion with regard to a change in that assessment methodology, that all of the property owners should have been given notice of that discussion last week. And, I think Mr. Harlan would concur with me on my opinion in this matter regarding the Barrett Law, you all will have to conduct a Public Hearing at some point in time on adopting a method for assessment for the cost of the improvements. And so, in that vein, we think it is important to keep the property owners advised of changes and to give them as much notice as possible. And, even more than that, as minimally required under statute.

"Thirdly, I think it is important to note that we do have a problem with the Barrett Law and that is that the Barrett Law doesn't specifically set out how you are to assess the property owners for the cost of improvements. It basically will be left to your discretion after you conduct a Public Hearing and utilize the input from your various experts. But there are some cases that go way back and, basically, the theme is that it ought to be assessed on an equitable basis. What we would simply submit to you is this, that every property owner is going to be benefitted the same way; every property owner ought to pay on an equal basis and we feel that is the way the project was originally represented to these folks out there -- and we want to see it go in that vein. We hope we can continue to negotiate and work out an equitable assessment procedure. We also hope that we can continue the project on line so there is not any impediment to the project, because it is very much needed in that particular area. I believe that everyone will agree that the septic systems have pretty much run their limit in that area. Basically, those are our comments. I would note for the record that the property owners are very concerned about the assessment procedure. And at this time, since there has not been a public hearing, they will still have the right to remonstrate -- not only at the Commissioners Meeting, but if they are unsuccessful there, to proceed with a remonstrance in either the Superior Court or Circuit Court. We hope we don't have to do that. We hope we can work with the Commissioners and keep the lines of communication open and come up with a system that is fair to everyone. Mr. Shively then requested that those individuals who are present with regard to this matter stand -- so the Commissioners will know of their presence. (Some 25 to 30 people stood)

Commissioner Willner expressed appreciation to Attorney Shively and to those in the audience for their participation. He then asked if there are others who wish to offer comments.

Mr. Harlan said, "I, too, agree with Mr. Shively that the method of assessing this project should have in mind the most equitable assessment against each property owner in the area. I do have with me a copy of the minutes of the Commissioners Meeting of July 20, 1987, at which time there were several members of the affected area present. There was a rather lengthy discussion concerning the need for the project. County Attorney David Miller said that not necessarily would every property be assessed the same amount of money for their portion of the sewer. There may have been some misunderstanding at that point that everyone would bear the same cost, if that was started by whether it would be a private or a Barrett Law project. But the understanding on the private project would be that everybody would bear the same cost. At this point, it is not a private project; it is being undertaken pursuant to the Barrett Law. The Commissioners do set the method of assessment and if any property owner is dissatisfied with their assessment they are, under the law, permitted to remonstrate and bring before you why their assessment should be different from what it is assessed. But there has to be some starting point at which we can get the ball

rolling to compute these assessment and that is not to say that it is etched in stone -- because, as I said, the people do have the opportunity to remonstrate concerning the amount of their assessment."

Commissioner Willner said that no matter which system we choose, there are going to be some who do not agree with that.

Mr. Harlan said that is true, because if anybody can come up here and come up with a method of assessment that is going to satisfy everyone, he welcomes those comments. He does want to make one comment concerning the method that was adopted last week at the meeting. Mr. Shively is correct in that the Barrett Law (at least in I.C. 36-9-18) does not provide a tremendous amount of guidance as to what method is used. It does say, however, that lots, parcels, and tracts of land bordering on an improvement shall be assessed on the basis set forth in this chapter. He has been unable to locate that basis at this point. It says, "Without regard to the depth of the lots." So, to the extent that the method last week was approved based on depth, he would recommend that we do base it based on the front footage and that was so stated by County Attorney David Miller at that July 20, 1987 meeting -- that it would be based on front footage with whatever changes result from any remonstrances by the property owners.

Commissioner Willner said the Board is going to have to set a Public Hearing and asked if they should do that at this time?

Mr. Harlan said that in Section 21 of the statute, after the assessments are made, there is a notice that is sent and it says it also states the name and time and date after the date of the last publication on which the Works Board (which, in this case, is the Commissioners) will receive and hear remonstrances. So that procedure is on down the line.

Commissioner Willner said that at this time then, the Commissioners need to make a determination as to whether we are going to use the front footage now...

Mr. Harlan interrupted, "Yes, the front footage..."

Attorney Shively said that in all deference to Mr. Harlan, he doesn't think the Commissioners can do that today without a Public Hearing, and they have not complied with the Notice requirements and publication requirements -- and a Public Hearing ought to be set for that purpose -- and he would suggest that there are going to be a lot of people here who have a lot of opinions. He would suggest that a special meeting or at least a portion of a Commissioners Meeting be set aside to do that. He doesn't think they can legally adopt an assessment procedure today, because proper Notice under the statute has not been given. What he and his clients are attempting to say to the Commissioners today is that they are concerned that there was any discussion at all last Monday, quite frankly, without telling the folks. What they're trying to say in a nice way today is to please keep talking to them -- they want to negotiate with the County -- but, by the same token, there should be a Public Hearing with Notice under statute and a proper forum for that discussion so that the decision can be made properly under law and, he would add one thing that Mr. Harlan said -- that the statutes are somewhat vague. But the case law from the Indiana Supreme Court is very clear -- the assessment procedure needs to be based upon the benefits received -- and he has some real problems with a square footage basis solely being a benefits received type of assessment. But that is not what they want to discuss today. They simply would like to alert the Commissioners to the need to have this Public Hearing and to have it, obviously, with enough time for all sides to prepare. By

the same token, that is the next step to get this project rolling. He doesn't think the Commissioners can take action today.

Commissioner Willner said what Attorney Shively is saying is that it might not take a special meeting. It may be done at the Commissioners Meeting.

Mr. Shively said that is correct -- as long as the Commissioners incorporate some proper Notice by publication. And, he thinks they have to give notice to the individual property owners under the statute, too.

Mr. Vic Funke was recognized by Mr. Willner. Mr. Funke said, "I want all of these people to know that I told them what I was told when I was asked to secure the easements -- that I was told they were all going to be assessed on an equal basis -- and that is what I told all of them. As I said last week, I don't know how you can satisfy everyone. If you go by front footage, what front footage are you going to use? Mr. Campbell has about 25 ft. frontage on Old State Road and about 160 ft. frontage on Kembell Drive. The same way with Mr. Clark. But Mr. Shively is right, I suppose you need a Public Hearing and you need to thrash it out. Secondly, one of the company's involved is a cemetery. They have agreed to give about a 1,100 ft. easement and they gave that easement for a free tap -- without a charge for the sewer. They are saving the contractor (or whoever is going to do the work) a great deal of money by not going through about seven or eight of the other people's properties and taking down a great number of big trees, etc. So that is one thing."

Mr. Willner asked, "They wouldn't use the tap anyhow, would they?"

Mr. Funke responded, "I don't know; they have a rent house there. They have a house there that their caretaker uses."

Mr. Borries asked, "Vic, could I just make a comment here? It would be helpful -- because I don't believe at this point that we should make a decision until we look at all the ramifications on this. If someone could develop several situations for us, as Commissioners, in terms of what would happen if you assess it by front footage, what would happen if you assess it by depth, what would happen if you assessed it equally? If someone could do that for me, it would help. In deference to Less and all our Attorneys, I don't want to have to have these folks -- by the time we end up with all kinds of Attorneys' fees here, it might be just as well if we're able to work out all kinds of parameters so we can see how this would affect the property owner. I know we can't do that maybe for everyone. But if you could put those situations into some numbers for me, I'd surely appreciate it."

Mr. Funke said he thinks that would be a job or project for the Engineer to do. But, as he said, if we go by front footage -- because you've got corner lots -- which frontage are you going to use? The problem is that some people have large lots on which they could build additional homes (4 or 5 acres). Mr. Morley, of course, has several acres. So this is something that has to be thrashed out to suit everyone. But he did want the people to know that he told them what he was told -- that it would be divided equally -- and that is what he told all of them.

Commissioner Borries said he'll ask the engineers.

Mr. Ed Diekmann of 6314 Old State Rd. said he is kind of on the very end of this system. "It is fine, because I think we all really do need it and I think what you've heard here today is really what the crux of the matter is. There are so many ways that you can assess this for everybody and everybody is not going to be happy. You're going to upset one of us. You may end up

voting for the one method that upsets me. If that is the way it is, that is the way it is. But I know you can't be Solomon and can't have the wisdom to please everybody. However, I would like to say that you heard that it is best to keep us informed. I think some of you understand especially what rumors can do to a personal career and that sort of thing. The problem is that in the last week there have been so many rumors floating around about how people are going to be assessed. I've been told that some people aren't going to be assessed one penny; that if I complained, I was home free. I didn't think that was right; I was positive it wasn't right. But you see, credibility suffers when you don't keep people informed. And I guess that is all I'd like to say -- please keep us informed as to what you are doing and try to keep in mind (and this doesn't affect me and it may mean that my word is going to cost me a little more money) -- that some of these people are on fixed incomes. It might be nice if you could try to take care of them. I appreciate it."

Mr. Willner asked if there is anyone who speaks for everyone in the district that the Commissioners can call?

Mr. Diekmann said, "Not that I know of; it is a problem, I know. I'm sure that we can all get together. We can call each other and find out. Judging from what I've been given here in the past, it looks like there are only 29 families and it is certainly no long distance phone call for all of us to get together."

Commissioner Willner said if Mr. Diekmann could give him the name of someone at a later time that he might contact, he'd certainly be glad to do that.

Mr. Diekmann said he believes it was Mr. Borries' suggestion that we get all the various methods -- because he has attended one of these meetings and he knows we talked for 2-1/2 hours one night -- and all they heard was a whole bunch of different ways to come up with it. Nothing was settled. Then they all met down the hall here and still nothing was settled. And he does think the Commissioners need the information they've asked for.

Mr. Bill Jeffers of 6608 Kembell Drive said he has 90 ft. frontage and whether the Commissioners decide to assess his full 278 ft. back he is not too concerned about. But he will end up paying less than most of the other residents under the method that was recommended to them last week at a meeting, which, working 5 ft. away from the County Engineer, he had no idea was going to occur. So he would benefit the most. He has two (2) children, his wife, and himself -- using two (2) toilets, two (2) bath tubs, a dishwasher, clothes washer, etc. And there is a lady living down the street who is now single on a fixed income (one person in the house) and he's heard she may pay as much as \$11,000 and he will probably pay \$3,000 under the square footage method, and he doesn't think that is in any way, shape, or form the intent of the Barrett Law as he reads it (and he is not a lawyer) and he doesn't think it is the intent of the rest of the residents who met here on July 20, 1987 and, by a show of hands, indicated to the Board of Commissioners that the vast majority was in favor of being assessed on an equal basis per lot. And he knows, as the lawyers have said, that is not laid out exactly in Chapter 18 of the Barrett Law, but he would ask them to please read Chapter 21, Section 8, which is the City Barrett Law. If they can't find out how to do it in the County, see how the City does it.

The other point he'd like to make, again the residents were here that day and they did show you that the vast majority of them agreeing to the necessity of the project also agreed with an equal assessment -- and he was among those -- and he will remain among those. He doesn't think it is fair for him to pay less.

There are several families here today where he knows there are only two (2) people at home. What he was perturbed about mainly was that the minutes of last week's meeting reflect that a half a dozen easements need to be obtained that have not been obtained voluntarily. He assumes that means six (6). And there is some question concerning the method of assessment as to how much each land owner will pay -- and quite a few of the remaining property owners (and he assumes that means quite a few of those six) who have not signed are concerned about the fairness of this one way or the other. The rest of them have signed. And further on in the minutes it says that at least four or five people we will have to condemn their easement to get the project started. So, if you subtract four from six, that means there were two people who didn't like it. He thinks there are greater than that here today who will say that they did appreciate the way the Board did it before.

The only other thing he has to say is that, under the method of assessing them and how we accumulate all the costs which they're going to have to share one way or the other, it says they can't be charged for the work done by the County Engineer. So if the Board is going to have a spread sheet prepared to show all the different ways and how much it is going to cost each of the property owners, he would ask that the Commissioners please have the County Engineer do it rather than the Consulting Engineers.

Mr. Funke said he believes there are twelve (12) people who haven't signed.

Mr. Price Phillips of 117 W. Campground Road approached the podium and introduced himself. He said he is on the front end of all this. They're only 300 ft. from the Seventh Day Adventist Church, which is the end of the Stringtown sewer. In 1983, they petitioned the Works Board and Sewer Department to extend that 300 to 600 ft. The engineers are showing (in round numbers) that 300 ft. will take care of three (3) people. The Cemetery Board was too far away and too low or on too shallow a line to extend it beyond. As it turns out, with this program they can go north into the sewer system as mentioned and the sacrifice of a right-of-way and lower cost probably will justify the freebie tap-in. We must get that taken care of. It is one of the worst situations in the area in terms of facilities for sewage (he's referring to the Cemetery property). The three (3) people on Campground who will be benefitted by the 300 ft., they tried to get this sewer by itself. They were unsuccessful -- mainly because they did not take into consideration the other approximately fifty (50) people to the north. They've waited their time since 1983. When the Board said the assessment would be equal to everybody, they said yes. They would pay an equal share. They still stand by that statement and that is the point he is making now. If they'd installed the front 300 ft., paid for it, and gotten it in, they'd have had a sewer and the other people would still be waiting. They could have had that had they known how to process -- but they just didn't know how to process.

Commissioner Willner noted that Mr. Nicholson of Veach, Nocholson, Griggs & Associates had just entered the meeting. Mr. Nicholson remarked that he came into the meeting to observe and answer any questions.

Mr. Jeffers said the law also reads that a Cemetery may be served by a Barrett Law sewer but may not be assessed. So he thinks this is cut and dried.

Commissioner McClintock said she wasn't a Commissioner on July 7, 1987, so she doesn't have as much direct background as the other two Commissioners. If, indeed, the majority of the residents were in favor of equal assessment, why are we even recommending a change at this point?

It was noted that only three or four people were concerned about the fairness -- people on large lots could build additional homes and the current residents would be assessed. Mr. Morley has several acres; Nellis has three or four acres; Mr. Sievers has three or four acres, etc.

Ms. McClintock asked, "The people with the larger lots are the ones opposed to equal assessment?"

The joint response from the audience was "No".

Ms. McClintock then said, "The people with the smaller lots are concerned about the people with the larger lots -- even though at this point they would pay an equal assessment,..."

Attorney Shively interrupted, "What we're talking about here in this whole project -- this project will not take the sewer line directly to somebody's home. Everyone is still going to have to be responsible for extending the line (the main trunk) to their home, paying the tap-in fee (he just talked to Gil Diekmann this morning and he is not quite sure what that tap-in fee is going to be) -- but they are going to have to privately pay the tap-in fee. Everyone is going to have to privately contract to hook up. He knows this is not the public forum for this, but say that someone does have five or six acres and they want to develop it. They are not going to get any great benefit; they are still going to have to pay the cost of extending the line to each one of those properties as they are sub-divided (they have to pay separate taps) -- whether they can recoup it through selling their property -- that is all part of free enterprise and their business. But they are not going to be able to have a line that they are going to be able to use for multiple homes without incurring additional expense, such as paying the individual taps, paying the private contract fees to have those lines extended, etc. He doesn't think they understand what he and his clients are talking about.

Ms. McClintock said she thinks that is why she is somewhat confused. Because it sounds like we started with equal assessment, then there was concern on the part of some of the neighbors that others with the larger lots could subdivide it. Do we all understand this They are just not going to be able to sell this property? They are going to have to put the line in. And now, in some ways, some of the neighbors have created their own problem. Because there is concern about even the square footage. It sounds like it was better before.

An individual commenting from the audience said, "The minority has created the problem".

Ms. McClintock said, "As I said last week, I don't want to rush into some kind of a decision, but we also want to get this project underway during this construction season. It occurs to me that Rick (Borries) had a very good suggestion in getting the different methods down in writing for review and consideration and she thinks we should go ahead and set a Public Hearing at a regular Commission Meeting as soon as we can and see if we can't get this worked out."

Mr. Shively said a lot of people are holding off signing easements. They want to know the whole package -- what their assessment is going to be.

Commissioner Willner asked if it would be advantageous if the Board proceeded to obtain a bid for construction to find out exactly what this dollar figure is going to be?

There was almost unanimous concurrence from those in the audience with this suggestion.

Joan English approached the podium. She said she and her husband Robert reside at 6800 Kembell Drive. They have five (5) acres. They are two of those half a dozen people who have not signed their easements -- for the very reason, as she has told Mr. Willner on the telephone on a couple of different occasions, that they have not had any satisfaction that this will be divided equally. They want it divided up on an equal basis and they will be happy to sign their easement if they have assurance that this is the way it will be divided.

Mr. Willner thanked Mrs. English for her comments.

Mr. Kurt Schuster of 6500 Kembell Drive was then recognized. He said, "I would also like to point out that the majority of the people who have already signed their easements were under the impression that the methodology used was to be divided equally amongst the parcels. So the fact that it was changed at the last meeting does not represent those people who have already signed their easement agreement -- only a small minority."

Mr. Nicholson said we could take bids on the project prior to the public hearing, then we will know what the actual cost will be.

Commissioner Willner said, "If we had that figure now, some of these problems might be eliminated."

Mr. Funke said, "One question I've been asked and haven't been able to answer is, -- if someone does build another house, what would their assessment be? According to Mr. Shively, everyone has the same cost connecting their home to the sewer after it is in. That has nothing to do with the assessment or the sewer. But if someone would build one or two houses or three houses, how much would they pay for each tap? That's one question I've been asked and have no way of knowing."

Mr. Ed Diekmann again approached the podium and said, "It would honestly seem to me that once a project is paid for that it is paid for. If we assess it equally (and I've got to admit that I'm for assessing it equally -- as are most of you) once it is paid for it is paid for. If somebody happened years ago to buy a property, (I'm certainly not that person) and ends up with 21 or however many acres and ends up being able to subdivide and build houses, every time he puts up a house he at least has to pay a tap-in fee to get to the sewer lines. That is what he is going to end up paying. I assume. I don't know how in the world you could state it otherwise."

Commissioner Willner interjected, "Plus the fact he'd have to install the sewer line from his property to this line."

Mr. Diekmann continued, "Yes. But, in this particular case -- and this is one of the problems I believe with some of the people -- this particular sewer line was running across somebody's property and they were getting the benefit of quite a few short tap-ins to a lot of property they owned. That has led to a bit of a problem. Now, how are you going to satisfy everybody? Some people have less than an equal amount when you split it up -- have less square footage -- and they'd come out ahead if you did it that way -- a few would. Most of us would like to see it split up by the square footage, because it is honestly, for everybody, the fairest way to do it. Now, some certainly come out ahead if you do it the other way. Some (as Mr. Morley) I assume (and I don't know what you're planning on doing there, because that seems to be a very odd case) if you're going to do it by square footage, I don't know that I would have liked that -- because it looks to me like that man has half the square footage of the whole project. And he may be the one who comes out the big loser -- in which case, I don't know, you may hear from him personally on that. But for all of us who agreed to the

project and were very much in favor of tapping into a sewer, we really thought the fairest way was to split the cost equally among all of us.

Commissioner Willner asked Mr. Nicholson if the present plans are sufficient to bid on?

Mr. Nicholson said they are. Everything is set with the exception of the one thing the Attorney was going to get to him, and that was the method as to the way the contractor was to be paid. He hasn't received this yet. Other than that, they are ready to go at any time. They have the approval of the State and the Utility for the plans.

Mr. Jeffers said maybe he is rehashing something that everybody understands, but it just keeps occurring to him that somehow or another people are missing the point. There is not one parcel out there that is not already platted as either a lot within a subdivision, a parcel of ground that is platted (not within a designated subdivision, but a platted parcel), or a tract of land which is zoned R-1. Everything out there is an individual lot within a subdivision, a parcel within a group of parcels, or an empty tract of land that is divided up into lots or is designated as R-1. It would take an act of the Area Plan Commission to build a house out there -- except on a vacant lot such as Mr. Morley has, about four to six lots that have been designated for assessment. His 21 acres is all one parcel, and he doesn't even plan on connecting his house to that sewer line. He is one thousand feet from the sewer line. He doesn't have to -- he has 21 acres out there. He's got some parcels down on the very front (some lots) that are designated lots and he is going to pay one (1) tap-in fee for every one of those lots each. And he doesn't have a house on it. All it has is a horse corral. Now, if he pays \$3,600 for each lot and wants to build a house on one of them, so be it. Mr. Nellis has been indicated as having a large parcel. His parcel happens to be the home place of the Commens and the rest of the parcels around it are known as Commens Place -- that has already been subdivided and platted. And the Commens (you'll recognize the name) left that parcel large and lived on it until Mr. Commens built a house next door to it on a smaller lot across the street from me. Now, if Mr. Nellis pays the assessment equal to his, he is left with some ground that he could subdivide:

- 1) If the Area Plan Commission approved it as a minor sub. He'd have to send out notices to all of us and we could remonstrate against it if we didn't like the idea. He'd probably have to hire a lawyer to get it through, because there are some people in the neighborhood who evidently don't want a house built. So he is looking at \$5,000 to \$6,000 to get a minor subdivision (\$2,000 for a surveyor and \$2,000 for a lawyer).
- 2) Then he'd have to get permission from the Water Board to run a lateral down to serve these new houses he is going to build. Then he has to pay a tap-in fee, he has to pay a plumber to build this, and it is my understanding (and you may get the answer from Mr. Nicholson) that this is a sewer line that meets the definition of a sewer line described in Chapter 21 (A total lateral that is not being constructed for any additional laterals to come into it other than those designated by parcel, lot, and tract within the limits you described two years ago.

In answer to your question, Ms. McClintock, I don't really think you're going to see a whole lot of house building all of a sudden just because a sewer is out there.

Mrs. Betty Lou Jarboe asked if this property is in the City or the County? Unless the County law is different from the City law and unless they have amended it recently, the City law was that if you had sewers and you had a parcel of property, you could sell one lot of that property and not have to seek permission to have a development plan. But if you got ready to sell the second one, you had to come in with the development plan to the Area Plan Commission and then take all those steps that Mr. Jeffers has mentioned. Also, the City tap-in sewer rate is \$1,050 and if you're in the City Limits, if your property is within 150 ft. of the City sewer you have to tap in.

Mrs. Rose Nellis of 6526 Old State Road said they have three (3) acres. She said Mr. Nellis is retired and they have one (1) son still living with them, so they are not going to get anymore benefit from the sewer than anyone else. She moved there after much persuasion, because she didn't want to give up her other place. She never plans to subdivide -- never. They are among those who haven't signed, but they did tell Mr. Funke that they would sign. He told them over the telephone that it would be divided equally, and they told him fine -- bring out the papers -- if he has it in writing that it will be divided equally they will be more than happy to sign. So far no one has brought anything out to them. But they did ask for it in writing -- they are for the equal assessment.

Commissioner Borries said he thinks we need to move forward here and set the residents' minds at ease that the Board's decision last week was a recommendation and certainly not intended to, at this point, in any sense sidestep the law or cause any undue hardship here. He asked Mr. Nicholson what the one item was that he needed to Attorney to give him?

Mr. Nicholson said that under the Barrett Law with the bond, etc., there was some other method by which the contractor was to be paid, etc.

Commissioner Borries asked Jeff Harlan of Attorney Miller's office he would be able to get this information to Mr. Nicholson.

Commissioner Willner asked if it is possible that the Commissioners can ask the Council to use County funds until the residents repay that?

Commissioner Borries said it is always possible. What kind of money are we talking about? Do we have any idea?

Commissioner Willner said perhaps Mr. Nicholson has an engineer's estimate, but Mr. Nicholson said he doesn't have that with him. There would be 51 lots at roughly \$3,500 or about \$180,000. And Mr. Willner said the Board would then be asking Council for a six (6) months' loan in the amount of \$180,000.

Mr. Harlan said it is his understanding that we couldn't do it in this fashion. It has to be done either by private contract by the property owners (which was also discussed 18 months ago) or by the Barrett Law, in which case there are bonds issued and then the property owners pay over a period of time.

Commissioner Willner asked how soon Mr. Harlan can supply Mr. Nicholson with the information concerning method of paying the contractor.

Mr. Harlan said he should have that information to him by the end of the week.

Commissioner Borries said we have to advertise for bids twice, one week apart.

Mr. Willner said he would like to have the complete package when the Public Hearing is held. He then entertained a motion.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the County Attorney and Consulting Engineer were authorized to prepare specs and advertise for the Caranza Drive Sewer project (twice, ten days apart, in accordance with State Statute). So ordered.

RE: COMAIER AMBULANCE INC./ORDINANCE RE SURE CARE PROGRAM

Attorney Paul Wallace said he is here in behalf of Comaier Ambulance, Inc. They are asking for the Board's final approval today of the one (1) year designated approval for the program required under State Law. When he was here previously, there were no questions from either the public or the Commissioners regarding the approval. This is the same language that is in the City Ordinance and the City contract.

A motion was made by Commissioner Borries and seconded by Commissioner McClintock that the ordinance be approved.

Mr. Willner asked for a roll call vote: Commissioner McClintock, yes; Commissioner Borries, yes; and Commissioner Willner, yes. Motion carried unanimously on roll call vote.

RE: SPEED LIMIT AT ST. JOE AVE.-ALLEN'S LANE INTERSECTION

EUTS Director Rose Zigenfus said that several weeks ago the Commissioners had requested EUTS to conduct a speed study on St. Joe Avenue at Allen's Lane. They did this and found that the 85th percentile speed for northbound traffic on St. Joe was approximately 43 mph. The 85th percentile for southbound traffic on St. Joe was approximately 47 mph. Since the guidelines establishing speed at the first 5 mile increment at or above the 85th percentile and no more than 7 mph below or 5 mph above the 85th percentile, the existing speed of 45 mph is okay and they recommend that it stay at 45 mph. We really don't have a speeding problem out there.

Commissioner Willner thanked Mrs. Zigenfus and entertained questions. He said he thinks the interesection changes will really help that corner. He is not sure why our Consultant at the time St. Joe Avenue was built asked us to build it, because it is ridiculous -- and he really thinks that with the lane markings and the caution, we will see a big improvement. Others have seen the diagram are saying the same thing. We need to get the revamping of that intersection started and he thinks the plans have already been approved, but he doesn't know whether we have advertised for bids.

Commissioner Borries said he has some concerns. He is certainly not against Mrs. Zigenfus' method, but he simply still feels thaet 45 mph is too fast. When you have an object that is rolling or standing still, moving into areas of traffic and, again, probably averaging 43 mph to 45 mph of 47 mph -- he is sure Rose's figures are accurate. But he simply feels that 45 mph is too fast for that intersection -- when you're coming from a dead stop and if you have to negotiate those two lanes of traffic to make that left hand turn, he thinks that is part of the problem.

Commissioner Willner asked if Commissioner Borries would be in favor of going ahead and changing the intersection with the things we have planned and then seeing if we have any other changes to make?

Commissioner Borries said that frankly he hopes this will work -- he is not at all sure it will.--But he still has some concerns about that speed. It is an area that is becoming a bit more urbanized and that is really fast when you're coming from a dead stop.

Mrs. Zigenfus said, "If you were so inclined to lower it to 40 mph, you are still within the guidelines of the manual -- and that is an alternative for you. Because it says not more than 7 miles below -- so it is now at 47 mph and if you want to drop it to 40 mph, you'd still be within the guidelines."

Mr. Curtis entered the room and Commissioner Willner said the Board is wondering if we could advertise for bids -- or what is holding up the process?

Mr. Curtis said we've asked for the appropriation from the County Council and will be waiting until next month's meeting for approval of the request. As far as having it ready to bid, he hopes to have the final documents ready for the Board's approval ready either next week or the following week.

Commissioner Borries said he would like to have the speed lowered to 40 mph with those intersection improvements and 45 mph remain beyond that point.

Mr. Curtis said he would say that regardless of the outcome of the speed limit study, the package that we are going to put together for this won't include the speed limit signs, that can be changed by Traffic Engineering at any time.

Commissioner Borries said he would like to work with Mr. Curtis and he'd like to see that 40 mph take effect when the intersection modifications are finished. He will, however, hold in abeyance his motion until we get those changes made. After that, he would like to see the 40 mph at least up to Allen's Lane. Beyond that, the speed limit can stay the same.

RE: C.A.P.E. - ESTABLISHMENT OF PROGRAM FOR THE HOMELESS

Ms. Alice Weathers, Director of C.A.P.E., was recognized by Commissioner Willner. Ms. Weathers said C.A.P.E. has submitted a package for consideration by the Indiana Department of Human Services (also known as IVHS) to establish a Center to be used between the hours of 10:00 a.m. - 4:00 p.m. They find that in the community, individuals and families who are in shelter facilities are required to leave at least by 9:00 a.m., and usually do not go back before 6:30 p.m - 7:00 p.m. They would like to assume that these individuals are using this time constructively to get housing, seek employment, and pretty much do the things that will address the homeless in the first place. They find, however, that this is not the case. What they propose to do is, in fact, establish a day program by which they would provide employment assistance, some alcohol abuse counseling, some day care services, -- several things by which they can assist the family to overcome the homeless condition in which they are living. Their proposal cannot be more than 50% in social services. They are required to provide a 50-50 match and, because of that, they have opted to put their match into social services. So the proposal itself is strong in terms of rent, utilities, etc. This is because of the dollars that they intend to match it with. They do have commitments from the community to provide some services to their targeted population at no cost. She is aware that the State has about \$1.2 million set aside for this purpose and they have \$2.4 million in requests -- so she does expect the proposal to be cut back some, if it is approved. They went into this with the largest budget they felt they would need and they are aware that they will have to cut back and modify. Basically, what they are requesting of the County

Commissioners today to enable them to get the data into the mail this evening via Federal Express is their signatures -- saying the Commissioners are aware of it and, not so much that they approve of it, but that the Commissioners do not see it as being a conflict. In the past they have gone to the City with this, but because they are seeing so many people in the remainder of Vanderburgh County, they want to make sure they include them in their services.

Mr. Willner said the total amount of the grant from the Federal Government is \$35,000.00 and C.A.P.E. is going to match that, making a total of \$70,000.

Commissioner McClintock asked where they plan to locate this facility.

Ms. Weathers said they are not sure at this time, that is why she addressed the issue of the rental, etc. They are looking at using part of their facility -- if they have the space. Otherwise, they would have to find a piece of property in the City. They do want it to be in the downtown area, because that is where most of the shelters are located. In response to query from Commissioner McClintock, Ms. Weathers said they are estimating at this time that more than 300 family units are homeless per month. Of that, they hope to be able to see at least 100 to 150 per month. One of the goals is to make 90% of the homeless families self-reliant.

Commissioner Borries asked if Ms. Weathers would explain again why she did not seek City approval.

Ms. Weathers said primarily because they are wanting to serve not just the City -- they would like to serve the entire Vanderburgh County area.

Mr. Borries asked, "But isn't that where most of your needs are? About 90%?"

Ms. Weathers said 90% may be high. One of the other things they get is referrals from Posey and Gibson counties. Those counties send people into the City. They've also started to see some people from Haubstadt and smaller communities in the County -- and they want to make sure that everyone is receiving service.

Mr. Borries said he knows of at least two other agencies that are working with the homeless and he has seen some statistics from one agency that mentioned 200 persons.

Ms. Weathers said what C.A.P.E. is proposing to do no one else is doing. As she said, families are now required to leave the shelter. They are not talking about setting up an overnight shelter. What most of the agencies in the community operate are sleeping facilities, and they also provide a meal. C.A.P.E. In response to query from Commissioner Borries, she said she doesn't think meals are included in this program. This program does not mean the families will be at the facility from 10:00 a.m. to 4:00 p.m. They will not be required to be there all day, but rather some portion of the day.

Ms. McClintock said the daytime hours are really a problem. She remembers that in the Parks Department they often had to just open the Community Center during the daytime hours when it was bitter, bitter cold and very, very hot in the summer -- because these people have to leave the overnight shelters at 9:00 a.m. regardless of the weather conditions and cannot return until 4:30 p.m. to 5:00 p.m., depending upon the rules -- and if you drive by these places -- you see the people standing outside waiting to get in. She thinks there is indeed a need here and she thinks Ms. Weathers is right, you are not going to get people who are

just going to go sit there from 10:00 a.m. to 4:00 p.m., because they have other things to do -- and then C.A.P.E. will provide the other services to go along with that.

Ms. Weathers said that is the intent of the design and it is their hope that they can address some of the basic problems. Pigeon Township has opened up a shelter for families (the first in the community) and that is a tremendous help. But prior to that, people sort of lived in cars occasionally -- and that is where they spent their days, just sitting in their cars. Some of the homelessness they know is identified by alcohol and drug abuse and they have a commitment from someone who is going to come in and do some counseling and training. They also know that much of it is because people don't have an income. So they hope to coordinate services to do some job search and things like that.

Commissioner Borries asked if C.A.P.E. doesn't already do some of these things, and Ms. Weathers responded in the affirmative.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, approval was given to forward the document to the State. So ordered.

RE: REQUEST TO CLOSE ST. GEORGE ROAD FOR WISH UPON A STAR AIR SHOW

President Willner said that Wish Upon A Star has requested that St. George Road be closed during the Air Show, so spectators may line that corridor to watch the show.

Sheriff's Deputy Pete Swain said it is just the opposite. Actually, the F.A.A. wants everyone out of that area when the planes are flying. In fact, that is one of the bases on which we were granted their blessings and certification for the show -- to close off St. George Rd. and keep the vehicular traffic to a minimum and the air show patrons out of that area. They want to get them around by the old terminal area when the planes are flying. They have permission from Whirlpool and Deputy Swain has made arrangements for signs and barricades.

Commissioner Borries said this is really Whirlpool property.

It was decided that no action is required on the part of the Commissioners -- Deputy Swain just wanted to make the Board aware of what is taking place.

RE: BURDETTE PARK - MARK TULEY

Change Order/Deig Bros./Roof Structure/Pool Entry Complex: Mr. Lehman submitted a change order in the amount of \$610.00 with regard to the roof structure for the pool entry complex at Burdette Park, saying he concurs with the recommendation of the architect and the Park Manager. Funds are available.

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

Invitational Bids/Site Improvements: Mr. Lehman said the next item concerns some site improvements around the new building, but not including the buildings itself; therefore, it was not in the original contract -- this includes some retaining walls and a section of the pool deck. This section of the pool deck will probably end up being used for concession partaking area. They obtained the bids by invitation, hoping the amount would not be over \$10,000. One bid (Deig Bros.) was opened in error by his office. He did not look at the figures, but immediately taped the bid back up and signed off on it. Another bid came in on the FAX machine, because the man could not get it here in time.

Again, he took it out of the FAX machine and placed it in an envelope and it has been in his possession and subsequently in Jerry Riney's office for the last three to four hours. If this is acceptable, he would like for the County Attorney to open the bids. There are three separate sections -- two (2) retaining walls and one (1) deck area.

Commissioner Borries asked if proper notice was given on the invitational bids.

Mr. Lehman said he gave them an extra week -- and the three people who did bid on the job are the three who responded.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the County Attorney was authorized to open the bids. Bids were as follows:

<u>Arc Construction Co., Inc. (via FAX):</u>	
#1 - North Retaining Wall	\$2,775
#2 - 4" concrete slab north of the building...	\$2,250
#3 South Retaining Wall	\$6,450
 <u>Castle Contracting Co. (Newburgh)</u>	
This is a lump sum bid in the amount of	\$8,129
 <u>Deig Bros. Construction Co.</u>	
#1 - North Retaining Wall	\$2,365
#2 - 4" concrete slab north of the building	\$1,925
#3 - South Retaining Wall	\$5,710

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the bids will be taken under advisement for one (1) week. So ordered.

Request To Go on Council Call for Full Time Receptionist: Upon motion made by Commissioner Borries and seconded by Commissioner Borries, a request to go on May Council Call for a full time receptionist at Burdette Park at a salary of \$14,555 was approved. Mr. Tuley said this is a COMOT III position and the individual has four (4) years experience. Mr. Tuley said he has put this item in his budget every year for the last four (4) years, and Council has been so kind as to delete it every year. They basically gave him the go ahead and told him to send it to the Job Study people and they recommended the \$14,555 salary. He is under the impression Council will look favorably upon the request at this time. Burdette is the only office he knows of their size that only has one (1) full time girl.

Mr. Willner queried Mr. Tuley as to the individual's salary s a part time person.

Mr. Tuley said she was paid out of the "Other Employees" account -- less than \$10,000 per year. She has had another job offer -- and to bring someone else in and re-train would really be bad.

Ms. McClintock asked, "This is the salary recommended by the Job Study people?"

Mr. Tuley said that is correct. They sent it to the Job Study people first -- to try to figure out the amount.

Commissioner McClintock said they need to get Waggoner, Scheele, over to Channel 9 to do a Job Study.

Mr. Tuley said her pay range was \$12,500 to \$17,500 and they recommended she be placed at level 3 since she had 4 years' experience, hence the recommended salary. He believes the full time girls in the Treasurer's Office and Auditor's Office all make that kind of money, if his understanding is correct.

In response to query from Commissioner Borries regarding Job Description, Mr. Tuley said she takes the reservations and works with companies when they come in. From the time he goes out and sells a company picnic, Laura handles it from that point on. She also is basically their cashier. So she is more than a receptionist.

Commissioner McClintock said she still wishes she could get this company over to Channel 9.

Mr. Tuley said he originally classified it as Secretary/Cashier and Irwin reclassified it as a receptionist.

Progress Report following Storm: Mr. Tuley reported that they have finished all the clean-up work following last week's storm. They now have to get to the repairing aspect. The total cost for labor is \$3,359.89. This is over and above what his crew would be doing. The insurance company for the county has requested that they keep all labor, any supplies, any equipment they have to rent, purchase, any construction that has to be done -- they want a total breakdown of costs -- so he's started doing this for them.

The Skating Rink situation has not changed -- it is no better, but it has not gotten any worse. There was a ripple effect on the floor in the east end of the building and they've had several people come out and look at it. The recommendation is that the floor be completely re-sanded. They felt it would be hard to sand just the one end and re-coat the whole floor (feathered in). They recommended that the whole floor will have to be sanded. The Burdette crew can coat the floor (this is a regular preventative maintenance thing). He thinks the sanding of the floor will have to be contracted out. He doesn't think it will be that expensive.

Commissioner McClintock said the last time she got an estimate on sanding floors (1,000 sq. ft.) it was something like \$1,200.

Mr. Tuley said this is all storm damage and is covered by insurance and he then submitted a list of the storm related projects to be completed and the Commissioners requested that he keep them apprized as progress is made.

Mr. Tuley asked if the Commissioners want him to use the County Engineer or hire an engineer with regard to parking lot repairs. Commissioner Willner instructed him to use the County Engineer.

Commissioner McClintock asked if the insurance would cover the additional cost to do the engineering work for the parking lot. Mr. Tuley said the insurance company told him to hire whatever personnel they had to hire. Ms. McClintock said she knows that the Commissioners haven't given the County Engineer a lot to do -- and doing this would take away from the other things he has been given to do.:

Mr. Tuley said that with regard to some of the things that happened up in the aquatics area of the pool -- some of these things (such as the retaining wall on the south side that runs underneath the water slide) will have to wait to be done in the fall. If we were going to fix the retaining wall, we'd have to take about six (6) sections of that waterslide. This late in the game we don't have time to do so. However, they will try to brace the wall and try to keep it from moving any further.

Commissioner McClintock asked if this is safe?

Mr. Tuley assured her that it is -- this is outside the fence. The general pool doesn't have access to it. Jerry Schenk spent about a day out there with them and photos have been taken and everything.

Commissioner Willner instructed Mr. Tuley to take County Engineer Greg Curtis out to the park one day and ask him to advise him as to whether he can do the engineering or whether he should hire an outside engineer.

RE: IRS SECTIONS 89 & 125

County Auditor Sam Humphrey reported that we have received a total of five (5) bids with regard to handling of the IRS Sections 89 and 125. In addition to that, he equated a firm that had done Marion County's work and that worked out to be \$11,500. If he were making the choice right now, D. M. Griffith & Associates would be his choice at \$3,600. He has a note from them dated March 3rd and they reaffirmed on Friday that \$3,600 would be the maximum cost to impose this. However, this afternoon he has been given a commentary from NACO (National Association of Counties) that suggested Section 89 insofar as counties may be repealed. He would suggest waiting two or three weeks to see what happens to this. In the meantime, he will contact our Congressman. There is a list on the back of the NACO letter and Lee Hamilton is the only one he recognized from Indiana. He will write them a letter asking them to accelerate the elimination of the County requirement. If we get a response on that, we won't have to pay the money at all. If it stays like it is, then he would recommend D. M. Griffith & Associates.

It was the consensus of the Board that any decision with regard to this matter be delayed and Mr. Humphrey will make a report within a couple of weeks or so.

RE: COUNTY ATTORNEY - CEDRIC HUSTACE

It was noted by President Willner that Attorney David Miller is in a trial, and Attorney Cedric Hustace is here on his behalf today.

Acceptance of Alexander Ambulance Lawsuit Checks: Attorney Hustace said he has a list of all the Alexander Ambulance/Vanderburgh County lawsuits for April thru October, which is an update from a prior list. The following checks were also received:

Daniel McFarland.....	\$20.00
Thomas Jarvix.....	\$ 5.00

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

RE: DRAFT OF ORDINANCE RE TRAVEL EXPENSES

Mr. Hustace proceeded by submitting a draft of an Ordinance with respect to authorization for travel expense expenditures by the various offices under the jurisdiction of the County Commissioners for their consideration.

President Willner noted that in Auditor Humphrey's deliberations with the State Board of Accounts, they have told him that since the travel money from the County Council has been put in each officeholder's account, that the Commissioners would not be able to control the travel -- either outside the county, inside the county, or inside the state, unless we had a supporting ordinance. Therefore, he (Willner) asked Attorney Miller to draft a travel ordinance and he has done so. No action is required today; this is just for the Commissioners' review. He thinks a lot applies to other sections of the State Law that is in effect. All we need to do is adopt what is already a State

ordinance and that will be sufficient. Next week action can be taken. Being an ordinance, it will have to be acted upon and , advertised twice.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

President Willner said he wished the other Commissioners could have been with him the other day when he went out to an intersection at Berry Court and Berry Lane. He saw something he's never seen before in his life. There is a concrete street at this location overlaid with three (3) inches of hot asphalt. The force of the storm separated the asphalt from the concrete, lifted it at least six to eight inches, put a lot of debris underneath it, and then let it fall right back down into place. The only way you could tell that anything happened was that the wood and debris that washed in between after it let it back down -- it broke away those sections where there was debris under it. We had sections of wood that had to be picked out with a pick that were at least five (5) inches in diameter and one (1) foot long -- you can't believe.. Commissioner Willner then submitted photos as proof.

West Terrace Storm Damage: Mr. Muensterman said there are pictures made on West Terrace, where they laid a sewer line to some homes and it washed out.

Mr. Muensterman said Green River Road and Hirsch Road are now open. (Green River was closed between Heckel and Theater Drive and Hirsch was closed between Burkhardt Rd. and Green River Rd. We still have water across the bottoms. Roads in the northern and western sections of the County were under water from 6:00 p.m. on Monday, April 3rd until Thursday, April 6th. Telephones at the County Garage were completely out from about 7:00 p.m. until 8:00 a.m. They had to relay calls from the Sheriff's Department over the radios in the Foreman's truck. This system was installed in their radios earlier this year. So this system was a worthwhile investment.

Ditch off Sil's Drive Utility Easement: Commissioner McClintock asked if Mr. Muensterman got this matter settled? He said he did not -- there is a problem out there. Both he and Jerry Riney received a call on it from a fellow named David Witherspoon. Mr. Muensterman said he thinks we had problems a few years back when Bill Bethel was County Highway Superintendent and this man used an easement as a driveway back to his new home -- on the west side off Peerless Road. Mr. Witherspoon said he is getting water in his basement again. This is the first time we've heard from him. We were wondering about digging a ditch across the back -- if we can get on the easement and dig a ditch. From his property on down to the culvert it runs underneath the road. It is a utility easement and he doesn't know whether or not we can get on it.

Problem on Anthony Drive: Continuing, Mr. Muensterman said we're going to have the same problem out on Anthony Drive. Someone gave the man permission to build a home back past the easement. In other words, he is using the easement to get back to his home off Anthony Drive. Something happened back there and he needs help. He doesn't know who has given them permission to build back there. But there is a telephone pole right in the middle easement and he is driving around on both sides. Probably goes in one side and comes out on the other side.

Commissioner McClintock said that getting back to Mr. Witherspoon, how can we find out about the utilities, etc.?

Commissioner Willner said we were out to Mr. Witherspoon's house about five or six years ago. Is the problem still the same? The easement has not been accepted by the County and Cletus could not do anything on private property -- so we were powerless at that

time to do anything. He is sorry to report that -- but that is the way it was. If it has not changed, he doesn't see that there's anything we can do. Ms. McClintock said it has not changed. Mr. Witherspoon said he'd like to report back to the man; he's called Jerry Riney and him - and Mrs. Witherspoon has called him twice. He told her he'd get back with her one way or the other.

Stop Signs/Private Drives: Ms. McClintock said we don't put stop signs on Private Drives, do we?

Mr. Muensterman said he had a call from the Sheriff's Department as to why a stop sign wasn't out on Miller's Drive (off Middle Mt. Vernon Road -- a private drive).

Commissioner Willner said we do if it is at an intersection with a County road. If there are two private drives, we don't do that. But if there is a private drive that t's into our road, then we are required to do that.

Commissioner Borries noted that it would even reduce our liability to do so.

Mr. Muensterman said he has had quite a bit of trouble with the Traffic Department trying to get signs up. He doesn't know what to do. He's been talking with Greg Curtis. Maybe if we can start sending letters or...

Commissioner Willner interrupted, "Why not ask the Director of the Traffic Department to come to our Commissioners Meeting."

Commissioner Borries said he definitely would like to do this. We keep hearing the continuing saga that we can't get roads striped. He recently had an Aunt pass away in Woodland's Convalescent Center in Warrick Cuntly and, low and behold, on Outer Lincoln in December there was equipment striping all the way up to good old Warrick County -- yet we don't seem to be able to get them done. He would like to have some communication with Traffic Engineering. We need some kind of reporting status from tht group, because we fund them. If we're not going to receive the services, then why are we participating. That is all supposed to be for good government -- and he thinks it is good government if we can avoid duplicating services. But if we're not going to get the services, then what are we doing here.

Commissioner Willner requested that we have the Director of the Board of Public Works, Mr. Danks, and the Superintendent of the Sign Department attend the Commissioners Meeting in two (2) weeks.

Mr. Curtis said he might comment that the sign situation is ironed out and we have the process we're going to go through ironed out. They had a number of things last week (knocked down signs from the water and wrecks, etc.) and they may not have gotten those yet -- but they were going to get those this week. Cletus Muensterman talked to him about it -- and he believes the Commissioners voted last week for him to give that information to him and for him to take care of it.

Commissioner Borries suggested that in emergency situations like we've been through, that this department would obviously want to do County work in an emergency situation. But there does seem to be a real communication problem. We never receive reports. It seems that we do ask and request that streets be signed and striped and nothing happens.

Mr. Curtis again said he believes we have the sign situation ironed out.

Request to Bid on 5 ft. Sickle Bar Mower for Ford Tractor: Mr. Muensterman requested permission to advertise for bids on a 5 ft. sickle bar mower. We need one badly. Estimated cost is \$5,000 and he has funds in his equipment account.

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

Request for Appropriation-Cumulative Bridge Fund: Mr. Muensterman also requested to go on Council Call for an appropriation for Cumulative Bridge Fund Maintenance & Repair (Acct. #203-352) in the amount of \$70,000. Also, Contractual Services (Acct. 203-393) in the amount of \$15,000. This would be for the repair of English Way & Green River Road entrance culvert. This would have to be contracted out -- the County's Gradall wouldn't reach that far. We've laid quite a few big culverts (a 36 inch culvert cost \$1,600). Culvert costs have gone up 15%. Also, Roads & Streets (Acct. #216-230- contractual) for contracting roads to be paved in the amount of \$500,000.

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

Aspen Drive Drainage System: Jerry Riney received a call from Steve Miller of Citizen's Realty with regard to drainage on Aspen Drive. He is wondering what happened on this matter. He thought it went to a lawyer.

Commissioner Willner said they had a big cave-in on the back lot of two different streets in a subdivision. It is not County property. There was a lot of discussion and finally Citizen's Realty & Insurance decided they would fix it this time (they had fixed it once before, but were going to fix it again) -- but they have not.

Commissioner Borries said he thinks it was along one of the utility power transformers. And he believes the question the Attorneys were working on was how can you (or can you) factor in a subdivision (the way we do our new ordinances -- setting up some factor to where we put it into a fund) and then on new subdivisions for drainage and that sort of thing, have a cumulative fund there. The developers put the amount in per lineal foot and it sits in this fund and is not used until you have some maintenance. But if you already have an existing one, we never could come up with any kind of age factor for some of these old subdivisions -- and I don't think it's ever been resolved.

RE: COUNTY ENGINEER - GREG CURTIS

Access/Earl Harp/Green River Rd.: Mr. Curtis said that Mr. Morley and Mr. Earl Harp have reviewed the proposed plans with regard to North Green River Road and Mr. Morley has submitted the following letter:

Your consultant on the North Green River Road project has been very helpful and courteous in resolving Mr. Earl Harp's access needs at the main entrance to his development at Station 128+30 and at the new street at Station 132+40. Mr. Harp does not want to tear out any of the curb or other work on the new road, so he needs to have your confirmation of these two approach layouts as shown and the storm sewer connection at Station 126+75 so he can proceed with final design and construction. Mr. Harp would like to have your confirmation prior to the Public Hearing so he will be able to offer his full support at the hearing.

Mr. Curtis said he is all in favor of people offering their support at the upcoming Public Hearing re Green River Road, so he would like to get the Commissioners' confirmation that they agree

with the points of his main interest and that is his two access points that are in that area and the storm sewer (not shown on this set of plans, but they are on the hearing plans). These plans are exactly as we agreed. Basically, all he is asking is that the Commissioners agree with that and then he will give the project his support at the hearing.

Commissioner Willner said, "At this time, I agree with that."

Ms. McClintock said she has no problems; the plans are as discussed previously insofar as access to that property.

Commissioner Borries said he can't comment, since he really is opposed to the median.

Ms. McClintock said the access points into the property are curb cuts and the Commissioners would still have to approve those whether or not there is a raised median. Is that correct?

Mr. Curtis confirmed that this is correct and said he needs a motion to show Mr. Harp this has been confirmed, so he will support the project.

Commissioner Willner said he doesn't feel comfortable with giving him that -- long after the public hearing we could still change and he (Willner) might want to. But as of right now, he doesn't want to -- he agrees with what it is. But he is not going to say he won't change his mind after the public hearing. That is not good business -- that is what we have the public hearing for. But under the present conditions it is agreeable. But he will not take a vote, because he doesn't think he should.

Mr. Curtis said the next thing he has in regards to Green River Road is that we discussed with United Consulting Engineers a number of problem areas and he wants to get some things ironed out before the public hearing. One of the things that Mr. Ron Miller with United came up with was that we could reduce the right-of-way requirement by 5 ft. on the west side of Green River Road along the area where those homes with all the trees were located. Basically, we have 40 ft. now and the project as proposed previously required 45 ft., which was 5 ft. additional permanent right-of-way -- and we can eliminate the need for that. He just wanted to make the Commissioners aware of that -- that the plans for the hearing will reflect 5 ft. temporary right-of-way rather than permanent right-of-way.

Storm Damage/Bridge #13, Boonville-New Harmony Rd.: Mr. Curtis said the recent storm did considerable damage to Bridge #13 on Boonville-New Harmony Rd. After subsequent inspection -- and also in the past month or so we have been in the process of getting an agreement together with Bernardin, Lochmueller & Associates for replacement of that bridge through Federal Aid. He has taken it upon himself (with Mr. Willner aware of what he was going to do) to get an agreement together to replace that bridge locally -- with local funds -- and to do that very quickly. His office is going to be inspecting that bridge daily and, as discussed, the County Highway is going to close that bridge anytime that the stream gets up over the supports that are undermined. He feels it is a very dire situation and we need to be observing that all the time -- and he doesn't feel we want to try to wait two years on a Federal Aid replacement.

Commissioner Willner said this is the on-again, off-again project. First we were going to do this with local funds; and then we were going to go the Federal Aid route; then we were going to go back with local funds, and then back to the Federal Aid route. Since the storm, we're now back to local funds. We spent \$5,000 or \$6,000 on the bridge to put in eight (8) supports in an emergency appropriation so that it would last until we could get Federal funds. During the last heavy rain it washed

out the dirt around the supports clear down to the base -- and you can now see all the concrete and some of the stone underneath the support. This is why the engineer's office is going down to look at it daily. If everything stays as it is now, there is no big problem. But if we get another heavy rain of two inches or more, you cannot see these supports and don't know what is happening to them. If these supports are washed out, that bridge is going down. Everyone's recommendation, including Lochmueller's, is to replace that structure with local funds. The reason Bernardin, Lochmueller has gotten involved is because they have the bridge inspection to do and it is their job to keep the Commissioners informed on this bridge -- and they are so doing. They say it's got to go. In fact, they want us to close the road. He can't hardly see that. As long as we can see the supports, he doesn't want to close it. But that is their recommendation.

Mr. Curtis said he has the standard agreement form -- he had them go ahead and draw up the agreements. We have a 30 day from Notice to Proceed requirement in those that the bridge will be ready to advertise for bids in 30 days -- and subsequent to that (in an approximate three weeks) we will be able to receive bids. Basically, we're looking at eight (8) weeks or two (2) months before construction can begin.

Pending the Attorney's approval, upon motion made by Commissioner Borries and seconded by Commissioner Borries, the agreement with Bernardin, Lochmueller was approved. So ordered. Commissioner Willner said the Board has no other choice, and Mr. Curtis said that is the way he sees it. (Attorney Hustace subsequently said the contract is fine.)

RE: REQUEST FOR APPOINTMENT OF DATA PROCESSING BOARD MEMBERS

City Clerk Betty Lou Jarboe said she wanted to bring forth the new agreement between the City and the County on the Data Processing services. Last Wednesday the County Council held up their approval. The amendments the City would like to have is to make two (2) additions to the Board. Right now there are twelve (12) members; seven (7) are County appointments and five (5) are City. They wanted to add one (1) more member from the County and the City -- the representative from the Police Department and one representative from the Sheriff's Department -- because of the speciality of the software packages that will be needed for the law enforcement side of our new data processing contract, which we're now looking into. The County Council has decided that they would want to meet with the City Council to see about getting more representation for the County, and their explanation is that they pay 66% of the bill and they want more representation. The Commissioners' appointments are also due and she would like to have the Commissioners notify Leslie Blenner with the names and addresses of the appointees so they can be notified. In the Joint Agreement it does say that we should meet not less than once a month. They haven't been meeting once a month since we retained Peat, Marwick.

It was noted that Art Gann will represent the Police Department; but the representative of the Sheriff's Department is not known at this time.

In response to query, Mrs. Jarboe said this would take the number of members of this Board to fourteen (14). As she said, the County Council decided they wanted to hold up signing the agreement until they got more input. They are meeting tomorrow; Bill Taylor talked to Jack Corn.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the following Commissioners' appointees to this Board were approved:

William A. Jones  
2807 Rode Road

Ernest Nolan  
717 Maple Lane  
Newburgh, Indiana 47630

RE: TRAVEL REQUEST - VETERANS SERVICE OFFICER

President Willner presented a travel request submitted by Mr. Carl M. Wallace, Veterans Service Officer, with regard to the 44th Annual Veterans Services Training Conference in Indianapolis on May 22 - May 26. This school is mandated under I.C. 10-5-1-12 for them to continue to be Certified State Service Officers. They have money in their travel account.

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

RE: SCHEDULED MEETINGS

Tues.	April 11	9:30 a.m.	Zoning Subdivision Review (Room 303)
Wed.	April 12	2:00 p.m.	County Council (Special Mtg.) (Room 301)
Wed.	April 19	3:00-4:30 p.m.	Informal Sessions at Oak Hill Elementary School re Orchard Road Bridge
		7:00 p.m.	Public Hearing re Orchard Road Bridge (same location)
Thurs.	April 20	3:30-5:00 p.m.	Informal Sessions re North Green River Road at Central High School
		7:00 p.m.	Public Hearing re North Green River Road (same location)

RE: OLD BUSINESS

Revised Zoning Ordinance: Ms. McClintock said she met with representatives of the sign companies last week. The Area Plan Commission requested that the sign manufactures come up with a compromise to what had been proposed by the APC staff personnel and they are to have that in writing to the APC by Friday. She will forward a copy to each of the Commissioners. The APC will act separately on that portion of the new zoning ordinance. Ms. McClintock said she will get a copy of the revised zoning ordinance to the other two Commissioners. In response to comment from Mr. Borries, she said the changes are supposed to be highlighted for expedient viewing.

Evansville Homebuilders Assn. County Road Specs: Commissioner McClintock said she is sure the other Commissioners received a copy of the letter from the Evansville Homebuilders Assn. She just wanted to inquire as to whether the Board is going to try to set up a meeting with them, etc. Since she is on the APC, does the Board want her to meet with them, or what?

Commissioner Willner said that Greg Curtis has some recommendations for the change, which he is giving to the Commissioners with regard to changes in specs for County Roads.

Mr. Curtis said he submitted those to the Commissioners a month or so ago for their review.

Commissioner Willner said that is just what they are -- for the Board's review. Other than that, he doesn't know how the Homebuilders Assn. got these.

Mr. Curtis said he gave a copy to EUTS and Area Plan and some of the other organizations and governmental agencies involved. Subsequently, copies of that information got into the hands of some people before he had a change to revise some of the requirements or items included in the draft. He was very much aware that there are some people whose heads are spinning and who are throwing ropes over trees ready to lynch some people. But that was just an initial draft -- and there were some things that were left in the initial draft that weren't supposed to be there. It was just a very preliminary document that he'd given the Commissioners.

Ms. McClintock asked if it would be appropriate for Mr. Curtis to contact Mr. Garrison and set up a meeting?

Commissioner Borries said he would concur with this. Mr. Garrison has mentioned some thing to which he objected. Mr. Curtis said he has not seen Mr. Garrison's letter.

Commissioner Willner said Mr. Curtis should get a copy of Mr. Garrison's letter, then talk to each of the Commissioners to determine their views, prior to contacting Mr. Garrison.

Mr. Curtis said he is going to be making a number of revisions -- for instance, he wants to get input from Mr. Delbert Pinkston, because he is out in the field and he is the type of person who has to enforce this once it is passed.

Auditorium Advisory Board/Dedication at Coliseum: Commissioner McClintock said the Commissioners had talked at one time about getting their full complement of members on the Auditorium Advisory Board. One of the things they had in mind was that this Board would look at the Coliseum. She has been working with the Veterans, helping them put together a dedication for the first room they've done -- and that will be held on April 21st from 4:00 - 6:00 p.m.. She thought it might be nice if the Commissioners had an opportunity to get this done and announce the new members before that date. The April 21st Dedication is being hosted by the Petroleum Club and the cost to the Veterans should be minimal.

RE: PRECINCT CHANGES

Commissioner Borries asked if Mr. Riney will contact Bill Jeffers to see if they have the set of precinct changes finished. If so, each of the Commissioners need to review same and take some action on them. Either send them up to the State or .....but he just wondered where they are.

RE: CLAIMS

Alexander Ambulance Service: Claim in the amount of \$103,662.55 for 1st Quarter.

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

Farris Reporting Service: Claim in the amount of \$386.40 for transcription of deposition of Jo Ann (Reed) Curl.

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

RE: EMPLOYMENT CHANGES

Burdette Park (Appointments)

James Bengert	Rink Guard	\$4.00/Hr.	Eff: 4/3/89
Paula Short	PTGC	\$4.00/Hr.	Eff: 3/31/89

Burdette Park (Released)

Paula Short           PTGC                           \$3.50/Hr.   Eff: 3/31/89

County Highway (Appointments)

James G. Georges   Greaseman                       \$9.24/Hr.   Eff: 4/3/89

Circuit Court (Appointments)

George Payne       Guard                           \$16,380/Yr.   Eff: 4/10/89  
David Welman       Guard                           \$ 370/BIAN   Eff: 4/10/89

Circuit Court (Releases)

Justus Hurd         Guard                           \$16,380/Yr.   Eff: 4/7/89  
Justus Hurd         Guard                           \$ 370/Yr.   Eff: 4/10/89

Weights & Measures (Appointments)

Roy Paschall        Dep. Inspector                 \$14,729.58/Yr.   Eff: 4/20/89

Weights & Measures (Releases)

Gary Anderson      Dep. Inspector                 \$16,314/Yr.   Eff: 4/19/89  
Roy Paschall        Dep. Inspector                 \$35.00/Day   Eff: 4/19/89  
Roy Paschal         Dep. Inspector                 \$35.00/Day   Eff: 4/6/89

Superior Court (Appointments)

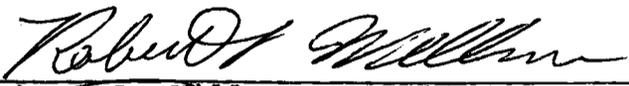
Karen Conley        Clerk/Sec'y.                   \$13,848/Yr.   Eff: 3/27/89  
Superior Court      Clerk                           \$14,210/Yr.   Eff: 3/24/89

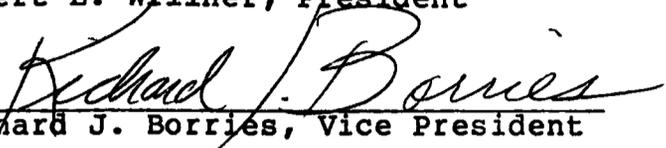
There being no further to come before the Board at this time,  
President Willner declared the meeting recessed at 4:55 p.m.

PRESENT:

- Robert L. Willner/President
- Richard J. Borries/Vice President
- Carolyn McClintock/Member
- Sam Humphrey/County Auditor
- Cedric Hustace/Acting County Attorey
- Cletus Muensterman/County Highway Superintendent
- Greg Curtis/County Engineer
- Roger Lehman/Building Commissioner
- Mark Tuley/Manager, Burdette Park
- Tom Goodman
- Betty Lou Jarboe/City Clerk
- Alice Weathers/Director, C.A.P.E.
- Les Shively, Attorney
- Kurt Schuster
- Paul Wallace, Attorney
- Rose Zigenfus/Director, EUTS
- Jeff Harlan/Attorney
- Ed Diekmann
- Bill Jeffers/Chief Deputy Surveyor
- Price Phillips
- Joan English
- William Nicholson/Veach, Nicholson, Griggs
- Rose Nellis
- Others (Unidentified)
- News Media

SECRETARY: Joanne A. Matthews

  
Robert L. Willner, President

  
Richard J. Borries, Vice President

  
Carolyn McClintock, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
APRIL 17, 1989

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Monday, April 17, 1989, in the Commissioners Hearing Room with President Robert Willner presiding.

RE: APPROVAL OF MINUTES

President Willner opened the meeting and noted that approval of the minutes of meeting held on April 10th will be deferred.

RE: PRECINCT CHANGES - BILL JEFFERS

President Willner said Mr. Jeffers is here to speak to the Commissioners re the drawing of the new precincts and where they are in that process currently.

Mr. Jeffers said Mr. Riney asked him to make a brief report tonight on where we stand on the precincts and answer any questions the Commissioners might have.

They had a target date of April 15th to complete the drawing of the precincts and they had completed drawing all the maps they thought were necessary by April 1st. They then proceeded to proofread the maps and the legal descriptions for errors, omissions, and get them cleaned up and ready to send to the State. About a week or two ago he called Mr. Mattis (a week ago Friday, he believes). Mr. Mattis works for the Election Board. Mr. Jeffers asked him if there were any additions or deletions from last year's rules and statutes. He sent Mr. Jeffers a 1988 Supplement of the Indiana Code regarding this project. There are a few additions that have to be made to the legal descriptions and the maps, and they are currently in the process of making those additions now. He also informed Mr. Jeffers that their deadline at the State Election Board for the preliminary receipt for their first review is July 1st. If we want to get anything done in 1989, he has to have the first look at it on July 1st of this year -- or prior to that date. The additions to the legal descriptions are fairly straightforward -- to make it easier for the Election Board they just want to review our proposals. Included in the description they need any boundary culled out that is a boundary of a Municipality, State Legislative District, or Municipal Legislative District. And on the map they need a notation of that, too, showing boundary for City Limits, State Legislative Districts, and Municipal Legislative Districts. They are in the process of doing this now. As an example, for the Commissioners to look at if they wish, here is the 1st Ward done that way, with the Auditor's Certificate. Every piece of paper they send for a preliminary look through when we first send it to them -- we will have to have an Auditor's Certificate signed by the County Auditor. And, in the case of legal descriptions, it will have to have his embossed seal next to his signature. They'd like to get these finished and give them to Mr. Humphrey, because he'll be signing and sealing approximately 500 pieces of paper. Also submitted by Mr. Jeffers were maps, showing how they're adding the Ward lines, Senate/House District Lines, and City Limits to them. (These are a few examples they did today.) These will also carry a signature block for County Auditor Humphrey to sign and certify. A Precinct Summary Sheet accompanies each proposed precinct -- and this also has a block on it for Mr. Humphrey's signature. Mr. Mattis indicated that

some of these documents can be rubber stamped, but that the legal description has to be hand signed and embossed. (Mr. Jeffers then passed the examples to the Board for their review and retention for future reference.)

There was a problem that was brought out earlier and publicized regarding the precinct where the University of Evansville Student Housing occasionally boosts that precinct over 800. And that issue has been addressed in the house. It has been proposed in the Senate, it passed the Senate, went to the House and it presently is in the House Conference Committee. He doesn't have the Senate Bill Number in front of him, but Mr. Brenner has contacted Mr. O'Day and Mrs. Vaneta Becker regarding adding some language to the bill. What it basically did was exempt the Purdue Campus, the I.U. Campus, and the Ball State Campus from the 800 voter limit -- and we're asking them to add the U. E. Campus and the S.I.U. Campus to the bill. Mr. O'Day did call back and say it looked optimistic that this could be done. That would solve two of our problems with precincts. Unless the Board has other questions -- that concludes his comments.

Commissioner Borries asked, "These are completed, is that correct?"

Mr. Jeffers said they are revising the maps they previously thought were complete -- to meet the 1989 requirements. Our deadline at the State Election Board is July 1, 1989. He anticipates no problem in making this deadline. When everything is complete, the Commissioners will have an opportunity to review the complete package before it goes to the State.

RE: BURDETTE PARK - MARK TULEY

Invitational Bids: Mr. Tuley said that last week invitational bids on two (2) retaining walls and a concrete slab next to the new entry complex to the swimming pool. Roger Lehman could not be here tonight, but the Commissioners have before them a memo from Mr. Lehman basically recommending that all three of those bids be rejected -- that they are in excess of the budgeted amount allotted by the Council for this project. They propose that we not re-bid this, but rather do the work in house and hire out whatever carpenters or finishers we will need to do the job. Their total estimated in house cost will basically cut those bids in half; we should be able to do the job for roughly \$4,500.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request was approved for the park employees do the work and any skilled labor will be hired at the prevailing wage scales. So ordered.

Skating Rink Floor: Speaking of storm damage, Mr. Tuley said the skating rink floor has now buckled (about a 20 ft. section). Mr. Willner has seen this; Jerry Riney was out one day to look at it; and Dennis Feldhaus of Helfrich Insurance is bringing out an expert on floors to view the damage and offer his recommendations. But at some point in time, the rink will have to be shut down and that section of the floor repaired.

RE: REZONINGS- FIRST READINGS

VC-1-89 - Petitioner/Don Claycombe: Petition requests change from Agriculture to M-1. Common address is 14901 U. S. Highway 41 North. Land is currently used for farming and proposed land use is equipment sales. (This is next to Koester Equipment and right across the road from PPG Industries.)

Commissioner Willner asked if anyone is present who wishes to address this petition. There was no response.

MINUTES  
COUNTY COMMISSIONERS MEETING  
APRIL 17, 1989

I N D E X

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Repairs to Retaining Walls & Concrete Slab next to New Pool Entry Complex will not be re-bid, but will be done in-house Skating Rink Floor/buckled from storm damage	
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VC-1-89, VC-2-89, VC-3-89, VC-4-89, and VC-5-89 were approved on 1st Reading for forwarding to APC	
Sheriff's Department/Request for Prisoner Bus.....	3
Sheriff authorized to work with Purchasing Department to develop plans and specs for bids	
Sheriff's Department/Request to purchase X-Ray Machine for Court Security.....	4
Approval delayed until Sheriff provides Commissioners with requested information	
Bonding Investment/Mark Owen & Pat Tuley.....	6
Approval of contract with PFM in amount of \$8,600 deferred until Attorney John checks with Ice, Miller & Donadio and advises Commissioners	
USI Overpass & Union Township Overpass/Underpass.....	8
Commissioners to make decision within week or two because of bonding issue; engineer needs to submit construction timetable, etc.	
Request for Approval of Plans/Spurling Property on N. Green River Rd. ....	9
Plans approved as presented by Morley & Associates; County Engineer to forward to United Consulting Engineers to be included in North Green River Road Plans	
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Executive Session scheduled Thursday, April 20th, at 11:00 a.m. re possible disciplinary action against a Vanderburgh County Employee (County Garage)	
County Highway Superintendent instructed to have employee return to work on Tuesday, April 18th, pending results of Executive Session.	
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Weekly Work Reports New Paver/now operable Laubscher Rd./BFI to pay for materials (\$38,000) and the County will provide the labor to pave Laubscher Rd. from St. Joe Avenue to BFI Landfill; to be completed before 4/19/89	

County Engineer's Office - Scott Davis.....	14
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Bridge #35/Outer Darmstadt Rd. (closed; plans are being prepared for replacement structure	
St. Joe Avenue/Mill Rd. Intersection - Approved flashing "yellow" light on St. Joe Avenue between hours of 6:00 p.m. and 6:00 a.m. and flashing "red" light on Mill Road during the same hours	
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Bowers, Harrison, Kent & Miller (\$13,202.70) - held due to lack of funds	
Claim in amount of \$22,000 for X-Ray Machine for Court Security/Sheriff's Dept.; Sheriff to appear next week	
Employment Changes.....	17
Request To Go On Council Call for Legal Fees (\$10,000) was approved.....	18
Meeting Adjourned at 9:20 p.m.	

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the petition was approved on First Reading for forwarding to the Area Plan Commission. So ordered.

VC-2-89 - Petitioner/ W. C. Bussing, Jr.: Requested change is from P.U.D. to R-5. Common known address is 1701 Waterworks Road. Land is currently vacant and proposed land use is residential development. This one has had State input. There is a letter in Mr. Willner's file from the Corps of Engineers for any citizen input, if they would like to do so. The Corps of Engineers needs to determine whether it is in the flood plain and if they can build in the flood plain.

Mr. Borries asked if Mr. Bussing didn't receive DNR approval a year ago. Isn't this a down zoning? P.U.D. can have some commercial in the zoning, but he doesn't think an R-5 can have.

Ms. McClintock said it is her understanding that he is going from a condominium type development to selling individual lots.

Commissioner Willner asked if anyone wishes to speak to this petition. There was no response.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the petition was approved on First Reading for forwarding to the APC. So ordered.

VC-3-89 - Petitioner/Thomas Baumgart: Requested change is from Agricultural to M-2. Common known address is 10100 U. S. Highway 41 North (east side). Land is currently agricultural and pilot manufacturing is proposed land use.

Mr. Willner asked if anyone wishes to speak to this petition. There was no response.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the petition was approved on First Reading for forwarding to the APC. So ordered.

VC-4-89 - Petitioner/Bob Straub: Requested change is from Agricultural to C-4 with a Use Commitment. Present use is for a photographic development laboratory and recreation facility and proposed land use is the same. Common known address is 12820 Big Cynthiana Road.

Commissioner Willner asked if anyone wishes to speak to this petition -- there was no response. Commissioner Borries did comment that this business has been there a long time and apparently it is in non-compliance.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, VC-4-89 was approved on First Reading for forwarding to APC. So ordered.

VC-5-89 - Petitioner/James A. Huff: Common known address is 8302 Spry Road. Requested change is from R-1 to C-4. This is currently a single family residence and proposed land use is a woodworking shop adjacent to the residence.

Commissioner Willner asked if anyone present wishes to address this petition. There was no response.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, VC-5-89 was approved on First Reading for forwarding to APC. So ordered.

RE: REQUEST FOR PRISONER BUS - SHERIFF'S DEPARTMENT

Sheriff Shepard and Deputy Steve Moser were present with regard to prisoner transportation. They are requesting permission to get with the County Purchasing Agent to draw up specifications to get a new prisoner transportation van. The current van has 170,000 plus miles, so it needs to be replaced. Sheriff Shepard said he would like for Deputy Steve Moser (his Maintenance Officer) to address the Board on the needs and the reason they have gone to this particular type vehicle.

Deputy Moser said there has been an increase in load capacity they've had in taking prisoners to the penitentiary over the years. They have outgrown about every vehicle they have been able to use. At this time they are interested in looking toward buying a bus. This will be a specially built bus that would meet all of the Department of Transportation's requirements for the safety of the inmates to be transported. This will be used probably on a weekly basis going back and forth to the I-70 route area. They hope this will enable them to get more people to the facilities on one (1) load or back at one time and cut down the cost per trip and improve the security all the way around on hauling the inmates.

They have checked on buying another van similar to the one they now have and the cost on the vans is just about getting prohibitive on the number of miles and the number of years of service they are getting out of them. This is why they are considering a bus as opposed to a van. The cost difference is approximately \$13,000. Right now we're using the van to haul six to seven people to the prison at one time, making three, four, and five trips out of town in a week sometimes. By doing proper scheduling with the Courts on sentencing and transportation, they are hoping they can make one (1) trip every five, seven, or ten days to the penal institutions, thereby cutting down the number of trips they make. Right now they are using the van to go to Michigan City, for example, just to pick up one inmate -- and it is very cost prohibitive to run it that far for one prisoner. With a bus they'd be making less trips and carrying more prisoners.

The Sheriff's Department wants to work with Purchasing to draw up the specs to submit to Council for funding.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the concept of a bus as opposed to a van was approved and the Sheriff was authorized to work with the Purchasing Department to develop plans and specifications for the vehicle. So ordered.

RE: X-RAY MACHINE FOR COURT SECURITY - SHERIFF SHEPARD

Sheriff Shepard said that inadvertently during the time of the change over of the budget from the Commissioners to the Council, he reversed something. Normally he comes to the Commissioners and asks for permission to go to the Council to get money for equipment. On this request, he went to Council and got the money first. He has approval from the Council re funds for the equipment, but he needs the Commissioners' approval to purchase the equipment. Basically, under the Court Security Program, they are working with the Judges. All of the Corrections Officers have been hired and are in place. There are now Deputies in every Court in the building anytime the Courts are open. They'd like to go ahead with the next phase of this, which will be the implementation of ingress and egress. He has been working with the Judges and the Committee, and they are all in accord that this Astrophysics had a new machine shipped to Chicago a number of months ago to be used in the L. Ruben trial (a terrorist gang up there). It was a brand new machine and has been in storage up there since the

trial. The original cost was \$24,950. They were aware that we were looking for one, so they called us and said they would sell it for \$22,000 and would ship it down here free. There is a full 12 months warranty on it and do the maintenance on it. So this is exactly the type machine we want. It is the kind they use in Chicago. He is requesting permission to go ahead and purchase this. He believes it is under \$25,000 where purchase can be made for non-bid process.

Attorney John said the Commissioners like to bid anything over \$10,000, but the Statute sets the minimum at \$25,000. He and Mark Owen have met with the Judges and the program is going in at what they consider a workable pace.

Motion was made by Commissioner Borries that the line scan system be purchased in the amount of \$22,000, with a second from Commissioner McClintock.

Commissioner Willner asked for a roll call vote: Commissioner McClintock, no; Commissioner Borries, yes.

Commissioner Willner said the motion dies for lack of a quorum. He asked if there is some way the Commissioners can take a look at this equipment or do they have to travel to Chicago to do so.

Sheriff Shepard said it is in storage in Chicago.

Commissioner Willner asked if there is any material they might read.

Sheriff Shepard said he does have some material.

Commissioner McClintock said the reason he voted "no" was that she wanted to bid. She would be happy to make a motion that the Board study the matter and vote next week. But if it's over \$10,000, she is going to want that piece of equipment bid.

Commissioner Willner said he will admit that it is hard to bid used equipment. It is almost impossible. We'd probably end up getting only one (1) bid. His concern is whether we'd be better off buying new equipment.

Councilman Mark Owen said that the consultant said this was one of the leading machines of that type that handle x-ray equipment.

Sheriff Shepard said he believes they have the same kind in the Federal Building.

In response to query from Commissioner Willner, the Sheriff said we get a 12 months guarantee for everything and they will deliver it from Chicago free.

Commissioner Borries asked who maintains the equipment once we have it.

The Sheriff said we get a maintenance contract with them.

Commissioner Willner said he needs some more answers himself.

Councilman Owen said the Consultant they dealt with is the Chief Deputy Sheriff of the Cook County Sheriff's Department and is a national expert on this type of equipment. It was his recommendation that we go ahead and proceed with this. With the quantity of business he has in Chicago and Cook County, he definitely knows a little about it.

Commissioner McClintock said she was very impressed with him at the meeting and she is all for security in the Courts and doesn't want anyone to misinterpret this. But she does have some questions.

In response to query from Commissioner Borries, it was noted that Astrophysics home office is in Long Beach California.

Councilman Owen said the trial in Chicago only lasted four (4) weeks and, obviously, they'd rather sell the equipment than ship it all the way back to California.

President Willner requested that the Sheriff provide the Commissioners with the following information next week:

- 1) The number of companies that make this sort of equipment and their names.
- 2) Who will maintain this equipment once we have it, or how many maintenance persons in the area are qualified to maintain the equipment
- 3) Literature regarding the equipment

RE: BONDING INVESTMENT

Councilman Mark Owen said he gave each of the Commissioners a proposal submitted by Public Financial Management, the financial consultants who are working with us for the bond issue. Item #1 talks about their willingness to provide a formalized cash management policy statement that they believe is required for the issuance of bonds and that Standard Poor's will insist that the County have. The second part is the development of a cash management system, which they also feel would certainly be to the County's benefit and in the long run is going to provide greater revenue for the County. Pat Tuley, County Treasurer, is a little better able to explain Item #2.

Mr. Tuley said that with regard to the cash management system, there was a special law that came into effect in 1986, which was at the suggestion and the pushing of the State Board of Accounts to aid County Treasurers in maximizing the interest on the investments and, at the same time, providing the safety and security of having a local bank take the responsibility of doing those investments. They realize that, as Treasurers, we don't have solely the responsibility of staying on top and keeping the cash invested to the best for the County. It's kind of a "Catch 22" at tax time. When we have the most money being generated, that is actually the time I have the least amount of time to spend working with that, because I'm dealing with taxpayers and problems on a daily basis in the office. And the whole intent is to help us maximize. It cuts down the number of banks we have to deal with; it allows us to keep our money in one bank. The concept here in using this company is to help us develop the best program to put out for bidding and then the banks can come in and bid on that proposal based on the specs that we set up. And we have the right to reject any or all bids, if we don't feel like it is to the advantage of the County. However, I don't see how it cannot benefit the County. There are two counties in the State (Grant County and St. Joe County) that are thrilled with the money they have been able to make since they've gone to a formalized cash management system. It is something that will show that will show we are a progressive County and that we're moving along and doing the best for the County in the safest possible way to do it. All of these funds have to be invested -- the same as if I would have to do it. It just gives the responsibility to the bank we contract with in making sure any excess cash is invested.

Commissioner Willner asked if the price for their services is \$8,600.

Mr. Tuley said the proposal is \$8,600 to develop both parts -- the formalized policy statement and they actually develop a cash management system.

Councilman Owen said we have spoken with Ice, Miller and Donadio (a law firm in Indianapolis) and they said that the cost could be taken from the bond proceeds and that is where they recommend the cost be paid from.

Commissioner Willner said he still has a problem with the signing of a contract without enough money to pay for it. The County Attorney will have to advise whether the Commissioners can sign the contract without having the funds.

Attorney John said he believes there has to be an appropriation from whatever account before any contract be signed.

Commissioner McClintock said she believes both Councilman Owen and Attorney John are correct. It can be paid from the bond proceeds, but on the other hand, she thinks the County has to set up an account and put an appropriation into it to cover any of these kind of expenditures. In any event, when the bonds are sold they are put in that account to pay those expenditures. But you have to have some sort of appropriation, because in the event something happens and you don't sell the bonds -- you have to have something set up to cover these kinds of expenses.

Attorney John said you have to have an account. What account would it be paid from.

Councilman Owen said at this point you could not appropriate the bond monies because, obviously, you wouldn't have the money to appropriate.

Attorney John said he believes you'd have to create a line account, appropriate it into that, and then project income in the amount of these fees to be generated from the sale of the bonds -- and it would go back into the County General Fund or whatever fund it is coming from -- he thinks. But this question might better be answered by the State Board of Accounts. It is very similar to the David M. Griffith & Associates agreement, which turned out very good.

Following brief discussion, it was the consensus of opinion that Attorney John should contact Ice, Miller and Donadio after talking with Attorney David Miller.

Commissioner McClintock asked why we can't develop the investment management policy statement in house. The City Controller did this for the City.

Mr. Tuley said he is not aware that the City is under a formal contract with anybody to do a cash management system.

Ms. McClintock said they are not -- they developed it in house -- probably some seven or eight years ago. Sharon Derringe was the Controller at the time.

Mr. Tuley said he doesn't know how you could maximize the investment if you don't have two or three hours a day to devote to it in house -- he just doesn't see how it is possible.

Councilman Owen said the big difference between the City and the County is that the County does all the collection -- so that is a substantial difference, because we're getting funds from thousands of taxpayers coming in every day and the City doesn't have to worry about that.

Ms. McClintock said she knows there might be an opportunity for us to cut down on the cost of this if there is information we can provide for them or things we can do for them that they don't just come in and do. Is that what you're saying to me, they have to spend full time for the rest of their lives (you could spend 8 hrs. per day for whatever doing something they say it only takes 47 hours to do).

Mr. Tuley said,. "All they're doing is to help us develop the RFP bid for proposal, and help us see that it is bid out, to meet with us with the banks. Once that is done, PFM is out of it and it is in the hands of the banker (whoever we allow to actually do it).

Following further brief comments, it was the consensus of opinion that if we can stay with the City's timetable, this will reduce our costs. They requested that Mr. Owen review the contract and come up with a final recommendation that might cost something less than \$8,600. Commissioner Willner said the Commissioners cannot sign the contract tonight. We could go on Council call for \$8,600. Let's work from both ends. Contact the other two counties and request a copy of their package and ask Attorney John to call Ice, Miller and feed all our information into Jerry.

Mr. Owen said one reason they're pushing that we do this obviously is because of the bond issue coming up. The timing on the bond issue has been geared to coincide with the City's bond issue on the Stadium. It is anticipated that if we do that the cost is going to be substantially reduced, not only because of PFM traveling in and out of Evansville and Ice, Miller, but Standard Poor's and Moody's -- and we will share with the City equally on these costs. The City is proceeding rather quickly, too. If we delay the process and do this solely on our own, then our costs will go up tremendously. As long as we can stay with the City's timetable as best we can, we will be able to reduce the cost -- instead of both of us paying for Mary Margaret Cross coming to town, we'll be splitting the cost and the same with the rest, such as the bonding company and the attorneys coming back and forth. So we're really making an effort to keep things as close together as we can.

Commissioner McClintock said she would be comfortable voting on it next week if we have an opinion from the County Attorney.

Commissioner Borries said he thinks it is very important that we do develop this in a timely fashion -- and he would share Pat Tuley's concern in relation to taking care of this entire situation. It also seems that this type system would coincide with the implementation of our new computer system -- and he thinks it is vital to have this done in a timely fashion. He can support the request if we get the needed information.

RE: USI OVERPASS & UNION TOWNSHIP OVERPASS

Commissioner Borries said he is not sure what the other Commissioners' feelings are in relation to the USI Overpass situation, but he definitely believes it is vital for us to make some decisions very quickly in relation to where any overpass in Union Township should be located. That has to be an essential part of any part of decision as to how much bonding capacity we would want to ask for. As President Owen has outlined, he thinks that Standard Poor's and Moody's (the two national bond rating organizations) are intending to come in May. Thus, it is vital for this Commission to come to some kind of agreement or non-agreement or non-consensus or whatever in relation to what is going to happen in terms of these two projects. It is very important that we have some kind of a figure on the table in order to secure a bond rating.

Mr. Owen said the two things they asked us to do were to have the engineers to provide information on the site that has been selected, some tentative drawings to give them a rough idea of what we're talking about, and also a financial figure. The actual cost of the project does not have to be exact. At this point it is a working figure and it doesn't have to be set until right before the bonds are to be sold. But they do need a figure to use in estimating the cost of the projects today. They also need the engineer to submit a construction timetable, so there would be cash flow projections prepared outlining over what period of time the money is going to be withdrawn and expended -- and in order for us to do that, we will have to get the engineer on this fairly quickly and have him begin to prepare some of that information. He thinks the date we've received from Standard Poor's is May 15th -- and it is his understanding they plan to take the County first and the City on May 16th.

Commissioner Willner entertained questions.

Commissioner Borries said the Board needs to make a decision within a week or so -- and we have to have a location decision and some cost figures. We'd better collect as much information as we can if we need to make those deadlines. We don't have to make those deadlines, but as pointed out by Mark, if we pay for these agencies to come in and out on several different occasions here, then we're talking about some substantial expense to go through this twice -- when we could do it only once.

Mr. Owen said he thinks if we coordinate our effort with the City we will have a much better presentation. It will show a good relationship between the City and the County -- and that will be good overall for the image of Evansville and Vanderburgh County.

Commissioner McClintock said she agrees. All she knows is that she spent five (5) hours one Friday afternoon interviewing engineers and hasn't heard a thing since.

Commissioner Borries said the Board needs to make a decision.

Commissioner McClintock asked, "What do we need to make a decision on, which engineer we're going to hire?"

Commissioner McClintock said we have an engineer looking at all the different places first -- in other words, we're going to have to decide where we want to put the Union Township Overpass before we can get a price. He should all four or five locations and prices. A lot of that depends upon SIGECO -- there are a lot of ifs. When you talk about putting three big \$1 million projects together and try to get them to gel, you're asking a bit much.

Commissioner Borries asked him what three projects he's talking about?

Mr. Willner responded, "The Union Township Overpass, the USI Underpass, and the Stadium for the City. In fact, just getting a price on one of them is going to be a task. We already have two engineers getting a price on the USI underpass and they are about a billion dollars apart -- so which figure do you want to take? What you think you're going to do is not easy -- so we need to work through those, and we will. But it is not a thing you can hurry."

RE: SPURLING PROPERTY/NORTH GREEN RIVER ROAD

Attorney John said Mr. Bill Spurling was informed by Greg Curtis to be here tonight.

Attorney Jim Flynn said he is here because at the February meetings on North Green River Road, we were unable to resolve our differences over Mr. Spurling's access to both lanes of Green

River Road to his 44 acre tract zoned C-4 in 1987. The Commissioners have before them some drawings. Mr. Willner has before him one of the first drawings, because what he did on behalf of Mr. Spurling was to make contact with Mr. Curtis to explore the possibility of getting access to their 44 acre tract without conflict with the Commissioners. In his first meeting, he asked if there was any way that he could give Mr. Spurling a cut in that median at any point along that way and the short and simple answer was "no". Therefore, they began to explore the possibility of getting access to the property from Spring Valley Road, which is the first intersection north of the property. The drawings which Mr. Willner has were marked up by Mr. Curtis to try to explain where they were going to get this access. The only way they can get the access is for the County to extend Spring Valley Road east of Green River Road. In that first drawing they made an effort to cut down the extension so the County would not have to go to any greater expense than absolutely necessary. He has another drawing which he will submit to Mr. Willner at this time and he thinks the revisions will match up exactly with what they had. They shortened the right-of-way on the road construction east of Green River on Spring Valley in order to get access as quickly as possible. (as an accommodation, us to you and you to us) so that they can get access to Green River Road and go to the hearing that is scheduled on April 20th and support this project on behalf of a very important commercial development in this area. That is what they are here about. They would ask the Commissioners to approve these plans. When they presented this to them last week as a proposal -- they had several comments and there were several changes made, based upon their comments.

Mr. Willner asked if it is his understanding that Mr. Flynn then wants the County to buy a section of 400 ft. x 200 ft. and build a 400 ft. road through designated property?

Mr. Flynn said that is one way of saying that the County does not want to give them access to Green River Road by giving them a cut in the median and under the conditions that the Commissioners have laid down, this will be a raised median. Now, he agrees with them, and, therefore, if this is the County's position, the only way they can give them what is their right is by building that 400 ft. for their property. They will be happy to consider any other alternative. Of course, the alternative they'd like the Commissioners to consider is to let them do exactly what they were told they could do during the rezoning -- with one entrance exactly where it is located on the drawing. He really does hope the Commissioners understand their problem; they do want to accommodate the Commissioners.

Commissioner Willner said he will take a vote of this body, but never in his history with the County has the County bought land for private developers nor have they ever built a road -- and this is a very, very dangerous precedent. And besides that, what if Mr. Hirsch says we cannot buy this piece of property and then we have to go to Court and use eminent domain. First, he thinks it is very unprofessional to even ask the County to do something like this. He is not sure whether the County can ask for eminent domain and then pass it on to someone else. But he thinks these are some of the things the Commissioners need to study. He got these plans this afternoon at 3:00 p.m. and he doesn't like that either. He thinks there is some reason behind that and he certainly doesn't appreciate it.

Mr. Flynn said that, first of all, Mr. Willner asked several questions and they are good questions. In answer to his question is whether EUTS was involved in this, the answer is yes. Mrs. Zigenfus participated with Mr. Spurling, the County Engineer, and himself when they presented this to them last week as a proposal and they had several comments and several changes were made.

Secondly, ever since the meeting in February when the raised median was approved, they have been endeavoring to meet with the Commissioners for the purpose of trying to reach an agreement with them, yes. But, to suggest that he has somehow slam dunked this proposal on the Commissioners -- he really has not done that. He has not tried to do that -- and it is no part of any plan of his. They have been trying to meet with the Commissioners and address this in a businesslike way. As far as the precedent is concerned, he would say to them that the only precedent he is familiar with is that access was taken from them on a major road on which they were an abutting landowner by the County in an exercise of its judgment. And they are simply trying to restore access to which they are entitled under the law of Indiana -- and there is going to be some expense to it, yes. There is going to be some expense to having a raised median and this is a part of that expense. There are many other abutting owners along this road who are receiving assistance in the construction of access as a result of this raised median. And they are asking no more and no less than that to which they are entitled.

Commissioner Borries said he is aware of access roads that were going to be constructed over on the other side of it -- and would only echo those comments (to sound like a broken record here) -- that we live in an imperfect world and with the way that the plan has unfolded at this point -- to say that a major development that involves some 44 acres is not going to be able to have a left-hand turn is also a very dangerous precedent, in his opinion. He was aware that the Engineer and Rose Zigenfus had met with Messrs. Flynn and Spurling. He had seen the concept of the plan today, but he was aware that they had worked together to try to reach some kind of agreement. As he said, there are residents who are going to have to be served on the other part of Green River Road on the south side -- because they don't have access to certain portions. So, if we're going to have a median, he's afraid this is the best we're going to do.

Mr. Flynn said it is the only place they can get a cut in the median.

Commissioner Willner asked what was Mrs. Zigenfus' recommendation.

Commissioner Borries said that as far as he knows, this was the best that was going to be able to be done in relation to trying to provide access for that 44 acres. If you provide it where it was originally set in the original zoning, as pointed out by Mr. Flynn, you can't make a left-hand turn. You can't get in and out. You can't do it on the very extreme edge of his property because that doesn't interface with Spring Valley Road -- that is why the road is angled in this situation. This does allow for some major development here, which puts money on the tax rolls of Vanderburgh County -- so he sees some sense to that. He does share Commissioner Willner's concerns in terms of the expense to the County, but he has consistently opposed the median all along.

Commissioner Willner asked, "What are the expenses to the County?"

Commissioner Borries said, "I think we need to provide some access to this person's property as much as we did anybody else's."

Commissioner Willner said he is not talking access now -- he is talking about price.

Commissioner Borries said, "The lowest possible price."

Mr. Flynn said, "It is the lowest possible price."

Mr. Willner asked, "Has this Commission ever voted on a project where we don't know the price?"

Commissioner Borries said, "I think we probably have; I'm not sure that we're pretty well set up as to how much the access is going to cost over here on the other side yet."

Mr. Willner said, "Give me a rough estimate."

Mr. Borries said, "I don't have a rough estimate for you at this time."

Mr. Flynn commented, "What you should be asking, Sir, is what is our estimate of what the loss of our access would be -- because we're entitled to access. You're going to take it away. And we're here to try to reach an agreement on how you will take access away and how we will regain it at some other location."

Mr. Willner said, "I am speaking for myself, you know. That agreement is not acceptable to me. And that is perfectly within my rights, is it not?"

Mr. Flynn responded, "Yes, it is. I would ask that you consider it."

Commissioner Willner said, "I'd work with you in any way, shape, or form -- but I am not going to buy some ground and give it back -- I'm just not going to do that. I've been here 18 years and we haven't once done that -- not once. And I don't intend to start now -- for a private business - we haven't done that."

Mr. Flynn said, "You haven't bought any ground. I respectfully suggest that you didn't buy the ground when you put in a raised median. And now, when we try to get across that median --

Mr. Willner said, "We bought the ground 15 years ago."

Mr. Flynn interrupted, "You did not buy the limited access areas."

Commissioner Willner said he would like the recommendation of EUTS and the recommendation of the County Engineer before this decision is made.

Commissioner McClintock said she is ready to make a motion this evening. She said, "Bob, I understand your concerns about constructing roads for private development. However, I agree with Rick. In this case we have made every effort to accommodate as many possible landowners and residents that live along this proposed development at our own expense. And the difference between giving a gravel and/or paved driveway to a resident (and I don't think that question is settled yet) and then, in my mind, it is no different. I may be wrong -- but it is no different. This access will also accommodate the adjoining land over to the north, which is the James Hirsch property. With that understanding, I move that we approve these plans as presented by Morley & Associates and request that the County Engineer send these to United Consulting Engineers to be included in the Green River Road plan. If the Green River Road plan continues to have a raised median in this portion of the project, obviously, if the median becomes flush, you will have your access and we would not be interested in giving you access at this Spring Valley point."

Mr. Flynn said, "That is the plan."

Commissioner Borries seconded the motion.

Commissioner Willner said the motion has been made and seconded and he would ask for a roll call vote: Commissioner McClintock, yes; Commissioner Borries, yes; and, Commissioner Willner, no. Motion carried with two (2) affirmative votes. So ordered.

RE: COUNTY ATTORNEY - CURT JOHN

Attorney John said that tonight the Board found it is possible they may need an Executive Session. He'd recommend the Board meet on Thursday. It is regarding the possible disciplinary action against a Vanderburgh County employee. He has the Notice drawn up and all he needs is the time.

Commissioner Willner said he has 11:00 a.m. on Thursday in Room 307, and the other Commissioners indicated agreement with the scheduled time.

Commissioner McClintock said it is her understanding that the employee is currently not working and has been suspended pending the result of the Executive Session. In her mind, that Executive Session may or may not result in disciplinary action that would call for a five -- and this would become now a six or seven day suspension. She would like to see that employee go back to work -- so that if we do not terminate him or suspend him for more than three days, the County does not have to pay for someone to be off work. This has happened before. She would have no problem with this employee reporting back to work tomorrow morning pending the result of the investigation on Thursday.

Attorney John said, "That is within the discretion of this Board in the event that the meeting determines that it warrants such discipline, naturally he would have nothing coming. On the other hand, if the Board determines that a one day, three day, five day suspension was warranted, he would only be entitled to the amount that exceeded the suspension. So that is within the Board's discretion. He would be entitled to back pay in the event he did not get suspended for the period he has been off, according to the agreement."

Commissioner Willner asked if there is a second -- and Commissioner Borries seconded the motion.

President Willner then asked for a roll call vote: Commissioner McClintock, yes; Commissioner Borries, yes; and, Commissioner Willner, No. Motion carried by two (2) affirmative votes. So ordered. Commissioner Willner then instructed Mr. Muensterman to put the employee back to work tomorrow morning.

RE: NEW BUSINESS

Sound System/Commissioners Hearing Room: Commissioner Borries said it has come to his attention that the sound system in the Commissioners Hearing room is some 23 years old and is not used only by this Commission, but rather a large number of groups (ABC, EUTS, Code Enforcement, etc.) and it is in poor condition. The sound (not only for media purposes but for recording) is very difficult. He is wondering if the Board couldn't consider having some kind of sound study done for this room. And perhaps we might want to add one more microphone for the County Attorney or use on that side of the room and maybe look at another configuration. Quite often we don't have individuals who properly identify themselves clearly on the microphone. Perhaps we should think of re-doing the sound system in this room. We're not talking about a frivolous expenditure here -- we're talking about something that is 23 years old. His secretary has told him that things are getting rather fuzzy in the areas of poor sound and recording and he has had persons in the media register that same complaint with him. Thus, he is throwing this out for the Board's consideration. It is awkward and noisy moving the table mikes back and forth and the County Attorneys have some very important things to say during the meetings. He thinks perhaps we need to have one (1) more table mike installed.

President Willner requested that Mr. Jerry Riney check this out.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports: Mr. Muensterman said he had submitted the Weekly Work Reports and Absentee Reports for both the County Garage and the Bridge Crew on Friday. He entertained questions. There were none.

Paver: Mr. Muensterman said they finished the new paver on Thursday and tried to get the kinks out of it on Friday -- and he thinks it will be just fine. The operator himself is not used to the machine being hydraulic (he is used to hand-cranking it the old fashioned way -- and this is really something different).

BFI Waste Material: It was noted that Mr. Muensterman has been working with Browning Ferris Industries landfill on Laubscher Road. It is a County road and we're getting paid for it through the State, but they have been taking care of it. We do go in there and dig ditches or something like that -- but most of the time it is their job to take care of it. They had calls from the Environmental Pollution Control Board concerning the dust in the summertime -- and the rain -- the hazards of the road on St. Joe Avenue and they've gotten calls from the Sheriff, the State Troopers and different citizens in Vanderburgh County. He recommended that maybe they pave that road. Last year when he talked with them the man said it was too much money. He got estimates for them and now they still say it is too much money. This year they came to him and wanted to know if we could get it paved -- that they would pay for the amount of the product or the material, if we would pave it for them. In other words, we'd provide the labor and the trucking of the material. It will cost them around \$38,000 for the material (he obtained estimates from both J. H. Rudolph & Co. and Jerry David). It is 2,210 ft. long and 22 ft. wide. But they want to put a 4 inch base on it and a 1-1/2 inch surface because of the heavy trucks on it. This would really help. We get calls during the rainy periods because of the mud on the big trucks coming out. And Environmental Pollution is on us all the time, because it really is dusty in the summertime -- although they do try to water it. Still, when they water it, you have the mud coming out on the road -- and then the big trucks will dry it off and kick it up and you have problems again. They would like to have it done before April 29th if at all possible, because that is when they have the free trash disposal day (Saturday, April 29th). In response to query from Commissioner McClintock, Mr. Muensterman said they should be able to do this within four to five days.

Following further brief comments, upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the request to pave Laubscher Road from St. Joe Avenue to the BFI landfill was approved with the understanding that BFI will pay for the paving material and the County will provide the labor. So ordered.

RE: COUNTY ENGINEER'S OFFICE - SCOTT DAVIS

Mr. Scott Davis of the County Engineer's office was recognized. Mr. Davis said there are three matters that Mr. Curtis wishes him to relay his statements on for the meeting tonight only.

Coliseum Roof Project: Mr. Curtis states that the County Council has approved the funding for this project and we need to accept the low bid and award the contract. Industrial Contractors, Inc. was low bidder on the project in the amount of \$74,112. They have indicated that they can anticipate starting on this project next week. Apparently there are some materials they would have to order and have shipped in and he would like your approval on this.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the bid for the Coliseum roof was awarded to Industrial Contractors, Inc. So ordered.

Bridge #35 on Outer Darmstadt Rd.: Mr. Curtis stated we have closed Bridge #35 due to the poor structural condition and we are preparing plans for its replacement.

With regard to Bridge #35 on Outer Darmstadt Road, President Willner said to close that bridge we dumped two loads of dirt -- one on the north end of the bridge and one on the south end of the bridge. And there are warning signs at either end. This particular road is a gravel road and carries three or four cars per day at the most. But he would like to have it declared an emergency so we can go ahead with the plans to update that bridge. It was closed because of Bernardin, Lochmueller's bridge inspection. They did not feel they would be comfortable in saying the number of years this bridge would last -- so the decision to close it during the past week was made at their recommendation. He entertained a motion to declare this an emergency and prepare a set of plans.

Mr. Borries said it is his understanding that the previous plans are not sufficient because one of the abutments are rotten (as described by Mr. Curtis) -- so the bridge will have to be re-designed with new abutments.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, this was declared an emergency. So ordered.

St. Joe Avenue & Mill Rd. Intersection: EUTS has recommended modifying the signal at this intersection. Their recommended modification would be to change it to a flashing signal from 6:00 p.m. to 6:00 a.m. It would flash "yellow" for St. Joe traffic and flash "red" for Mill Road traffic. Mr. Curtis would recommend that we do this. It will require Mill Road traffic to stop, but they will only have to wait for traffic to clear during the flashing times. The flashing signal would be "red, "yellow" and "green" from 6:00 a.m. to 6:00 p.m. and then just flashing "red" on Mill Road and flashing "yellow" on St. Joe Avenue from 6:00 p.m. to 6:00 a.m. There would be no equipment change; just a change in the programming on the signalization change.

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

RE: TRAVEL ORDINANCE

Commissioner Willner said that last week there was a draft of an Ordinance relating to the authorization of official travel and reimbursement of expense. There is an updated version in the Commissioners' mail boxes and they will want to look this version over before next week's meeting.

RE: COUNTY TREASURER - MONTHLY REPORT

The Monthly Report from the County Treasurer was submitted.....report received and filed.

RE: COUNTY CLERK - MONTHLY REPORT

Also submitted was the Monthly Report from the County Clerk....report received and filed.

RE: COUNTY APPOINTMENTS - COMMUNITY CORRECTION ADVISORY BOARD

President Willner said he has a letter from Mr. Harris Howerton of The Vanderburgh Circuit Court advising that, "A Community Corrections Advisory Board Meeting was held on Wednesday, April 12th. The purpose of this meeting was to elect officers (Chairman, Vice-Chairman, Secretary/Treasurer), and resolve to retain appointees made by the Commissioners to that Board.

A motion was made, and carried, to recommend to the Commissioners they retain those members of the Board who, by State Statute Chapter 12, Article 11-12-2-2, are appointed by the Commissioners. A copy of the Statute is attached.

I have also attached a list of persons now serving as members of the Community Corrections Advisory Board. I respectfully request that the Commissioners vote to retain these members. Thank you.

/s/ Harris Howerton  
Director of Court Services

Those members to be re-appointed by the Commissioners are:

Probation Officer	Allan Henson
Educational Administrator	Al Buck
Private Correctional Agency	John Harl, Jr.
Mental Health Administrator	Robert Spear
Ex-Offender	Roy Weightman
(4) Lay Persons:	Rev. Joseph Trask
1 Minority	Gerald Yezbick
	Robert Lutz
	Harris Howerton
	(Sec.-Treasurer) 4/12/89

The foregoing have consented to serve again and the term of these appointments is 4 years (4/12/89 thru 4/12/93).

Other members of the Board include:

County Sheriff	Clarence Shepard (Chairman)
Prosecuting Attorney	Robert Pigman
Welfare Director	William Buckman
Mayor	Frank McDonald II
*Judge (Criminal Jurisd):	William H. Miller
	(Vice-Chairman) 4/12/89
*Judge (Juvenile Jurisd):	Robert Lensing
*Attorney (Criminal Def.):	Russell Woodson

\*Appointed by Circuit Court Judge

RE: TRAVEL REQUEST - COUNTY CORONER

Commissioner Willner presented a request for permission to travel to an Indiana Coroner's Association Seminar on April 26, 27, and 28, 1989 in Indianapolis, IN. This meeting is conducted by the Commission on Forensic Science under I.C. 36-214-14. Mr. Althaus indicates he has the necessary funds allocated in his account.

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

RE: HOLIDAY CLOSINGS - 1990

It was noted by President Willner that Holiday Closings for the following year are always scheduled at this time of year because the Courts request them for their schedule. He then read the schedule (copy attached hereto to the minutes).

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

RE: SCHEDULED MEETINGS

Tues. April 18 6:00 p.m. Fulton Ave. Bridge Improvement Project (Cedar Hall School)

Wed. April 19 7:00 p.m. Public Hearing re Indiana Hi-Rail RR on Orchard Road (Central High Cafeteria)

Wed. April 19 6:00 p.m. Area Plan Public Hearing (Room 301)

Mon. April 24 2:30 p.m. Public Auction/Real Estate (Room 307)

Joint Meeting/Board of Public Works & County Commissioners (Room 307)

Thurs. April 27 10:30 a.m.  
& 1:30 p.m. Job Study Training Sessions (Room 307)

RE: CLOSING OF AUDITORIUM PARKING LOT

Commissioner Willner said he has received notice from Auditorium Manager Rick Higgins that the Auditorium Parking Lot will be closed for the entire day on Thursday, April 27, 1989. The Old National Bank has rented the facility and the parking lot for the entire day for their Annual Shareholders Meeting. City-County employees should so be notified.

RE: CLAIMS

Proceeding, Mr. Willner said his secretary has informed him that we are holding a bill in the amount of \$322.20 for Tri-State Reporting Services (they take depositions, he guesses) and that we need to go on Council Call for \$1,000, and he has a prepared request for approval.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request to go on Council Call in the amount of \$1,000.00 was approved. So ordered.

He also has a \$22,000 claim for the Sheriff's Department which he is holding until next week (X-Ray machine for Court security)

Bowers, Harrison, Kent & Miller: Claim in the amount of \$13,202.70.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the claim was approved for payment. So ordered. (Motion subsequently rescinded due to lack of funds.)

RE: EMPLOYMENT CHANGES

Circuit Court (Appointments)

Karen Destache	Overtime	\$126.00	1/89 to 3/89
Lucille Smith	Overtime	49.62	1/89 to 3/89
Linda Sumner	Overtime	566.49	1/89 to 3/89
Wanda Ringham	Overtime	474.68	1/89 to 3/89



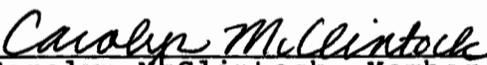
PRESENT:

Robert L. Willner, President  
Richard J. Borries, Vice President  
Carolyn McClintock, Member  
Sam Humphrey, Auditor  
Cindy Mayo, Chief Deputy Auditor  
Curt John/County Attorney  
Cletus Muensterman/County Highway Supt.  
Bill Jeffers/Chief Deputy Surveyor  
Scott Davis/County Engineer's Office  
Mark Tuley/Burdette Park Manager  
Clarence Shepard/Sheriff  
Steve Moser/Sheriff's Department  
Jim Flynn/Attorney  
Bill Spurling  
Lisa Daugherty  
Mark Owen/County Councilman  
Pat Tuley/County Treasurer  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

  
\_\_\_\_\_  
Robert L. Willner, President

  
\_\_\_\_\_  
Richard J. Borries, Vice President

  
\_\_\_\_\_  
Carolyn McClintock, Member

NOTICE  
EXECUTIVE SESSION  
BOARD OF COMMISSIONERS  
VANDERBURGH COUNTY, INDIANA  
THURSDAY, APRIL 20, 1989

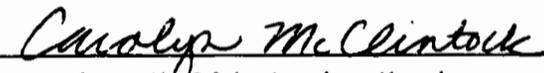
NOTICE IS HEREBY GIVEN that the Board of Commissioners of Vanderburgh County, Indiana will hold an Executive Session at 11:00 a.m. in Room 307, Civic Center Complex, Evansville, Indiana on Thursday, April 20th. 1989.

PURPOSE of said meeting is to discuss possible disciplinary action against an employee of Vanderburgh County.

BOARD OF COMMISSIONERS OF  
VANDERBURGH COUNTY

  
\_\_\_\_\_  
Robert L. Willner, President

  
\_\_\_\_\_  
Richard J. Borrkes, Vice President

  
\_\_\_\_\_  
Carolyn McClintock, Member

ATTEST:

Sam Humphrey, Auditor  
Vanderburgh County

Approved by:

Curt John  
County Attorney

# Board of Commissioners

OF THE  
COUNTY OF VANDERBURGH  
305 ADMINISTRATION BUILDING  
CIVIC CENTER COMPLEX  
EVANSVILLE, INDIANA 47708

## HOLIDAYS FOR 1990

The following holidays will be observed by the County offices in 1990:

New Years Day.....Monday, January 1  
Martin Luther King Jr. Day.....Monday, January 15  
Washington's Birthday.....Monday, February 19  
Good Friday.....Friday, April 13  
Primary Election.....Tuesday, May 8  
Memorial Day.....Monday, May 28  
Independence Day.....Wednesday, July 4  
Labor Day.....Monday, September 3  
General Election.....Tuesday, November 6  
Thanksgiving.....Thursday, November 22  
(In lieu of Columbus Day).....Friday, November 23  
Christmas Eve... (In lieu of Lincoln's Birthday). Monday, December 24  
Christmas Day.....Tuesday, December 25  
New Years Eve... (In lieu of Veteran's Day).....Monday, December 31

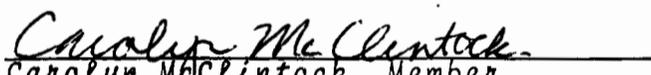
NOTE: New Years Day will be observed on Tuesday, January 1, 1991,  
and will be included in the Holidays for 1991.

### APPROVED BY:

The Board of Commissioners of  
the County of Vanderburgh

  
Robert J. Willner, President

  
Richard J. Borrjes, Vice President

  
Carolyn McClintock, Member

**ORDINANCE RELATING TO AUTHORIZATION FOR OFFICIAL TRAVEL AND REIMBURSEMENT OF TRAVEL EXPENSES**

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

**Section 1.** This Ordinance shall govern all requests for travel and reimbursement of travel expenses of any employee or agent of any office or department listed in §30.06 of the Code of Ordinances of Vanderburgh County, Indiana.

**Section 2.** Any request for out-of-state travel shall be approved in advance by the Board of Commissioners.

**Section 3.** Any request for reimbursement of travel expenses shall comply with the following guidelines and shall be submitted to the Board of Commissioners for approval:

A. Reimbursement will be allowed only with respect to official county business. Any person seeking reimbursement shall incur the lowest travel expense reasonably possible and shall exercise reasonable care to avoid impropriety or the appearance of impropriety while traveling on official county business.

B. Each request must be made only by the person who incurred the travel expenses.

C. Each request must be separately itemized and in sufficient detail, including the submission of original receipts or other satisfactory evidence of expenditure.

D. Each request shall be submitted only on forms furnished by the County Auditor.

E. Expenses that are reimbursable include food, lodging, cost of public transportation, use of personal automobile, parking, tolls and cab fare. Tips to hotel or airport porters are not reimbursable. The following specific reimbursement limitations shall apply:

(1) Food--not to exceed \$24.00 in any 24-hour period of travel.

(2) Lodging--not to exceed (a) the single room occupancy rate (including taxes), (b) in cases in which two persons in travel status share a room, one-half of the room rate charged (including taxes), or (c) the governmental room occupancy rate (including taxes), if available, whichever rate is lower.

*Apr 4/10/89*

*Inter-Department Correspondence*

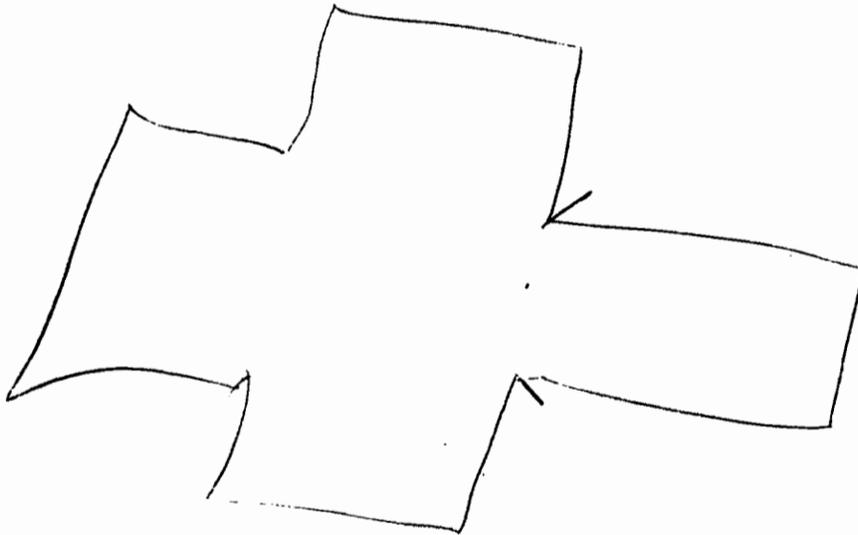
To: Board of County Commissioners

Date: April 10, 1989

From: Roger Lehman, Building Commissioner  
*RL*

Subject: Change Order  
Burdette Pool Entry Complex

Request approval for additional \$610.00 for change in roof structure recommended by Architect and Park Manager. Funds are available. Copy of Change Order attached.



4-12-89

App 4/17/89

# THE VANDERBURGH CIRCUIT COURT

CIVIC CENTER COMPLEX  
COURTS BUILDING - ROOM 210 • PHONE 426-5192  
EVANSVILLE, INDIANA 47708

WILLIAM H. MILLER, JUDGE  
ADULT PROBATION DEPARTMENT  
ALLAN HENSON  
CHIEF PROBATION OFFICER  
REV. ROBERT L. SAUNDERS  
PROBATION OFFICER  
MICHAEL MATTINGLY  
PROBATION OFFICER  
LARRY G. MCDOWELL  
PROBATION OFFICER  
JOHN R. MUELLER  
PROBATION OFFICER

WORK RELEASE PROGRAM  
BAIL BOND PROGRAM  
COMMUNITY SERVICE  
S.A.F.E. HOUSE  
HARRIS HOWERTON  
DIRECTOR  
DENNIS HEATHCOTT  
ASSISTANT DIRECTOR

TO: Vanderburgh County Commissioners  
FROM: Harris Howerton, Director of Court Services  
Vanderburgh Circuit and Superior Courts  
DATE: April 13, 1989  
RE: Community Corrections Advisory Board Resolution

A Community Corrections Advisory Board meeting was held on Wednesday, April 12, 1989. The purpose for this meeting was to elect officers (Chairman, Vice-Chairman, Secretary/Treasurer), and resolve to retain appointees made by the Commissioners.

A motion was made, and carried to recommend to the Commissioners they retain those members of the Board, who by State Statute Chapter 12, article 11-12-2-2, are appointed by the Commissioners. A copy of the Statute is attached.

I have also attached a list of persons now serving as members of the Community Corrections Advisory Board. I respectfully request that the Commissioners vote to retain those members. Thank you.

  
Harris Howerton  
Director of Court Services

APR 13 1989

VANDERBURGH  
COUNTY COMMISSIONERS

**11-12-2-2. Community corrections advisory board to be established — Members — Term — Vacancy — Reappointment — Service of combined counties — Officers — Quorum — Assistance by board of county commissioners and county council.** — (a) To qualify for financial aid under this chapter, a county must establish a community corrections advisory board by resolution of the board of county commissioners or the city-county council. A community corrections advisory board consists of:

- (1) The county sheriff;
- (2) The prosecuting attorney;
- (3) The director of the county welfare department;
- (4) The mayor of the most populous municipality in the county;
- (5) One (1) judge having criminal jurisdiction, appointed by the circuit court judge;
- (6) One (1) judge having juvenile jurisdiction, appointed by the circuit court judge;
- (7) One (1) attorney with a substantial criminal defense practice, appointed by the circuit court judge; and
- \* (8) The following members, appointed by the board of county commissioners or the city-county council:
  - (A) One (1) probation officer.
  - (B) One (1) educational administrator.
  - (C) One (1) representative of a private correctional agency, if such an agency exists in the county.
  - (D) One (1) mental health administrator or, if there is none available in the county, one (1) psychiatrist, psychologist, or physician.
  - (E) One (1) ex-offender, if available.
  - (F) Four (4) lay persons, at least one (1) of whom must be a member of a minority race if a racial minority resides in the county and a member of that minority is willing to serve.

(b) Members of the advisory board appointed by the board of county commissioners or city-county council shall be appointed for a term of four (4) years. The criminal defense attorney shall be appointed for a term of four (4) years. Other members serve only while holding the office or position held at the time of appointment. The circuit court judge may appoint one (1) judge to fill both judicial memberships if that judge is otherwise qualified. The circuit court judge may also appoint himself if he is otherwise qualified. A vacancy occurring before the expiration of the term of office shall be filled in the same manner as original appointments for the unexpired term. Members may be reappointed.

(c) Two (2) or more counties, by resolution of their boards of county commissioners or city-county council, may combine to apply for financial aid under this chapter. If counties so combine, the counties may establish one (1) community corrections advisory board to serve these counties. This board must contain the representation prescribed in subsections (a) and (b), but the members may come from the participating counties as determined by agreement of the boards of county commissioners or city-county council.

COMMUNITY CORRECTIONS ADVISORY BOARD

COUNTY SHERIFF: CLARENCE SHEPARD (CHAIRMAN) 4-12-89  
PROSECUTING ATTORNEY: ROBERT PIGMAN  
WELFARE DIRECTOR: WILLIAM BUCKMAN  
MAYOR: FRANK MCDONALD II

APPOINTED BY JUDGE (CRIMINAL JURISD): WILLIAM H. MILLER (VICE-CHAIRMAN) 4-12-89  
CIRCUIT COURT JUDGE (JUVENILE JURISD): ROBERT LENSING  
JUDGE ATTORNEY (CRIMINAL DEF): RUSSELL WOODSON

---

(TO BE APPOINTED BY COUNTY COMMISSIONERS)

PROBATION OFFICER: ALLAN HENSON  
EDUCATIONAL ADMINISTRATOR: AL BUCK  
PRIVATE CORRECTIONAL AGENCY: JOHN HARL, JR.  
MENTAL HEALTH ADMINISTRATOR: ROBERT SPEAR  
EX-OFFENDER: ROY WEIGHTMAN  
(4) LAY PERSONS: REV. JOSEPH TRASK  
1 MINORITY GERALD YEZBICK  
ROBERT LUTZ  
HARRIS HOWERTON (SEC-TREASURER) 4-12-89

*The above members of the Community Corrections Advisory Board  
the term of their appointments is 4 years from 4/12/83  
to 4/12/87.*

April 14, 1989

*Harold Post*  
TO: Mr. Bob Wilner; President, Vanderburgh County Commissioner  
FR: Harold Post; District Manager, Browning Ferris Industries  
RE: Laubscher Road Paving

Browning Ferris Industries will furnish material to pave Laubscher Road with 4 inch base and 1½ inch surface from St. Joseph Avenue to the entrance of the Landfill.

County Highway Department will furnish labor and machinery to install the paving material.

HP/mas

*Board of Commissioners*

OF THE  
COUNTY OF VANDERBURGH  
308 ADMINISTRATION BUILDING  
CIVIC CENTER COMPLEX  
EVANSVILLE, INDIANA 47708

ROBERT L. WILLNER  
RICHARD J. "RICK" BORRIES  
*Carolyn McClintock*

TEL. (812) 426-5241

April 18, 1989

Re: Appointment to the Community  
Corrections Advisory Board

This is to officially inform you that during our regular meeting which was held on April 17, 1989, you were re-appointed to the Community Corrections Advisory Board effective 4/12/89.

Your term is for four years or during your elected term of office.

We are confident that you will be a valuable member of this Board, as you have been in the past, and we are pleased to have you serve again in this capacity.

Please contact Ms. Joanne Matthews in the Auditors Office to complete the necessary paper work. She can be reached at 426-5460.

If we can ever be of any assistance, please feel free to contact us.

Sincerely,

The Board of Commissioners of  
the County of Vanderburgh

*Robert L. Willner*  
Robert L. Willner, President

*R. Borries*  
Richard J. Borries, Vice President

*Carolyn McClintock*  
Carolyn McClintock, Member

Appointments on reverse side-----

# Board of Commissioners

OF THE  
COUNTY OF VANDERBURGH  
308 ADMINISTRATION BUILDING  
CIVIC CENTER COMPLEX  
EVANSVILLE, INDIANA 47708

ROBERT L. WILLNER  
RICHARD J. "RICK" BORRIES  
Carolyn McClintock

TEL. (812) 426-8241

April 18, 1989

TO: Harris Howerton, Director of Court Services  
Vanderburgh Circuit and Superior Courts

FROM: The Vanderburgh County Commissioners

RE: Community Corrections Advisory Board Appointments

The individuals listed below have been re-appointed to the Community Corrections Advisory Board by the Vanderburgh County Commissioners at their regular meeting which was held on April 17th, 1989.

Each member is to serve a four-year term, effective 4/12/89.

Allan Henson - Probation Officer  
Al Buck - Educational Administrator  
John Harl, Jr. - Private Correctional Agency  
Robert Spear - Mental Health Administrator  
Roy Weightman - Ex-offender  
Four (4) Lay Persons  
One (1) Minority

Rev. Joseph Trask  
Gerald Vezbick  
Robert Lutz  
Harris Howerton

The Board of Commissioners of  
the County of Vanderburgh

Robert L. Willner  
Robert L. Willner, President

Richard J. Borries  
Richard J. Borries, Vice President

Carolyn McClintock  
Carolyn McClintock

# CHANGE ORDER

AIA DOCUMENT G701

OWNER   
 ARCHITECT   
 CONTRACTOR   
 FIELD   
 OTHER

PROJECT: Burdette Park Pool Entry  
(name, address) Complex

CHANGE ORDER NUMBER: 1

DATE: April 10, 1989

TO CONTRACTOR: Deig Bros.  
(name, address)

ARCHITECT'S PROJECT NO: --

CONTRACT DATE: February 20, 1989

CONTRACT FOR: Construction

The Contract is changed as follows:

Change roof layout over the central open Entry Area to include gable ends facing East and West to be finished with T-111 plywood. Underside of trusses in the area to be finished by owner.

Not valid until signed by the Owner, Architect and Contractor.

The original (Contract Sum) ( ) was .....\$ 256,000.00  
 Net change by previously authorized Change Orders .....\$ -0-  
 The (Contract Sum) ( ) prior to this Change Order was .....\$ 256,000.00  
 The (Contract Sum) ( ) will be (increased) ( )  
 ( ) by this Change Order in the amount of .....\$ 610.00  
 The new (Contract Sum) ( ) including this Change Order will be ..\$ 256,610.00

The Contract Time will be ( ) ( ) (unchanged) by ( ) days.  
 The date of Substantial Completion as of the date of this Change Order therefore is the same.

NOTE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

ARCHITECT \_\_\_\_\_

CONTRACTOR \_\_\_\_\_

OWNER \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

BY \_\_\_\_\_

BY \_\_\_\_\_

BY \_\_\_\_\_

DATE \_\_\_\_\_

DATE \_\_\_\_\_

DATE \_\_\_\_\_

CITY OF EVANSVILLE

Inter-Department Correspondence

To: Board of County Commissioners

Date: April 10, 1989

From: Roger Lehman, Building commissioner  
*RL*

Subject: Site Improvements-Burdette Pool

*\$11,475*

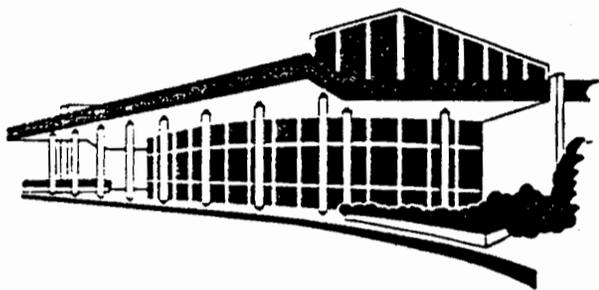
Recommend approval for the following site improvements for Burdette Pool:

PROJECT #1 - Retaining Walls, Pool Deck

(Low Price) Contractor	<u>APG</u>	Amount	<u>36450</u>
( Other ) Contractor	<u>CASSEC</u>	Amount	<u>ALL 8,129</u>
( Other ) Contractor	<u>DIEG</u>	Amount	<u>2365</u> <u>21825</u> <u>5719</u>
( Other ) Contractor	_____	Amount	_____

*\$10,000*

Funds are available in existing accounts.



Vanderburgh Auditorium  
Convention Center  
715 Locust Street  
Evansville, Indiana 47708  
812-426-2270

APRIL 13, 1989

TO ALL DEPARTMENT HEADS:

THE PARKING LOT WILL BE CLOSED ALL-DAY THURSDAY APRIL 27, 1989.

OLD NATIONAL BANK HAS RENTED THE PARKING LOT FOR THE DAY.

THANK YOU,

*Richard F. Higgins*

RICHARD F. HIGGINS, EXECUTIVE DIRECTOR  
VANDERBURGH AUDITORIUM  
CONVENTION CENTER

RFH/sb

CHARLES R. ALTHAUS  
CORONER  
RES. PHONE 423-0100  
PAGER 464-7000

RICHARD A. WOODS  
CHIEF DEPUTY  
RES. PHONE 423-7867  
PAGER 464-4009

## VANDEBURGH COUNTY CORONER

ROOM 107 ADMINISTRATION BLDG. PHONE 426-5236  
CIVIC CENTER COMPLEX  
EVANSVILLE, INDIANA 47708

April 13, 1989

To: Vanderburgh County Commissioners

From: Vanderburgh County Coroner, Charles R. Althaus *CR*

Re: Indiana Coroners Seminar

I'm requesting your permission to attend the Indiana Coroner's Association seminar meeting April 26, 27 and 28, in Indianapolis, Indiana. This meeting is conducted by the Commission on Forensic Science, under Indiana code section 36-2-14-14.

I have the funds allocated in account 107-313.

Please find a copy of the agenda attached.

*Remainder to be furnished to the coroner's association.*



CRA/ag

**SEMINAR IN DEATH INVESTIGATION OF SUICIDE  
THURSDAY 27 APRIL 89  
INDIANA UNIVERSITY CONFERENCE CENTER**

8:00 AM	Registration	
8:30 AM	Introduction	
8:45 AM	Suicide-Investigative Inigma Some that were - Some that weren't	- Murphy
9:30 AM	The Most Common U.S. Suicide Gunshot Wounds	- Jordan
10:15 AM	<b>BREAK</b>	
10:30 AM	Examination of Gunshot Residue Electron Microscopy & EDAX	- Pless - Goheen
11:15 AM	Electrical Deaths	- Tate
12:00	<b>LUNCH</b>	
1:30 PM	Evidence of Intent	- Clark
2:15 PM	CO Deaths and Garage Suicides	- Peterson
3:00 PM	<b>BREAK</b>	
3:15 PM	Vehicular Suicides - A Review	- Giles
4:00 PM	Drug Deaths - Suicidal	- Hawley
7:00 PM	Optional Dinner - Porpoise Pavillion - Indianapolis Zoo	

**A  
SEMINAR  
IN  
DEATH INVESTIGATION  
OF  
SUICIDE**

**Sponsored by  
Indiana Commission on Forensic Science  
Indiana Coroner's Association  
National Association of Medical Examiners**

**April 27-28, 1989  
Thursday & Friday**

**Indiana University Conference Center  
IUPUI  
800 West Michigan  
Indianapolis  
Indiana  
(317) 274-1600**

**FIRST MEETING OF  
INDIANA CORONERS/MEDICAL EXAMINERS  
WEDNESDAY  
26 APRIL 89**

**Indiana University Conference Center  
IUPUI  
800 West Michigan St.  
Indianapolis, IN 46223**

8:30 AM Registration

9:00 AM Introduction - John Evans

9:15 AM The Investigation of Death - A Generic System - John Pless

9:30 AM - The Ohio Coroner System - Robert Raker

10:00 AM - The Kentucky Coroner/Medical Examiner System - David Jones

10:30 AM **BREAK**

10:45 AM - The Illinois Coroner System - Grant Johnson

11:15 AM - The Michigan Medical Examiner System - Steve Cohle

12:00 **LUNCH**

1:00 PM Coroner's Business Meeting

2:00 PM The Examination of the Body - A Pathological Examination

- Collection of trace evidence Steve Cohle

Examination of the clothing

- The Head & Eyes Jans Muller

- Neck John Pless

3:00 PM **BREAK**

- Chest & Abdomen Mike Clark

- Spine & Extremities Dean Hawley

Toxicological collection of specimens - Mike Evans

8:00 PM **BRING YOUR OWN CASES**

MINUTES  
COUNTY COMMISSIONERS MEETING  
APRIL 24, 1989

I N D E X

<u>Subject</u>	<u>Page No.</u>
Authorization to Open/Read Bids.re Data Processing Hardware:.....	1
No Bids: Computer Bay, NCR, Government Technology Services, Inc., 3-C Computer Corporation; Computer Center; and West Coast Wholesale Distributors, Inc.	
<u>Bids</u> : IBM Corporation, Pioneer Electronics, Hewlett-Packard and ATEK. (Bids given to Purchasing for their evaluation and recommendation to the Board (Bids retained by Purchasing.)	
Acting County Attorney - Cedric Hustace.....	2
Acceptance of Checks/Alexander Ambulance \$10.00)	
Approval of Minutes.....	2
Auction of County Surplus Property.....	3, 5 & 8
Amended Ordinance to the Code of Ordinances (Deferred)	3
Travel Ordinance (Approved on First Reading).....	3
Burdette Park/Plans for Changes re the Miniature Golf Course - Roger Lehman.....	3
(Commissioners approved plans subject to changes made by R. Lehman and Architect, as required.)	
Vanderburgh Auditorium - Rick Higgins.....	3
Auditorium Logo approved 1989 List of Events & Work Schedules	
Bonding Issue - Mark Owen and Pat Tuley.....	4
(Approved writing specs for Cash Management Investment Policy)	
County Highway - Cletus Muensterman.....	6
Weekly Reports Laubscher Rd./ Paving to be finished this week	
Executive Session - Report.....	6
Motion approved to send employee a Letter of Warning; employee to receive back pay for 4 days he was suspended and employee to pay County \$186.40 for materials used; employee has already been reinstated.	
County Engineer - Greg Curtis.....	6
CSX Union Township Overpass/Underpass Engineer Consultant for USI/Eickhoff Rd.- Bernardin, Lochmueller approved Eickhoff-Koressel Road Project - Engineer to advertise for Consulting Services Extension of Boonville-New Harmony Rd. from Green River Rd. Bridge #13 on Boonville-New Harmony Rd. Bridge #35 on Outer Darmstadt Rd. Green River Rd. South Claim/Bernardin, Lochmueller & Assoc. (\$3,107.52 - Lynch Rd.) Claim/Bernardin, Lochmueller & Assoc. (\$3,015.00 for Phase I, Bridge Inspection)	

Road Striping  
 Request for Additional Personnel - To prepare  
 Job Description prior to submitting formal request  
 to Council  
 Road Management System - \$30,000 was cut at budget  
 time last year; County to look at updating old  
 Road Study

West Side Improvement Association - Shirley James.....	11
Motz Road Bridge - (County needs to do something).....	12
Appointment - Legal Aid..... (Alan Jones re-appointed for 3 year term)	12
Travel Request/County Recorder.....(Approved).....	12
Acceptance of Checks.....	12
United Artist Corp (Evllle. Cable T-V) -	\$27,261.13
Southwestern Mental Corp. -	\$150,611.65
*Auditor/State of Indiana -	\$ 446.71
*Auditor/State of Indiana -	\$ 1,078.92
*Auditor/State of Indiana -	\$ 1,098..49
*Auditor/State of Indiana -	\$ 549.25
*Auditor/State of Indiana -	\$ 1,837.08
*Auditor/State of Indiana -	\$ <u>893.43</u>
Total	\$182,697.74
*All connected with Eickhoff Rd. project and deposited back into Acct. 216-4741 per G. Curtis.	
Coliseum Properties - Appraised Value...(\$119,450).....	12
Agreement w/ Hayes, Seay, Mattern & Mattern.....	13
Scheduled Meetings.....	13
Executive Session.....	13
Employment Changes.....	13
Meeting Recessed at 4:20 p.m.	

MINUTES  
COUNTY COMMISSIONERS MEETING  
APRIL 24, 1989

The Vanderburgh County Board of Commissioners met in a Joint Session with the Board of Public Works of the City of Evansville at 2:30 p.m. on Monday, April 24, 1989 in the Commissioners Hearing Room with President Robert Willner presiding. The meeting was called to order by President Willner and James Helfrich, presidents of the respective Boards.

RE: AUTHORIZATION TO OPEN BIDS

President Willner said the Commissioners are meeting in a Joint Session with the Board of Public Works for the purpose of publicly opening and reading the bids for the furnishing and delivery of the Data Processing Hardware. A motion was entertained to authorize Acting County Attorney Cedric Hustace to open and read the subject sealed bids.

Motion to this effect was made by Commissioner Borries and seconded by Commissioner McClintock. BPW President James Helfrich said the Board of Public Works makes the same motion. So ordered.

Attorney Hustace said he will read the bids as he opens them. The first six (6) responses were "No Bids" from the following:

Computer Bay  
NCR  
Government Technology Services, Inc.  
3-C Computer Corporation  
Computer Center  
West Coast Wholesale Distributors, Inc.

Since the bulky bids had been hauled into the room on a freight truck and opening of one or two sufficiently indicated that opening of the bids would be a lengthy process and considerably delay action regarding any other items on the agenda (and there were those present who had other appointments, most specifically Attorney Donna Hagedorn - who was representing a property owner interested in the County Surplus Real Estate Auction) it was the consensus of opinion of both Boards that the Attorney should proceed with the bid opening and compile a list prior to reading of the bids, so the Board could proceed with other items on the agenda.

When Attorney Hustace was ready, he read the following bids:

IBM Corporation	\$1,048,020	
Plus	139,085	(Systems Software)
Pioneer Electronics	746,143	
Hewlett-Packard	1,149,256	
Plus	35,400	per year (Software Support)
ATEK	Option #1	959,394
	Option #2	874,916

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Attorney was instructed to give the bids to Purchasing for their evaluation and they will come back to the Board with comments and/or their recommendation by May 1st. So ordered.

There being no further business to be conducted during the Joint Session, President Willner and President Helfrich declared the Joint Session adjourned at 3:14 p.m.

The Commissioners continued with their meeting and the published agenda.

RE: ACTING COUNTY ATTORNEY - CEDRIC HUSTACE

Acceptance of Checks/Alexander Ambulance Lawsuits: Attorney Hustace presented an Alexander Ambulance Lawsuit Collection check from Stacey Kemper in the amount of \$10.00.

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

RE: APPROVAL OF MINUTES

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

RE: AUCTION OF COUNTY SURPLUS REAL ESTATE

President Willner asked if there are those present for the purpose of bidding on County Surplus Real Estate. (There were two individuals who indicated interest, Attorney Donna Hagedorn and Mr. Robert B. Edge of 819 N. Third Avenue -- Phone: 423-9621).

Continuing, Mr. Willner said these are eight (8) 1987 properties on which the County Auditor held Tax Certificates for one (1) year. After one (1) year, they are deeded to the County. The parcels were appraised by the County Assessor's office and have been advertised for sale for four (4) weeks prior to conducting the sale.. He said it is his understanding that any bid would be subject to paying the appraisal fee plus the fee to bring the deed up. He asked County Auditor Humphrey if there is a standard price on that. Auditor Humphrey asked Sunny Goodman of his office if that fee is \$175.00 year. Ms. Goodman said she did not know. Auditor Humphrey said those fees are included in the appraisal amount. Commissioner Willner said we will probably not get the appraisal amount. Auditor Humphrey said the property has to be sold for everything. Following further discussion and much confusion as to whether the properties have to be sold for the appraisal fee or the assessed value, etc.at the first offering, it was determined that the Board will proceed with other items on the agenda while the Commissioners ask someone in County Attorney David Miller's office to research the State Statute (since there have been changes in the State Law with regard to conducting such sales) as Attorney Hustace is currently occupied with the opening of data processing hardware bids (at Attorney Hustace's request). President Willner said the research will be conducted and in the interim, the Board will proceed with other items on the agenda.

RE: AMENDED ORDINANCE TO THE CODE OF ORDINANCES

The meeting proceeded with President Willner saying that the Area Plan Commission has submitted copy of an Amended Ordinance containing revisions to sections of the General Provisions of the Code of Ordinances. There is to be a Committee Hearing and these will also be heard by the Area Plan Commission at 6:00 p.m. this Wednesday in Room 301.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Amended Ordinance was approved on First Reading for forwarding to the Area Plan Commission. (Per Beverly Behme, not to be advertised for Final Reading until she gets back to the Commissioners on Monday, May 1, 1989.)

RE: TRAVEL ORDINANCE

Commissioner Willner said that last week the Commissioners were given a final draft of the Travel Ordinance re travel and reimbursement of travel expenses. This is the First Reading of subject ordinance.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the ordinance was approved on First Reading. So ordered. (Final Reading is scheduled for Monday, May 15, 1989 at 7:30 p.m.)

RE: BURDETTE PARK - ROGER LEHMAN

It was noted that Mr. Tuley is not feeling well and is, therefore, being represented by Building Commissioner Roger Lehman today with regard to plans for changes re the miniature golf course.

Mr. Lehman said he assumes the Commissioners have seen the plans and Ms. McClintock indicated she has not. Mr. Lehman said he will lay the plans on their desk for their review. The changes that were needed were fairly minor and he did discuss them with the architect prior to the meeting and he has agreed to make the changes -- again, they are very minor. They are asking the Commissioners' approval on the design of the building (wood frame, wood siding, etc., rustic appearance in keeping with the general aesthetics of the park). Most of the changes were to comply with code technicalities (the outside drain was 4 inches rather than six inches, the plumbing vent through the roof was two inches instead of three inches, that type of thing). He would be comfortable if the Commissioners make the approval subject to the changes agreed to by him and the architect.

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

RE: VANDEBURGH AUDITORIUM

Auditorium Logo: Mr. Higgins submitted an Auditorium Logo. He said Commissioner Willner had suggested they get some type of shirt for events. It looks better on the employees if they have a shirt with a logo for events -- other than the regular janitorial type attire. He is presenting the proposed logo for the Auditorium for approval. He can get these for under \$300 (about \$12 or \$13 per shirt). He is looking at a gold shirt with black lettering or a black shirt with gold lettering.

Mr. Willner said that we might also put this on the regular uniforms. Mr. Higgins said it is very possible that they can get patches made up or something. This would be for all the employees. He would hope it would catch on and other people might want to buy them and that could be some additional revenue -- somewhere in the future.

Commissioner McClintock asked if Mr. Higgins has talked with the employees about this, and he said he has. She asked, "We're not going to have a problem with the Teamsters wanting to wear their uniform?"

Mr. Higgins said this is strictly just for wear during events. In response to query from Commissioner McClintock as to whether the employee's name will also be included, Mr. Higgins said no, -- but possibly they could have a badge with their name.

Ms. McClintock said she likes the logo and the black border. But she was wondering whether it would be easier to silkscreen if the lettering was a little simpler.

Mr. Higgins said it might be; he will check with the silkscreener. What he has is a rough draft which needs to be polished. Incidentally, Jan Murphy is the same gal who produced the Burdette Park logo.

Ms. McClintock said she would like to see the employees' names on the shirt.

Commissioner Willner suggested the Board approve the logo and then Mr. Higgins can do whatever his budget allows him to do.

Mr. Higgins said there is not a line item for this -- he would be taking it out of the Other Supplies Account. They have no budget for Advertising at this time -- but they could surely use some advertising money. They are starting to use their electronic sign to advertise and he is getting the word out that we can sell advertising on that and maybe that revenue could help replenish the cost for the shirts.

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

1989 List of Events & Work Schedules: Mr. Higgins presented a List of Events for 1989 at the Auditorium. The next list he brings will be a Five Year Schedule. They also have Weekly Work Schedules printed up for the employees.

RE: BONDING ISSUE - MARK OWEN & PAT TULEY

President Willner introduced County Council President Mark Owen and County Treasurer Pat Tuley.

Councilman Owen said they contacted Ice, Miller & Donadio as to whether the contract could be signed without an appropriation first being obtained. The information from Ice, Miller (2nd paragraph of their letter) said "yes". Under a bond issue it actually is done during the bonding process out of bond proceeds. So as that process is followed, we can go ahead and approve the contract for the Cash Management System and the Investment Policy.

Commissioner McClintock asked if Attorney Curt John has seen a copy of Ice, Miller's letter and has Mr. Owen talked to Attorney John this?

Mr. Owen said Attorney John's only question was what happens if the bonds, for some reason, were not sold -- and is the County still responsible for the fee. He posed that question to Ice, Miller and their answer to him was that one of two things normally happen. First of all, they would come down here and just call it quits and say we'll negotiate a fee and we'll be done with it. Secondly, they would simply say that the next bond issue that the County does -- there would be an agreement that they would be the Attorneys hired to represent it so they could recoup the loss off of this one on another bond issue. They also

indicated to him that this doesn't happen very often and that obviously from a legal standpoint if they saw a problem, they would have identified it before now. So they do not anticipate any legal problems. However, occasionally things do come up. Specifically, on the Vanderburgh County bonds they don't find any problem at all and don't see any reason why the bonds would not be sold.

In clarifying the matter, Commissioner asked, "So what you're asking for today is approval to enter into the contract with PFM in the amount of \$8,600 to basically develop a Cash Management System for Vanderburgh County, which we will have regardless of whether or not we have any bonds?"

Mr. Tuley said, "Actually, what they are going to do is write the specifications so that we may bid this out. So that is actually all they are doing. They will formalize a Cash Management Investment Policy for the County. With or without the bond, this is something I feel we need anyway."

There being no further questions, upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request was approved. So ordered.

RE: COUNTY SURPLUS REAL ESTATE SALE

In response to query from the audience, Commissioner Willner said he understands that on the first advertised price we must take the appraisal price. If it doesn't sell at the appraisal price, then we hold another sale next week or the week after (or whenever) and we can sell at any price at that time. What I am trying to do is get a legal opinion on that -- because I need to be sure.

Attorney Hagedorn said it was her understanding that it could go for any price today.

Commissioner Willner said that used to be true, but he thinks that has changed -- and that is what they are checking right now.

Ms. McClintock asked, "So you weren't interested in paying the appraised value anyhow?"

Attorney Hagedorn responded, "No -- no." She said that, based on this, she can probably exit the meeting and the sale will be published again, right?"

Commissioner Willner said he understands that is true -- but he is waiting to find out.

Commissioner McClintock said Jerry Riney will know; she can call the office tomorrow and ask when the sale will be conducted again.

Commissioner Willner said that if we can sell it for a lower price today, then Attorney Hagedorn wants to stay.

Attorney Hagedorn said she is late for an appointment; she has a baby to take to the adopting parents and she thought she could make the appointment when she came into the meeting at 2:30 p.m.

Commissioner Willner said he is sorry for the delay -- but he doesn't know what to do about it.

Commissioner McClintock said that if the County sale is anything like the City sale, it has to sell for the appraised value the first time.

Commissioner Willner said he thinks that is true -- but he is not positive. In any event, the research is still underway.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. Muensterman said he turned in his Weekly Reports on Friday. Are there any questions?

Continuing, Mr. Muensterman presented photos of Berry Court & Berry Lane.

Laubscher Road: It was reported that paving of Laubscher Road between St. Joe Avenue and the BFI landfill will be finished by Tuesday or Wednesday of this week. The labor was done with County forces, with the material provided by BFI.

RE: REPORT ON EXECUTIVE SESSION

President Willner said that the Board of Commissioners held an Executive Session at 11:00 a.m. on Thursday, April 20, 1989. This needs to be made a part of the record and a motion made as a result of that meeting, as no decision has yet been reached.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the employee involved is to receive a Letter of Warning and receive back pay for the four (4) days he was suspended (he has already been reinstated), with the understanding that he will be responsible for paying Vanderburgh County \$186.40 for materials used. Payment is to be made no later than May 1, 1989. So ordered.

RE: COUNTY ENGINEER - GREG CURTIS

CSX Union Township Overpass/Underpass: Mr. Curtis said it is his recommendation following interviews held a couple of months ago with United Consulting Engineers, Bernardin, Lochmueller & Associates, and Riley, Park, Hayden & Associates that we hire United Consulting Engineers as the consulting firm to design the overpass project.

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

Insofar as the choice for the location of that overpass at this time, they investigated a wide variety of locations. They looked at Barker Avenue; they looked at Stinson, where the former overpass was. Following investigation, it was felt that with the 29.5 ft. wide road in that area, this would pose a parking problem and the road would have insufficient width to carry two lane traffic without doing away with the parking on both sides. So that location was not considered feasible. They also looked at an underpass at Dennison Avenue and it was not considered feasible, nor was "C" Street, due to geometric restraints. Also considered was "B" Street, the location that was previously studied and pursued by the County. He has cost estimates on Barker Avenue and a couple of variations on "B" Street. The total construction cost estimate for the Barker Avenue location is \$5.55 million. That is with the assumption that we won't have to relocate any tracks. If we relocate tracks, it might change the cost of the bridge, but it also is very expensive to relocate tracks. The cost estimate for the "B" Street location (as previously located going directly across "B" Street) is \$2.48 million, as previously discussed. There is some contention though as to whether or not the Railroad will allow us not to use retaining walls and, if they require retaining walls, that will be \$3.18 million. There is also a problem with that location in that there are two (2) railroad tracks that SIGECO owns that we don't know at this time what they would require insofar as going under those or whether we'd try to relocate those. So, there is another alternative -- and he will show the Board a sketch in a moment. But, an estimate for that (if retaining walls were not

required) would be \$2.66 million. With retaining walls it would cost \$3.93 million -- swinging that north of those tracks. He would like to recommend that we go with the "B" Street alternative and investigate the options as to what we can go with and try to have some additional information for next week's meeting -- and hold a hearing of some sort on that after the Commissioners Meeting to get public input on that choice of location.

In response to query from Commissioner McClintock as to the major objections to the "B" Street location, Commissioner Borries explained that this and the Becker Parkway would be within less than one quarter mile of each other. The other was the impact on the whole neighborhood -- and the replacement cost of the houses in that neighborhood. At least the preliminary design on "B" Street had indicated that if these retaining walls were used, you might not have a front yard as wide as the Commissioners' desks in the hearing room. There would only be three or four feet in the front yard before you got to that particular wall. He feels it is unacceptable at this point to look at a negative impact on the whole neighborhood as a result of that. Because, again, if you want to relocate persons from a neighborhood, given the cost of housing these days, replacement housing is going to be very difficult to find. He will continue to support the Barker Avenue proposal. He has all the respect in the world for County Engineer Greg Curtis -- and he is not an engineer -- but it seems to him that way back whenever the Stinson overpass was built to serve the people in that particular area, someone obviously had the intent in mind that this was an appropriate location and from continuous talks he's had with persons in that area (although he does realize it carries a more expensive price tag) -- this is not something we're going to build every year. And if it is done right it is going to have to last for quite some time. Having done through the "B" Streer proposal and also having some concerns about the impact of the flooding in that particular area, and, as pointed out, with retaining walls the cost could conceivably go as high as \$3.93 million (maybe higher) he'd simply have to stay with the Barker Avenue alternative at this time -- because he simply believes it is better for safety purposes, direct access into the City of Evansville for emergency vehicles, that it would lessen the impact on flooding (such as if we went too far south to the Nurrenbern Road area) -- and he believes those who have been lifelong residents on the west side and who can remember that Stinson Avenue viaduct -- almost to a person, would tell you that Barker Avenue is where it should be. So I'm going to stay with Barker Avenue."

Mr. Curtis said the retaining wall in the yards on "B" Street was also one of the first things that came to mind on the other two underpasses ("C" Street and Dennison) that they considered not feasible. He agrees very much with having the public hearing, because he is sure there are a lot of other things that at this time aren't being considered.

The meeting continued with Mr. Curtis pointing out several things on the plans. Following further brief discussion, upon motion made by Commissioner McClintock and seconded by Commissioner Borries, a Public Hearing re the Union Township Overpass/Underpass was scheduled at 6:00 p.m. on Monday, May 8, 1989 in Room 307. The Secretary was requested to advertise said hearing. Commissioner Borries said the Board is going to have to reach a decision in order to develop the proper plans.

Mrs. Shirley James of the Westside Improvement Association asked questions of County Engineer Greg Curtis. She asked if Mr. Curtis considered both options on Barker Avenue?

Mr. Curtis said that in reviewing the alternatives given by CSX to us, due to the amount of fill required to get down on the south side or east side of the railroad tracks, they felt that would not be feasible, because they would not only have to build the fill for the road to come back down, but they would have to have a considerable amount of fill to raise the Old Henderson Road, as well.

RE: SALE OF COUNTY SURPLUS REAL ESTATE

Commissioner Willner interrupted this segment of the meeting to get back to the matter of the sale of County Surplus property and asked Attorney Hustace for his comments.

Attorney Hustace said I.C. 36-1-11-5 sets out the procedure for the sale of property with assessed value of less than \$2,000. Then it also talks about appraised value. So, assuming the assessed value is less than the appraised value for purposes of discussion here, it requires that notice of publication be made and then ten (10) days afterwards, if the disposing agent (the County) receives an offer to purchase of the appraised value, then he conducts the negotiation sale under the further provisions of this chapter of this statute. However, if the disposing agent after notice of publication doesn't receive an eligible offer to purchase the tract at or in excess of the appraised value, then he conducts the sale or negotiates the sale under this section, which requires him, without further publication or appraisal, to negotiate the sale of the tract with eligible abutting landowners and if one or more of the butting landowners have equal bids, then the selling agent has to inform the abutting landowners that there is a higher bid, so people can match that bid. If no eligible abutting landowner submits an offer to purchase the tract, then the disposing agent can sell the tract to any person who submits the highest offer for the tract, except the person who was ineligible. So, at this point, if there is no offer -- at least for the appraised value -- then the County would have to go back and contact the abutting property owners to attempt to sell the property.

Attorney Hagedorn said she is the representative of an abutting landowner, and she will not be negotiating for the appraised value.

Commissioner Willner said he will run through the list of the eight (8) parcels (taking them individually) to see if anyone would like to bid on the various tax codes, as follows:

		Appraised Value
21-44-3	1105 Cherry Street	\$ 1,220
21-74-5	808 Line Street	840
21-87-16	925 Judson	1,610
22-19-9	114 Madison Avenue	690
22-31-11	109 Madison Avenue	1,350
22-78-14	1702-1705 S. Governor St.	1,560
24-62-7	208 S. Bedford Avenue	1,170
27-57-10	817 N. Third Avenue	690

With respect to the property at 817 N. Third Avenue, Mr. Robert Edge indicated an interest in bidding (he is an abutting property owner) but he did not wish to bid \$690 (the appraised value). Commissioner Willner asked that he provide his name, address, and phone number, and he will be contacted at a later date advising when the property will be sold. (The individual's name was Mr. Robert Edge, 819 N. Third Avenue, Telephone: 423-9621).

RE: COUNTY ENGINEER - GREG CURTIS

Engineering Consultant for the USI-Eickhoff Rd.

Overpass/Underpass: Mr. Curtis said that with regard to the Engineering Consultant for the USI Eickhoff Rd. Overpass/Underpass we interviewed Bernardin, Lochmueller & Associates, Fink, Roberts & Petrie, and Veach, Nicholson, Griggs Associates; it is his recommendation that we hire Bernardin, Lochmueller & Associates.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Bernardin, Lochmueller was selected as the Engineering Consultant. So ordered.

Eichhoff-Koressel Road Project: We have also received from the Federal Highway Administration notification that we must deed to the State the right-of-way within two years on that project. Therefore, he would like to recommend that we advertise for Consulting Services for the design of that road project so that when we are ready to proceed with the design, we have the design at hand and ready to go. The environmental is currently being reviewed and we will be receiving final approval on that within the next three to four weeks.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Mr. Curtis was authorized to advertise for Consulting Services for the design of the Eickhoff-Koressel Road project. So ordered.

Extension of Boonville-New Harmony Rd. from Green River Rd. to I-164: The contract on this project was let last week and the bid price was \$989,305 and Sam Oxley & Company was the low bidder. It is expected they will be given notice to proceed within the next five (5) days.

St. Joe Avenue/Allen's Lane Intersection: Mr. Curtis said he has the plans and specifications for the St. Joe Avenue/Allen's Lane Intersection and is asking approval on these so he can advertise for bids.

Mr. Willner said he would like to see the improvements to the intersection done first, but sooner or later we're looking at a light at this intersection.

Mr. Borries also reiterated his wishes for a 40 mph speed limit.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the plans and specs were approved and Mr. Curtis was authorized to advertise for bids. So ordered.

Bridge #13 on Boonville-New Harmony Rd.: Mr. Curtis said that he hopes to be reviewing preliminary plans on that bridge by the end of the week.

Bridge #35 on Outer Darmstadt Rd.: They have been reviewing the situation at this site and have determined that the old abutments need to be replaced. Therefore, we need to have a survey done on the bridge. He knows the County Surveyor's Office is very busy. He has talked with the City. Basically, he needs to know whether he would be able to use the City's Survey group -- they have indicated that they would have time.

Green River Rd. South: Mr. Curtis said he has a letter from Jack Danks to County Auditor Sam Humphrey regarding funding requirements on Green River Rd. South. At the present time we have enough money to pay our share or reimburse the City for our share of all those activities with the exception of the construction. And we have part of the money for that. He would

recommend we take note of this and when the contract is let we will at that time budget the money for our share of the construction costs.

Claim/Bernardin, Lochmueller & Associates: Claim in the amount of \$3,207.52 on Lynch Rd. Extension from Oak Hill Rd. to Burkhardt Rd.

Claim/Bernardin, Lochmueller & Associates: Claim in the amount of \$3,015.00 for Bridge Inspection/Phase I.

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

Opening of Covert Avenue Extension Beyond Fuquay Rd.:  
Commissioner Borries asked whether Mr. Curtis' office has received any notification from the IDOH with regard to the opening of the portion of Covert Avenue beyond Fuquay that is in Vanderburgh County. To avoid confusion on the part of motorists, he would request information.

Mr. Curtis said all his office received was a request that a stop sign be installed and at that time they were not aware when the road was going to be opened. He is not aware that it is open. They had asked that the stop sign be installed this morning -- so he had assumed that something might possibly be going to happen early in the week.

Commissioner Borries asked that Mr. Curtis call the IDOH tomorrow and obtain instructions and prepare a public notice.

Road Striping: Mr. Curtis said that Traffic Engineering is getting ready to begin striping the roads and they have requested information in regards to which roads we would like to have white edge lines on, as well as assistance in marking passing zones on the roads that have not been striped to date. It is his understanding that we want white edge lines on Green River Rd. Are there other roads we want white edge lines on?

Commissioner Borries said he has a meeting tomorrow with Mr. Jack Danks at 2:00 p.m., and if Mr. Curtis can attend the Commissioners would welcome his attendance, as well as that of Mr. Muensterman and Mr. Jerry Riney -- in an effort to take positive steps to coordinate things. There is some confusion as to what is to be striped and what is not to be striped and when they are going to do it -- and how we can get reports from Traffic Engineering, etc.

Commissioner Willner said that St. Joe Avenue definitely needs white striping on the edges. He's been trying to go through a list of roads very quickly -- what about St. Joe Road.

Mr. Muensterman said that last year mention was made of white striping on the edges of Boonville-New Harmony Rd. and Middle Mt. Vernon Rd. and Upper Mt. Vernon Road. Comment was made that St. Wendel Rd. was also mentioned last year.

Mr. Curtis said that according to letter he received from City Engineer Tom Williams, we've had some questions lately concerning the jurisdiction over streets where the City line runs through the centerline of the streets and it is understanding (and he concurs) that if we are receiving dollars from the State for the mileage of those roads that we would maintain the roads. He went on to say they don't have any problems with roadway drainage, etc., signs and traffic controls -- but they felt the road itself would be our responsibility insofar as maintenance if we receive road mileage dollars.

Request for Additional Personnel: Mr. Curtis said the last item he has concerns the fact that he is becoming further and further behind in work in his office. Things are beginning to crank up where he is going to be sending Scott Davis out into the field and he would like for the Commissioners to possibly consider hiring additional help for his office.

Commissioner McClintock asked, "What type of additional help?"

Mr. Curtis said he would like to find someone with a technical background, who can type and operate a computer. He specifically would like someone with a technical background, who could go out into the field when it is necessary. He would appreciate the Commissioners' consideration and he can then submit a formal request to Council. He mentioned this to Council President Mark Owen and he asked that he prepare a job description and get it to the Job Study people prior to asking Council for the position and funds to fund that position.

Road Management System: Commissioner McClintock asked where we are on the Road Management System.

Mr. Curtis said it is his understanding that we received proposals on that last year and he doesn't think anything was ever done with that.

Commissioner Willner said County Council cut that out of the budget last year. It was \$30,000.

Commissioner Borries said he would like to see this reinstated, because we have done a lot of roads in the last couple of years and it is very important that we maintain them. He thinks this is going to be our next priority. Paving is always an ongoing thing. He requested that Mr. Curtis pull out this data for the Board's review.

Mr. Curtis asked if the Commissioners want the old proposal or a new one?

Mr. Borries said he'd want the old one, and we could look at that to update it.

President Willner said that both Bernardin, Lochmueller & United Consulting Engineers are represented here today. Bernardin, Lochmueller has been named Consulting Engineers for the USI Overpass/Underpass and United Consulting Engineers has been named Consulting Engineers for the CSX-Union Township Overpass/Underpass. The Board has scheduled a Public Hearing on the CSX-Union Township Overpass/Underpass in two weeks (May 8, 1989 at 6:00 p.m. in Room 307) and the Board would like for United Consulting Engineers to go through this project at that time with the residents and the Commission. The County Engineer has requested some revisions in the original study of that overpass/underpass and they need to get with him and get back to the Commission at a later time.

RE: WEST SIDE IMPROVEMENT ASSOCIATION - SHIRLEY JAMES

Mrs. Shirley James was recognized and introduced herself. She said she just wants to let the Commissioners know that the Westwood Garden Club is attempting to purchase the little schoolhouse at Eickhoff-Koressel Rds. and is looking to move it to over with the buildings at the USI. They did work with the University on the restoration there. They have approached USI and have also approached the individual who owns the property and are waiting to hear what the Commissioners are going to do. But she does know that they would like to make that their project and they are looking at a fundraiser now. Anything the Commission could do to help them out would be appreciated, so they can restore this as a monument.

Motz Road Bridge: Commissioner Willner said we need to do something with the Motz Road Bridge, regardless of whether the project is an expansion, a widening, new construction, or whatever. We need to do something.

RE: APPOINTMENT - LEGAL AID SOCIETY

Following brief comments, upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Mr. Alan Jones was re-appointed to the Legal Aid Board of Directors of the Legal Aid Society for another three (3) year term. So ordered.

RE: TRAVEL REQUEST

Commissioner Willner submitted a travel request from County Recorder Bob Steele. State-called meeting of all County Recorders on May 8 and 9, 1989 in Nashville, IN.

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

RE: ACCEPTANCE OF CHECKS

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the following checks were accepted, endorsed, and given to the Secretary to be quietused into the proper account.

United Artist Corp. (Evansville Cable T.V.).....	\$27,261.13
Southwestern Mental Health Corp.....	\$150,611.65
(Quietused into the County General Fund)	
*Auditor/State of Indiana.....	446.71
*Auditor/State of Indiana.....	1,078.92
*Auditor/State of Indiana.....	1,098.49
*Auditor/State of Indiana.....	549.25
*Auditor/State of Indiana.....	1,837.08
*Auditor/State of Indiana.....	893.43
*As per Greg Curtis, all connected with the Eickhoff Rd. project and deposited back into Acct. 216-4741.	

RE: APPRAISED VALUE - PROPERTIES SURROUNDING COLISEUM

Mr. Jerry Riney reported that the appraisal re parking lot and two buildings by the Coliseum has been completed. The values are as follows:

315-317 Market Street (Owner, McKinney).	\$ 25,000
319-321 Market Street (Owner, Folz)	41,750
359-371 Engel Street (Owner, Reis).....	42,700
<hr/>	
Total	\$119,450

At this time with the Commission's approval, he would like to sign the claim in the amount of \$1,500.00 and pay Mr. Paul Hatfield for his duties

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

Mr. Riney asked if the Commissioners want to go on Council Call to request the funds to purchase these properties.

Commissioner McClintock said she would like to think about this for a week.

It was determined that a copy of the appraisal figures will be provided to Council, as they have a Finance Meeting this week.

RE: AGEEMENT WITH HAYES, SEAY, MATTERN & MATTERN

Mr. Curtis said we need to sever the agreement we had with Hayes, Seay, Mattern & Mattern regarding the Union Township Overpass. We told them we would let them know if we wanted them to anything further.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, HSM&M is to be notified that the agreement is being severed. So ordered.

RE: SCHEDULED MEETINGS

Wed.	April 26	1:00 p.m.	County Council Personnel Mtg.
		2:30 p.m.	County Council Finance Mtg. (Room 303)

RE: EXECUTIVE SESSION

A member of the news media asked for copies of minutes of Executive Session held on Thursday, April 20, 1989 at 11:00 a.m., citing I.C. 5-14-1.5-6.

President Willner said he will have to check with the County Attorney.

RE: EMPLOYMENT CHANGES

County Assessor (Appointments)

Paul Batts	Board of Review	\$45.00/Day	Eff: 4/17/89
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Superior Court (Releases)

Ted Gore	Prob. Officer	\$23,900/Yr.	Eff: 5/5/89
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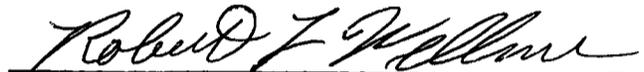
There being no further business to come before the Board at this time, President Willner declared the meeting recessed at 4:20 p.m., with the announcement that the Drainage Board will convene immediately.

PRESENT:

Robert L. Willner/Presidewnt  
Richard J. Borries, Vice President  
Carolyn McClintock, Member  
Sam Humphrey/County Auditor  
Cedric Hustace/Acting County Attorney  
Cletus Muensterman/County Highway Supt.  
Greg Curtis/County Engineer  
Roger Lehman/Building Commissioner  
Donna R. Hagedorn, Attorney  
Robert N. Burdge  
Susie Scoles  
Merle L. Scoles  
Mr. & Mrs. Robert Edge  
Chris Kern  
Ed Koewer/ATEK  
Gerald Chipps  
Mary & Leslie Sanders  
Art Gann  
Betty Hermann/County Council  
Mark Owen/County Council  
Pat Tuley/County Treasurer  
Gail Cummings  
Shirley James/Westside Improvement Association  
Virgil Hatfield  
David R. Ellison

James Helfrich/BPW  
Chris D. Melton/BPW  
Tom Dorsey/Purchasing Director  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

  
Robert L. Willner, President

  
Richard J. Borries, Vice President

  
Carolyn McClintock, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
MAY 1, 1989

I N D E X

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Completion of Paving/Laubscher Rd. (\$34,980 check from BFI was quietused into Acct. 201-230 by Mr. Muensterman	
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Bridge #35 - Outer Darmstadt Rd. (Barricaded)	
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MINUTES  
COUNTY COMMISSIONERS MEETING  
MAY 1, 1989

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, May 12, 1989 in the Commissioners Hearing Room, with President Robert Willner presiding.

The meeting was called to order by President Willner and subsequently opened by Sheriff Shepard, who declared the Commission in session pursuant to adjournment.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the minutes of April 17, 1989 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of April 24, 1989 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: AUTHORIZATION TO OPEN PROPOSALS RECEIVED ON BRIDGES #4 AND #1-C

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Attorney Curt John was authorized to open the proposals received on Bridges #4 and #1-C (Franklin Street Bridge and Columbia-Delaware Bridge, respectively.) So ordered.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

President Willner said the meeting will proceed with the auction of County-owned surplus real estate. There will be an additional \$285.00 charge added to whatever is bid for the property to cover new deed, etc.

Commissioner Willner then proceeded to auction the properties, one by one. Upon motion made by Commissioner Borries and seconded by Commissioner McClintock and following a unanimous affirmative roll call vote, there were two (2) of the eight (8) parcels sold, as follows:

<u>Tax Code</u>	<u>Address</u>	<u>Amount</u>	<u>Buyer</u>
27-57-10	817 N. Third Avenue	\$100.00	Robert B. Edge 819 N. 3rd Ave.
21-87-16	925 Judson Street	\$150.00	James Esters 953 Ravenswood

The six (6) parcels not bid upon or sold were:

21-44-3	1105 Cherry Street
22-31-11	109 Madison Avenue
21-74-5	808 Line Street
22-19-9	114 Madison Avenue
22-78-14	1702-04 S. Governor
24-62-7	208 S. Bedford

County Auditor Sam Humphrey advised that the successful bidders will need to go to the Auditor's Office (Room 208) and pay Vanessa Adams the bid price plus the \$285.00 additional charge for the properties purchased. (Secretary Joanne Matthews had called the Auditor's office with the names of the successful bidders and the correct bid amounts.)

President Willner said this concludes the auction today. It is his understanding that at any meeting of the County Commissioners from this day forth the six (6) properties that haven't been sold can be bought.

RE: SHERIFF'S DEPARTMENT

X-Ray Machine for Court Security: Sheriff Shepard had previously appeared before the Commissioners to request approval of purchase of used Astrophysical X-Ray Machine for purposes of Court security. The Board had deferred approval pending additional information.

Mr. Sheriff said that as per the Commissioners' request, he has contacted three (3) companies and found two more this morning (out on the west coast). He called Astrophysics and their bid remains the same (\$22,000). He called Scan-Tech Security Co. in New Jersey and delivered here their ballpark figure is \$26,000 plus installation with a one (1) year warranty and their coverage will be coming out of St. Louis. (He said if there is a bid process he will have to see to the penny what it is, but that is in round figures. There is one of those machines right now in the Federal Building across the street on the 3rd Floor. He also called American Science & Engineering in Cambridge, Massachusetts and they have failed to send him one of their brochures (although last week the man said he would). However, their cost will be in excess of \$26,000. They couldn't give him a figure, because he claims their machine does a lot of things the other machine doesn't do. They have a maintenance policy of one (1) year and then the repairs would have to be flown out of New York (their maintenance men are in New York). The Board also asked him about local maintenance. He found two (2) companies here in Evansville that will either enter into a service contract with the County or provide service on an individual basis after the machines are out of warranty. Sheriff Shepard said we need to get this going one way or another. He'd like to get with the County Purchasing Agent and draw up specs and get them mailed out if we're going to spec it. Or, his suggestion is that he would still like to have the Astrophysics machine sitting up in Chicago. We get a new warranty with it and the man who repairs it is right over here in Danville, Illinois (about a three hour run from here). It is guaranteed as a new machine with a one (1) year warranty. But two local companies have also indicated they could repair the machines -- they do all the hospitals, doctors, technicians, and airport-type security, etc.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the low bid on used equipment with new warranty (Astrophysical) in the amount of \$22,000 was approved. So ordered.

RE: VANDEBURGH AUDITORIUM - RICK HIGGINS

Auditorium Manager Rick Higgins submitted usage report for the Auditorium for period January 1 thru April 30, 1989, as compared to 1988. The report reveals that usage is up 13.20%.

Also submitted was a Revenue Report for the same period as compared to 1988. Revenue report reflects an increase of 10.43% in 1989.

RE: BURDETTE PARK/QUARTERLY REPORT - MARK TULEY

The meeting continued with Burdette Park Manager Mark Tuley presenting the report for Burdette Park for the 1st Quarter of 1989. Revenues for the rink for this period were \$14,206.37 and rentals \$23,841.00 and Miscellaneous Income of \$1,887.27 for a total of \$39,934.64. For the same quarter last year, the total was \$30,352.25. So revenues are up almost 25% for the 1st Quarter. The deficit for the 1st Quarter last year was \$99,884 and this year it is \$90,178.90, so this is down about 10%. The skating rink is doing surprisingly well.

Mr. Tuley also reported that the Pavillion is sold out on weekends for the first time since he's been there. They are all company picnics.

Update on Golf Course: In response to request from Commissioner Willner for an update on the Miniature Golf Course, Mr. Tuley said the Board approved the concession building for the golf course a couple of weeks ago. A pre-construction meeting is scheduled tomorrow evening at the golf course. It is his understanding that everything is right on schedule and the plans should be coming to the Board for final approval next Monday -- and their opening is scheduled for June 10th.

Aquatic Center: Mr. Tuley said he was with Deig Bros. again this morning and the first floor is 75% complete. The second floor is 50% complete. They say they are right on schedule. The first floor will be ready and 100% operational by Memorial Day. If not finished, the second floor will not affect the opening. The park looks like a resort area now. The new building complements the building -- and that is the way it should be.

Fundraiser: As the Commissioners probably read in the paper, there is a little 3-year old girl who has cancer and they helped co-sponsor a fundraiser. He doesn't have a grand total, but when he left there yesterday afternoon he was told they had raised a little over \$5,000. They were delighted to have the opportunity to try to help with that cause.

Day Camp: Mr. Tuley said he should have a report for the Commissioners next Monday with regard to the Day Camp. They think there is enough support and interest to go with the program and they will be asking to go to Council for funding for the program. He thinks it is going to be a self-sustaining program and do very well.

He also needs to sit down with a couple of the Commissioners. He mentioned it to Commissioner Borries today, but hasn't had a chance to talk to the other two Commissioners today. Right now he is meeting with one of the local hospitals that is interested in co-opping that program and it is exciting at this point. Obviously, nothing has been worked out and it has to be approved by the Commissioners. But a meeting has to be set up whereby the hospital representative and the Commissioners can sit down and discuss this and he will be contacting the Commissioners later this week.

Commissioner McClintock asked if we're still planning some kind of grand opening for the Miniature Golf Course?

Mr. Tuley said we are - there will be a grand opening. Pete Helfrich will also be coming back to the Commissioners re a proposal. They are going to do a van tour for personnel managers, etc., and that will be scheduled for early June. Mr. Tuley said that when the grand opening for the Golf Course is held, obviously he'd like to have all the Commissioners there -- and check out their golfing abilities.

RE: AREA PLAN COMMISSION - AMENDED ORDINANCE TO THE CODE OF ORDINANCES

Ms. Beverly Behme of the Area Plan Commission advised that the APC is in the process of amending the zoning code, with the exception of the signs. They are having a special hearing on the signs. The APC approved April 5, 1989 and sent forward to the County Commissioners and the City Council. There was an ASD Committee Meeting last Wednesday (April 26th) and there were some changes made. Therefore, it goes back to the APC on May 10th. If the Commissioners want to set a date for their final reading sometime, it can be set after May 10th. If the Commissioners have any changes they want to incorporate into the County part of the code, they need to let APC know prior to the May 10th meeting. It will then come back to City Council and the Commissioners for final reading. If there are no changes, we will have a new code.

Commissioner Borries asked if there were any changes in the County portion?

Ms. Behme said they made the same changes in the City and the County at the ASD Committee and there were some County changes. The signs are totally not in there. There is a public hearing on May 10th which will just start the process with the signs. That same night they are also going to finish the other part of the code. So the signs are not in the document the Commissioners are going to send to the public hearing.

Commissioner Willner asked if the Board can't wait until the signs are resolved.

Ms. Behme said the signs are going to have a public hearing at APC on May 10th. Then, whatever comes out of that meeting will be sent back to the APC.

Commissioner Willner said he just thought we'd do it altogether.

Ms. Behme said that insofar as the time element, the Commissioners need to take a look at the document to see if there are any changes in the portion without the signs -- so if they have any changes they can put them through on May 10th -- then that part of the document won't have to bounce back and forth. It is set up by statute that what comes out of Plan Commission you either approve or disapprove. If you change it, it has to go back to the Plan Commission.

Commissioner Borries asked Ms. Behme if she thinks the meeting on May 10th is going to resolve the sign issue.

Ms. Behme said she really doesn't know -- she hopes so. Somewhere along the line there is going to have to be a consensus.

After further brief discussion, it was determined that the final hearing will be held on Monday, May 22, 1989 at 2:30 p.m.

RE: ACCEPTANCE OF RUFFIAN WAY - DON FINCH

President Willner said that Mr. Don Finch of Busler Enterprises, Inc. is present to discuss and present a proposal re the acceptance of Ruffian Way (at the intersection of U. S. Highway 41 and I-64).

Mr. Finch said he has a photograph to pass around, starting with Commissioner Borries. The first time this matter came up was around 1978. The State gave that road (Ruffian Way) to the County and the County would not accept the road. There is only one residence in the County that is using that road and that is a

farmhouse in the back of the photo. The next thing he received was a letter from the State Board of Health concerning fugitive dust and he called and asked what "fugitive dust" was. They said that was dust that was crossing boundary lines -- to water it, bottle it, or put a a chemical suppressant on it. He oiled that road. The next letter he got was from the Department of Transportation Highway Department telling them they had to clean U. S. Highway 41 North a mile in each direction because of the oil that was dragged out onto the highway. After three (3) County Commissioners meetings, they finally agreed to let Busler asphalt that road and they spent \$139,000 asphaltting that road, because they did it to interstate specifications. They have not had any problems with that road up until this spring. We're getting pot holes in that curb because of the large trucks and it is his understanding at this point that the County has not accepted that road from the State. They are asking that the Commissioners accept the road from the State and deed it over to them. They will maintain it and they will give a permanent easement (ingress/egress) to that County resident who lives there in the back part of the property.

Attorney Curt John said he has discussed this with Mr. Finch and that is the proper procedure. . The County would have to take possession of it. He doesn't know the status of it right now -- it was just brought to his attention today. He thinks County Engineer Greg Curtis is familiar with the situation. Once the County does obtain possession of it, we would petition to vacate it as we've done on a number of other occasions and it would revert to the surface owner (which, in this case, would be Busler's). He believes it would be important that we get consent by that property owner in the back, as well as evidence of a deed conveying to them the right of ingress and egress from that easement that runs with the land. Greg may have something he wants to say, but that would be the proper procedure to follow if that is the intent of the Board.

Mr. Finch asked if he is correct in that that road has not been accepted by the County from the State.

Mr. Willner said that this is correct. We are not getting any revenue from the State for it. Back in those years it was his understanding that the State could mandate that you take them back and we just never did. Now, they have to ask to take them back and they can no longer mandate -- so it is kind of in a state of flux and we probably should make a determination.

Mr. Finch said the area he has circled in black, believe it or not the State will come up there -- and if you've ever heard of patching half of a pothole? The State will patch up to their State line and leave the other half of the pothole on the portion they gave to the County there. And Busler's has been maintaining that road now for 18 years.

There being no further questions or discussion, upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Ruffian Way was accepted from the State of Indiana, with the intention of turning that roadway over to Busler's Enterprises for maintenance, providing that they grant a permanent right-of-way to the owner of the farm property. So ordered.

President Willner requested that Attorney John follow through with Greg Curtis, Don Finch, and the State -- and Mr. Finch will contact the property owner and be in touch with Attorney John.

RE: RECOMMENDATIONS RE BIDS ON DATA PROCESSING HARDWARE

President Willner called upon Purchasing Director Tom Dorsey for his recommendations with regard to bids on Data Processing Hardware.

Mr. Dorsey said at the last meeting when the bids were opened, they indicated they'd try to get back to the Commissioners with some type of report. In the meantime, the consultant from Peat, Marwick, Main and the Selection Team have met to review all the bids and have evaluated the bid proposals -- both software and hardware. Starting with the software, he believes the Commissioners have a report he has provided because of the detailed cost. In reviewing the software and looking at the functionality (specifically in the Courts area, but in some of the other areas, as well) it was determined that the proposal submitted by ATEK was the most responsive in meeting both the City and the County needs. Projected cost for all the software from ATEK would be \$606,825 on a first year cost basis. That should be all the cost associated with that. It was not the lowest bid. It was in the middle. The recommendation was taken to the Data Processing Board last Wednesday. There was a motion made at that time that the Board send a recommendation to the County Commissioners in order that the County Commissioners recommend to City Council funding be put in place for the software and also for the Facilities Management. It was the feeling of the Data Processing Board that the Facilities Manager now needs to be brought on board in order to assist in negotiations for the software and in order to assist in the planning, coordination, and implementation of this process.

The decision on the hardware has not yet been made. There is a separate report on that and on the first page we have listed both the software and hardware costs. These figures may change slightly, because everybody took different approaches. But in order to come up with total system cost, they added the software and hardware totals together. The low bid for both software and hardware total was the ATEK software solution with the Pioneer Hardware hardware solution. And there is still some question about whether or not there are major differences between the configurations submitted by Pioneer and ATEK's primary proposal, as well as their alternative proposal. Each of those consists of different equipment -- different configurations. All of them supposedly will do the job. The Consultant is currently checking into that with some of their people and we are also going back and asking them questions on how their equipment would best function in our particular situation. So the Data Processing Board has not made a recommendation on the hardware at this point. But he has tried to provide the Commissioners with some cost figures -- so they can get a feel for what the cost of the system would be. Using the ATEK-Pioneer solution, the cost on a first year basis is \$1,431,292. The highest cost solution using the ATEK software as well as ATEK's highest cost hardware solution is \$1,600,992 -- and that is on a first year cost basis only.

Commissioner Borries asked if we're seeing any change in these bids through this process? Are these lower than they were before?

Mr. Dorsey said he hasn't compared the total cost. As a matter of fact, he just finished preparing this report this morning. He would anticipate the cost would be somewhat higher during the process last year when we had originally recommended the ATEK solution. ATEK at that time indicated they were coming out with price increases for hardware and that there would be an increase shortly. At that time, their correspondence said that they would hope in 60 days -- but we've well exceeded the 60 days, so he would anticipate that these costs are probably a little bit higher. It is difficult to compare them directly because the equipment is not necessarily the same -- specifically, with the Pioneer bid.

Commissioner Borries asked, "When you give these first year costs, what does that mean in terms of a five (5) year -- isn't this a five (5) contract costed out?"

Mr. Dorsey said there is some question as to whether or not the City and the County want to go with a five (5) year contract. That is one of the options and he did include those summary and detail sheets on a five (5) year cost projection that includes the additional cost of maintenance for those periods. So the numbers are there to compare above the one (1) year cost and the five (5) year cost.

Commissioner Borries asked, "What will we do if we don't take a five (5) year cost? In other words, you're asking us to accept a one (1) year cost basis only?"

Mr. Dorsey responded, "What we're asking at this time is that the Commissioners recommend that funding be put in place. A final decision can't really be made yet. The software, for instance, is a proposal, and in the specifications for that proposal the City and the County require that the vendor be willing to negotiate certain items, length of contract, how they are going to install, how various things are going to occur, etc. The decision really will not be final until a contract has been negotiated with them and then brought back to the Commissioners (and, in the City's case, to the Board of Public Works). Right now we're dealing with what we see to be the cost as they presented the solution. We may find that there are certain things we don't want that will affect the cost figures and it will only be after we take a look at that solution and begin the negotiation process that we will be able to make a final decision. So, what the Data Processing Board is recommending at this point is that we go ahead with that negotiation cost and start the funding mechanism -- so that by the time those decisions are made and we have all the necessary information, everything will be in place to start the implementation."

Commissioner McClintock said what Mr. Dorsey is asking the Board today is to go to the County Council for an appropriation to appropriate the funds.

Mr. Dorsey said that is correct. Also, in the Facilities Management case.

Commissioner Borries said he'd like to comment on that and he has a question on that. He thinks we've gone through a very healthy process in many respects and he has no problem with the hardware and software. Has Peat, Marwick or anyone talked with the Facilities Manager? Are we re-negotiating that contract in any way?

Mr. Dorsey said we are not re-negotiating, because we haven't negotiated. His understanding or recollection when the recommendation was made was that the recommendation for the Facilities Manager was accepted. However, that was some time ago. Circumstances have changed somewhat and what he'd like to do at this point is have the Commissioners reiterate that recommendation so, again, we can start the negotiation process with the Facilities Manager, as well.

Mr. Borries queried Mr. Dorsey re Peat Marwick's position on the Facilities Manager?

Mr. Dorsey said their position was that we needed one and we needed one soon. They felt that there was no need for us to go back through the process for the Facilities Manager -- that enough work had been done and enough information was provided that they felt comfortable with the decision that was made. They do feel that the Facilities Manager would be important at this point to make certain that the negotiations for the software and in developing the configuration for the hardware, that they were in at the very start. They said there were no problems once the equipment was here and once the software was acquired.

Mr. Borries asked if he could have a letter of some kind of indication from Peat, Marwick to that effect.

Mr. Dorsey said he doesn't see why not. He knows the minutes aren't yet finished (he checked just before he came to this meeting).

Mr. Borries said it just seems to him we've re-negotiated here and done our work and we need to move on with this hardware and software -- and he'd like to have that same feeling about the Facilities Manager.

Auditor Humphrey offered comments, but they were inaudible.

Mr. Dorsey said he thinks at the time the original decision was made, we will not necessarily go with the bid as it was presented or the proposal as it was presented. We will search out and look at what we need now in order to have someone come in. What they want to do is get the Commissioners' approval to begin that process, call them in, and begin that negotiation process so we can get them on board and get a better view of how many people they need to bring in, what information they are going to need and, in turn, we will be able to provide them with better information now that we have a better handle on the hardware we'll be moving to.

Mr. Borries asked if Mr. Dorsey can get him the letter or whatever from Peat, Marwick by next week. He'd feel more comfortable if he had this.

Commissioner Willner said he has no problem on the software and the hardware -- he thinks we need to get on with it. But he thinks we've done a good and in re-negotiating, he'd like to have that same verification in relation to what our role is. He had heard that Peat, Marwick had considered not even having a Facilities Manager.

Auditor Humphrey said that wasn't his understanding. He thinks there was some discussion that there might not be a requirement for all the people because of the new hardware configuration, etc., and that would be something that they would like permission to go ahead and negotiate.

Following further comments and discussion, Mr. Dorsey asked if the Commissioners want to go ahead and go on Council Call for the hardware and software.

Commissioner Willner asked if we aren't already on Council Call for "x" number of dollars.

Commissioner Borries said, "No, not for next month."

Mr. Willner said that was for this year's.

Mrs. Meeks said we're also on for hardware.....

Mr. Willner said, \$1.1 million...no, Computer Hardware - \$5,000; Computer Miscellaneous \$6,500; -- so we're on for computers for a total of \$11,500.

Mr. Borries said that is different -- that is Manitron.

Ms. McClintock asked if the Commissioners want to go on Council for \$1,431,292 or \$1.6 million.

Mr. Dorsey said that the software is the primary recommendation, because we don't have enough information on the hardware configurations. If we wanted to split that, he'd say it would be the \$606,825. If we wanted to put enough in for everything, his

recommendation would be to go with the \$1,600,992, which is the highest cost configuration -- with the understanding that we will come in somewhere under that. That is the first year cost, which means that some of this cost will carry over into next year.

Mr. Borries asked if this is the County's portion or the entire fee?

Mr. Dorsey responded that that is the entire fee. On the County side, he did a split on the software; he hasn't split the hardware yet. The software split for the ATEK solution is \$438,537.50 for the County and \$168,287.50 for the City. The hardware split would be the same as the current split we have, and he didn't have those percentages plugged in -- so he doesn't know what they are -- but the split is 64%/30%. Mr. Dorsey said the County split is 2/3, so the County share would be \$636,266 on the hardware and the software is \$438,537.50. Ms. McClintock said she comes up with \$1,074,803.50 for the County's share for the most expensive solution to our computer problem. Mr. Dorsey emphasized that this is for the hardware and the software and does not include the cost of the Facilities Management. If the Board wants the correspondence from Peat, Marwick by next week, in addition to that what he can do is get a better feeling what the County's portion of the Facilities Management will be.

Mr. Borries said the Board would have until May 15th to go on June Council Call. If Mr. Dorsey can provide information by May 8th, this will enable the Commissioners to get their request in for the June Council Call.

Mr. Dorsey said he does believe there has been some discussion about holding a special meeting prior to June (he has not yet talked with County Council) in order to discuss the appropriation. He doesn't believe anyone has set any date yet; he believes it depended upon what the Commissioners wanted to do. He wants them to be certain.

Mr. Borries said Council meets on June 7th.

Mr. Dorsey said that was our initial target date, so we're on target.

(End of Side "A", Tape #1)

Commissioner McClintock requested that Mr. Dorsey provide her with a copy of the minutes from the last Data Processing Meeting, and he agreed to get same for her.

Commissioner Willner said he thought we were on Council Call for this previously and it was put on hold; Mr. Dorsey tended to agree with him. Mr. Humphrey said he thought it was just deferred. Mr. Willner said Margie Meeks is going to check this out.

RE: COUNTY ATTORNEY - CURT JOHN

Check from Evansville Dance Theater: Attorney John reported that he received a check from the Evansville Dance Theater in the amount of \$100.00 and he will forward that to the Commissioners office (probably tomorrow).

RE: PROPOSALS ON FRANKLIN STREET & COLUMBIA-DELAWARE BRIDGES

Attorney John reported there were eight (8) proposals received. The same eight (8) bidders bid on both projects. The bidders were as follows:

Floyd Burroughs (Indianapolis, IN)  
Fink, Roberts & Petrie, Inc. (Indianapolis, IN)  
Aecon, Inc. (Nashville, IN)  
Bernardin, Lochmueller & Associates (Evansville, IN)  
United Consulting Engineer, Inc. (Indianapolis, IN)  
Riley, Park, Hayden & Associates, Inc. (Louisville, KY)  
Veach, Nicholson, Griggs Associates (Evansville, IN)  
Hazelit & Erdal, Inc. (Jeffersonville, IN)

Commissioner Willner asked that the record show that the Board turned the proposals over to the County Engineer for his recommendation.

It was the consensus of the Board that Mr. Curtis should review the proposals and provide a recommendation to the Commissioners next week as to which bidders should be interviewed and the interview time schedule.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Reports: Mr. Muensterman reported that he submitted copies of the Weekly Work Reports and Absentee Reports for both Employees at the County Garage and the Bridge Crew last Friday.....reports received and filed.

Laubscher Rd.: Mr. Muensterman reported that the paving of Laubscher Rd. between St. Joe Avenue and the BFI landfill is completed. He provided the Commissioners with a material breakdown and the labor costs. He put the check from BFI into Acct. 201-230/Bituminous Material. (Quietus No. 15792 in amount of \$34,980.00.)

Amended Motion/Reimbursement for Rock/County Employee: Commissioner McClintock said she needs to amend a motion she made last week (which was seconded by Commissioner Borries) with regard to the amount charged for the material to one of our employees. There was some confusion as to the amount, and following that meeting Mr. Muensterman went to Evansville Materials and received exact information as to what they would charge to deliver that amount of rock and it is considerably less than the motion approved last week. Therefore, she would amend her motion during the April 24th meeting to request that the employee pay the County \$82.75 by May 5, 1989. A second to the motion was provided by Commissioner Borries. So ordered.

Bridge #35: Mr. Muensterman reported that they installed two (2) guard rails on Bridge #35 to keep people off this bridge on Outer Darmstadt Rd.

Wimberg Rd.: It was also noted that Mr. Muensterman received a call from Mr. Tom Memmer, who resides in the Mobile Home Park on Wimberg Rd. He was very appreciative of the fact we'd patched the holes and done an excellent job; he said he'd been trying to get that done for about four months. Mr. Muensterman said he believes there was a little misunderstanding between the City and the County. As long as he's been at the Garage they took a little past the underpass back to St. Joe Avenue, which was .65 mi. He got with the City and they said we owned the whole thing, so we'll have to add that mileage (.25 miles) to the State list so we'll get some money back from them for the extra mileage. Thus, the County will have to take care of all of Wimberg Rd.

Hitch Peters Road: Mr. Muensterman said Lee Stuckey had written a letter to CONRAIL concerning the condition of their crossing on Hitch Peters Road. He has had a response (the Commissioners were provided with a copy) from Mr. R. A. Hunt of CONRAIL, who advises that CONRAIL made temporary repairs to this crossing on March 14, 1989. This crossing is scheduled to be rebuilt later in the year

in connection with a major track work project in the area. Nonetheless, they appreciated our bringing this matter to their attention.

County Line Road: Mr. Borries had inquired about County Line Road and Mr. Muensterman said that belongs to Posey County. Mr. Borries said a resident who was concerned about the condition of that bridge called him and this is why he wanted to know whether it belonged to us or to Posey County. For the record, he requested that Mr. Muensterman contact someone in Posey County in terms of expressing our concerns about that bridge and Mr. Muensterman indicated he will.

RE: REQUEST TO GO ON COUNCIL CALL - COMPUTER

The meeting was interrupted with brief discussion as to whether or not computer funds had been requested. It was noted that \$350,000 had been requested for Pulse. With regard to the immediate needs, a figure of \$1.3 million was mentioned (if lower, it can be adjusted at the hearing). Auditor Humphrey said if we have the figures, Council can hold a Special Meeting, following 10 days published notice. It will take about 21 days to obtain State approval following approval by Council.

Commissioner Willner said the Board will look forward to seeing Mr. Dorsey next week and the request to go on Council Call will be made at that time.

RE: REQUEST TO GO ON COUNCIL CALL - REASSESSMENT

Commissioner Willner said Item #14 is request to go on Council call for Reassessment Budget (Computer Hardware) in the amount of \$5,000 and Computers Miscellaneous (\$6,500). We are holding a bill from Manitron in the amount of \$2,615.41 and there is only a balance of \$200 in this account and this is only April. Has this computer hardware and computer miscellaneous already been purchased? (Mr. Borries said he doesn't know. In response to query, Mrs. Meeks said she doesn't know either.) Commissioner Willner said if we're holding bills for it, someone must have given the okay to do this. He doesn't quite understand this. It looks like we're putting the cart before the horse.

Commissioner Borries said we have until May 15th to get on Council Call. Could we get more information from someone as to what we're talking about on those bills?

RE: COUNTY ENGINEER - GREG CURTIS

Green River Estates, Section C-3: Mr. Curtis said the developer is requesting construction approval. He has reviewed the plans; there are a number of streets in this section of the subdivision, some of which will require additional thickness due to the number of vehicles they will be carrying, but he would recommend that we approve those streets. They have attached a copy of the existing highway standards, saying they will be built to those standards. It is his recommendation that the Commissioners give them construction approval.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, approval was given. So ordered.

Construction Approval for Roads in West Summit Estates: Mr. Jerry Nord is the developer of this subdivision. There is a slight controversy over this. In reviewing the Commissioners minutes he could find nothing. He did find a number of pages of discussion in the Drainage Board Minutes concerning there being a road on a dam for a lake in this development. It would be his recommendation that that we approve the construction of the road to the dam, but not across the dam, and as far as the road on the

other side of the dam, he wouldn't feel that we should accept that -- because we will be unable to obtain funds from the State on that road because it will not connect to any other County road. He will show the Commissioners what he means on the plans.

In his opinion, he would not recommend giving construction approval for the road across the dam.

Mr. Jerry Nord, the owner/developer of West Summit Estates, proceeded to offer lengthy comments. It was the consensus of the Board that the three Commissioners will take a look at West Summit Estates and vote on the matter next week, although Commissioner Willner emphatically stated he will not accept the road on top of the dam. He has no problems with the fact that Mr. Nord built the dam with the best of the current engineering ability that is available. But who is going to keep the muskrats out? Who is going to keep the beavers out? If someone drives off there and drowns, who is going to be sued? Vanderburgh County.

Mr. Nord retaliated that each of the property owners around each of the three (3) lakes are responsible for getting and hiring a certified, licensed engineer to come out on a yearly basis to inspect these dams. Any problems identified at that point would be the responsibility of those homeowners around that particular lot to make corrections. So he has addressed these problems. Each of the property owners is to have insurance to protect against some of the things just pointed out by Mr. Willner. So, he thinks he has covered all the avenues that he can possibly think of -- liability to himself and to anyone else. But there are a lot of dams built in the County with no supervision; and yet, we have a roadway beneath it.

Attorney John pointed out that under this plan the County would have the additional responsibility of maintaining the dam, whereas if it was located away from the dam whoever was the property owner would actually have the responsibility for maintaining that. Anytime the County accepts a road they are subject to a degree of exposure for any accident which may occur if certain elements are met and approved. The property owners normally have insurance on themselves and the County is not named as an additional insured.

Mr. Nord said he doesn't know what the legal ramification was. Of course, he doesn't want to be sued just as the Commissioners don't -- and that is why from the very beginning he decided to seek the best people that he could find to go in and design the best dam possible. We go across bridges every day; those were designed by professional people. Sure, there are going to be some failures involved. The County builds a bridge and there is always the possibility something could happen to that.

Commissioner Borries said he cannot think of any situation where the County has accepted a road quite like this (over a dam). Let the record show that this is Mr. Nord's decision. He said he is not going to debate whether or not that dam is stately art -- it could very well be. But getting back to Commissioner Willner's point, no one on this Board told Mr. Nord he had to build the dam. No one told him, as a private developer, that he had to develop it that way -- that was his choice. Now, if the County makes a decision in terms of liability, it is either on County right-of-way or on property that has been purchased by the County. Building it that way was his choice and he (Borries) respects that choice. But to get back to the concerns expressed here in terms of what Bob said, it can't be both ways. If we accept maintenance for this, then we accept all that responsibility and whatever agreements Mr. Nord would have or a homeowner (or whatever) for a year would not be in effect once the County makes that acceptance. That is ours and we're going

to have to put up with the headaches. He doesn't know of any situation where the County does that that it would be at the homeowner's expense to do that. So that is a big decision.

Attorney John said he is not saying that this is more dangerous or less dangerous, but he is saying that a Homeowner's Association is not going to alleviate the problems the Commissioners may have on any road.

Mr. Nord asked what if this roadway was not on top of the dam, but it was on the other side of it?

Attorney John asked, "Completely off the right-of-way?"

Mr. Nord said, "Yes."

Attorney John said he is not making a recommendation one way or the other. It would change the responsibility of the Commissioners in that the Commissioners would not have the responsibility of maintaining the dam and preventing damage that may occur as the result of the dam breaking, etc. That would be the responsibility of the owner.

After further comments, once again the Commissioners advised Mr. Nord they will look at West Summit Estates and vote on the matter next week. Both Commissioners Borries and Willner again stated they will not accept any road over the top of the dam. Commissioner Willner asked Mr. Nord if he knows that a crowdad can drill a hole through that dam in probably four to five nights?

In conclusion, Mr. Curtis commented that with regard to Mr. Nord's comment concerning the 7" requirement for thickness of streets being made, he looked in all the Commissioners Minutes and Drainage Board Minutes, and he could not find that this subdivision was ever discussed anywhere but a Drainage Board Meeting -- and then the thickness of the streets was not discussed. He talked with Bill Nicholson, the gentleman handling this subdivision for Veach, Nicholson, Griggs Associates, and they were not aware of anytime where the County committed themselves to the streets being only 6 inches thick. The standards dictate by vehicles per day -- which we consider 10 trips per lot -- and that is the basis on which we determine whether the street is a minor collector or what classification it is. And he was notified this week by Mr. Pinkston that we were going to require 7 inches because we felt it was that class of street.

RE: EUTS - ROSE ZIGENFUS

Mrs. Rose Zigenfus, Director of EUTS, said she understands approval was received from the Indiana State Board of Tax Commissioners and the money is in place for railroad improvements and the contracts can now be executed. To refresh the Commissioners' memories, the contracts are with Norfolk-Southern at Burkhardt Rd., CSX at Mill Road for preliminary engineering, and the one on construction is at St. George Rd. & U. S. Highway 41. The one on Burkhardt gets automatic signals and gates.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the agreements were approved and signed. So ordered.

RE: SUPPLEMENTAL AGREEMENT WITH H. C. NUTTING COMPANY RE GREEN RIVER RD. SOUTH PROJECT

Mr. Curtis said there was an overrun of \$529.70 versus the agreement for geotechnical services that was signed with H. C. Nutting & Co. We basically had no choice as to what soil borings, etc. are required. The State somewhat dictates that.

The overrun is principally the result of an additional 59 lineal feet of truck-mounted borings with split spoon sampling being drilled as per Mr. Mark Rhinehart of H. C. Nutting & Co. This work was completed prior to this project being pulled from the State's list. He needs the Commissioners' signatures so Mr. Veach will be aware that this will be paid. They were notified prior to the work being completed that this was going to need to be done. Mr. Veach felt it was better to have them do that work while they were there, rather than having them come back at a later date and our having to pay an additional fee. Mr. Curtis recommended the Commissioners execute the agreement.

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

RE: BRIDGE #35 - OUTER DARMSTADT ROAD

Proceeding, Mr. Curtis said that last week he requested permission to use the City Survey crew. In discussing the matter with Chief Deputy Surveyor Bill Jeffers on Tuesday and Wednesday, he indicated that some of his help was in a position to be a little bit ahead on the precinct boundaries. Therefore, he went ahead and had the County Surveyor's office do the survey for this bridge. At the moment Mr. Curtis is not certain when he will have a set of plans ready, but the work is progressing.

RE: CLAIMS/HARVEY KLENCK - ENGLISH WAY/GREEN RIVER RD. INTERSECTION REPAIRS

Mr. Curtis presented claims to Harvey Klenck in the amount of \$13,500 for the original quoted price and additional work in the amount of \$787.00 for work he did for us on the English Way/Green River Road intersection repairs. The original quote was for \$13,500. When we were out there doing the work, one of the things we noticed after we tore the concrete out for the work we were completing was that there was a considerable amount of undermining in some of the pavement away from the area we were working on. While we had Mr. Klenck out there we had him repair this.

Acceptance of Check/Phil Heston (\$1,500): Mr.. Curtis said he also has a check from Mr. Phil Heston in the amount of \$1,500. In discussing with him the problem, Mr. Heston felt that although the roads were our streets and the problem was technically ours to contend with, he felt that part of the responsibility did lie with him and he was willing to give us that much money toward the repairs and Mr. Curtis didn't think the County would want to turn that down.

Mr. Curtis said he also discussed with Mr. Heston the fact that that they found areas up the street from this intersection where the concrete was only 1-1/2" to 2" thick and it is supposed to be 6". That is when he asked Mr. Pinkston how much he felt it would cost -- and that is when he said he'd write the check for the \$1,500. Rather than him paying Mr. Klenck, he said he's just write the check to the County. The Commissioners directed Mr. Curtis to being a Change Order with regard to this additional work on the English Way/Green River Road intersection next week for approval.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the check from Mr. Heston in the amount of \$1,500 was accepted, endorsed, and given to the Secretary for deposit into the Cumulative Bridge Fund (203-352). So ordered.

RE: PRELIMINARY PLANS - BOONVILLE-NEW HARMONY BRIDGE #13

Mr. Curtis said that right after lunch today he received the Preliminary Plans for Boonville-New Harmony Bridge #13. He has those plans and has done a very rough review of same. They will be in his office should the Commissioners wish to review same. He hopes to have the final set of plans and bid documents ready for advertising next week.

RE: MEETING WITH TRAFFIC ENGINEERING

It was noted by Mr. Curtis that he had a meeting with Traffic Engineering last Wednesday in regards to some of the problems we've been having. They feel they have something workable at this time to resolve the problems we've been experiencing. We will be receiving a Monthly Report from the Traffic Engineering Department which will show the work they have done for the City and for the County.

With regard to signs, as discussed previously, the County Engineer's Office will be referring that information to Traffic Engineering.

RE: UPDATE OF PROPOSAL RE ROAD MANAGEMENT

Mr. Curtis said that last week the Board requested an update of proposal on the Road Management Program. In going back over the records and the things which transpired, the only proposal he found was from Bernardin, Lochmueller & Associates. He contacted them and obtained an updated proposal. Mr. Lochmueller is here should the Board have questions concerning his Road Management Proposal.

Commissioner Borries said he has no questions of Mr. Lochmueller. He would, however, like to see the Board review the proposal and perhaps in a short time look at enacting this kind of plan. Through all of the "Road Studies" we've paid for, he believes that with the use of computers (which is obviously the future and definitely the state of the art) that this is the kind of system that we need to set up. An inventory system where we can update what we've done and, in his opinion, keep a very accurate record of road conditions and what has been done on those roads in order to maintain records of maintenance in the county. In view of the outstanding record we've had of paving roads over the last two years -- we have resurfaced just an unbelievable number of roads -- and we're not always perhaps going to have the luxury to do that every year (although we'll have another good year this year). But, to him, to maintain what we have is critical -- and he'd like to see this Board consider this and perhaps act on it in the near future.

Commissioner Borries said the City of Evansville has a plan like this in place and Warrick County has a plan like this in place. What it does is not only identify some needs that you're going to have in the future, but he thinks it calls to the attention of the County Council what has been done and what will need to be done -- in kind of a long range plan for the future.

Commissioner McClintock asked if there is some hardware we'd need to implement this?

Mr. Curtis said the last page of the proposal breaks down the different costs of the professional services -- and one of the items (Software Procedures Manual & Training) -- one of the things that would be needed that we presently don't have is that his office doesn't have a computer. If we're going to implement this program, that is one thing he will need. A lap top computer is needed for the field...where you enter it into the computer in the field. But you also work on a computer in the office and that is something that he needs in his office anyway.

Commissioner Borries asked, "As young as you are and a being a Rose Hullman graduate -- you are computer literate, right?"

Mr. Curtis said that he is -- or he likes to think he is.

Mr. Borries commented, "And you'd be able to share your knowledge with other people to show them how this whole thing is implemented so this could be an ongoing thing and the computers wouldn't sit in the corner."

Commissioner McClintock said her recommendation would be to obtain three (3) prices on the hardware that Mr. Curtis would need -- so the Board could look at the total cost -- then perhaps he could get it on the agenda.

RE: NEW ROAD SPECS

Commissioner McClintock queried Mr. Curtis re the new road specifications and whether he had set up a meeting with the developers..

Mr. Curtis said that due to the amount of work that has backed up because of the Green River Road Hearing basically, he and Mr. Williams (the City Engineer) have yet to get together and revise their standards from the initial input-- let alone get ready for a meeting with the developers. It will be at least a month.

RE: ACCEPTANCE OF CHECK

Vanderburgh Co. Coliseum Memorial Charter: Check in the amount of \$2,821.40 for insurance premium for 1989.

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

RE: ELECTRONIC VOTING EQUIPMENT DEMONSTRATION

President Willner announced that on May 8, 1989 at 2:30 p.m., there will be a demonstration of electronic voting equipment by R. F. Shoup Corporation known as the "Shouptronic Election System". This demonstration will be the first item on the Commissioners' agenda, after which they will move to Room 303 for further showing. Copies of this notice have been sent to the County Council President, Republican and Democratic County Chairmen, the Clerk of the Circuit Court and the News Media.

RE: BID OPENING RE ST. JOE & ALLEN LANE INTERSECTION

Mr. Willner said that on Monday, May 22, 1989, the bids re the St. Joe & Allen Lane Intersection will be opened. He undertands the County Council questions why the stoplight wasn't entertained at this time. He requested that Mr. Curtis inform Council why it is not being implemented at this time.

RE: SALE OF COUNTY-OWNED SURPLUS PROPERTY

It was noted by President Willner that on Saturday, June 10, 1989 there will be a County Surplus Property Auction held at the Vanderburgh County Garage on Mill Road. The time will be advertised later by Auctioneer Curran Miller. A memorandum has been sent to all County Office Holders & Department Heads, asking that they list any items they wish to dispose of (together with serial number, if any) and send the list to the County Commissioners Office by May 10th. The Commissioners Office will see that items are picked up and transported to the County Garage. A receipt for the items will be provided.

Mr. Willner said if there are any Office Holders who wish to purchase any of the surplus property, they should let the Commissioners Office know -- and they will probably let them have that at no cost.

RE: OLD BUSINESS

Commissioner Willner entertained items of Old Business to come before the Board. There were none.

RE: SCHEDULED MEETINGS

Tues.	May 2	10:00 a.m.	IDOH Pre-Construction Conference re Boonville-New Harmony Rd. (Vincennes District Office)
Wed.	May 3	2:30 p.m. 6:00 p.m.	County Council Meeting (Rm. 301) Area Plan Commission (Rm. 301)
Mon.	May 8	6:00 p.m.	Public Hearing/Union Township Overpass/Underpass (Room 307)

RE: EMPLOYMENT CHANGES

County Surveyor (Appointments)

Chris J. Kern	Instrumentman	\$17,624/Yr.	Eff: 2/28/89
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County Surveyor (Releases)

Chris J. Kern	Instrumentman	\$13,722/Yr.	Eff: 4/26/89
	*Change in Acct. Number		

County Clerk (Releases)

Patricia Gossman	Misd./Tr.	\$14,240/Yr.	Eff: 4/24/89
Dorothy Wolf	Misd./Tr.	QUIT	Eff: 4/24/89
Jackie Head	Child Support	QUIT	Eff: 4/25/89
Pauline Dyer	Dep. Clk.	\$6.00/Hr.	Eff: 4/25/89
Corey Kelley	Dep. Clk.	\$6.00/Hr.	Eff: 4/24/89

County Clerk (Appointments)

Pauline Dyer	Dep. Clk.	\$12,576/Yr.	Eff: 4/24/89
Corey Kelley	Dep. Clk.	\$12,028/Yr.	Eff: 4/24/89

Circuit Court (Releases)

Kent D. Hertel	PTWR	\$5.00/Hr.	Eff: 4/24/89
Bill G. Danks	PTWR	\$5.00/Hr.	Eff: 4/24/89
Dennis Howard	PTWR	\$5.00/Hr.	Eff: 4/24/89
Robert C. Blesch	PTWR	\$5.00/Hr.	Eff: 4/24/89
George A. Payne	PTWR	\$5.00/Hr.	Eff: 4/8/89
Dennis G. Hudnall	PTWR	\$5.00/Hr.	Eff: 4/21/89
Michael Lotz	PTCS	\$5.00/Hr.	Eff: 4/21/89
James Worley	PTWR	\$5.00/Hr.	Eff: 4/24/89
Vickie Kavanaugh	PTWR	\$5.00/Hr.	Eff: 4/24/89
Sara Jo Vessels	PTWR	\$5.00/Hr.	Eff: 4/24/89
Mark D. Acker	PTWR	\$5.00/Hr.	Eff: 4/24/89

Circuit Court (Appointments)

Kent D. Hertel	PTWR	\$5.00/Hr.	Eff: 4/24/89
Alan Wayne Folz	PTWR	\$5.00/Hr.	Eff: 4/24/89
Bill G. Danks	PTWR	\$5.00/Hr.	Eff: 4/24/89
Dennis Howard	PTWR	\$5.00/Hr.	Eff: 4/24/89
Robert C. Blesch	PTWR	\$5.00/Hr.	Eff: 4/24/89
Dennis Hudnall	PTWR	\$5.00/Hr.	Eff: 4/24/89
Michael Lotz	PTWR	\$5.00/Hr.	Eff: 4/4/89

Bill G. Danks	PTA	\$5.00/Hr.	Eff: 4/24/89
James Worley	PTWR	\$5.00/Hr.	Eff: 4/21/89
Vickie Kavanaugh	PTWR	\$5.00/Hr.	Eff: 4/21/89
Sara Jo Vessels	PTWR	\$5.00/Hr.	Eff: 4/21/89
Mark D. Acker	PTWR	\$5.00/Hr.	Eff: 4/21/89

Veteran's Service (Releases)

Judith Arensmann Clerk-Typist	\$14,541/Yr.	Eff: 1/1/89
(Retroactive)		

Veteran's Service (Appointments)

Judith Arensmann Clerk-Typist	\$15,295/Yr.	Eff: 5/1/89
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Drug & Alcohol Deferral Service (Releases)

Sherri DeLaney Sec./Bkkpr.	\$15,163/Yr.	Eff: 5/1/89
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Drug & Alcohol Deferral Service (Appointments)

Sherri DeLaney Sec./Bkkpr.	\$16,030/Yr.	Eff: 5/1/89
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County Auditor (Releases)

Shirley Ankenbrand Transfer Clk.	\$14,229/Yr.	Eff: 1/1/89
Sunny Goodman Tax Sale Clk.	\$14,229/Yr.	Eff: 1/1/89
Carol Haas Transfer Clk.	\$13,204/Yr.	Eff: 1/1/89
Marie Dunn Transfer Clk.	\$14,229/Yr.	Eff: 1/1/89
Betty J. Miles Budget Secy.	\$15,616/Yr.	Eff: 1/1/89
JoAnna Morphew Transfer Clk.	\$14,229/Yr.	Eff: 1/1/89

County Auditor (Appointments)

Sunny Goodman Transfer Clk.	\$14,451/Yr.	Eff: 1/1/89
Carol Hess Tax Sale Clk.	\$13,204/Yr.	Eff: 1/1/89
JoAnna Morphew Transfer Clk.	\$14,451/Yr.	Eff: 1/1/89
Bettye J. Miles Budget Secy.	\$16,739/Yr.	Eff: 1/1/89
Marie Dunn Transfer Clk.	\$14,451/Yr.	Eff: 1/1/89
Shirley Ankenbrand Transfer Clk.	\$15,267/Yr.	Eff: 1/1/89

RE: INDIANA AUDITOR'S ASSOCIATION

County Auditor Sam Humphrey said that over this past weekend he had the Officers of the Indiana Auditor's Association in Evansville and the Evansville Convention & Visitor's Bureau did an excellent job. They opted to get the Annual Meeting in Evansville next May -- and he thinks we've succeeded in that. That Convention will bring about 400 people into Evansville. The Sheriff was a marvelous host on Saturday afternoon and the Hotel really provided fine facilities and showed them all the facilities. They took a tour of the City and are really excited about coming here.

RE: IRS SECTIONS 89 & 125

County Auditor Sam Humphrey said he has written to four (4) Congressman and both Senators asking their help to set aside or make them exempt for Local and State Governments. He received a letter back from Senator Lugar and Congressman McCloskey stating that they have both participated in bills to set that aside. So he doesn't recommend going ahead with anything to do with 89 or 125 at this point. As things progress, he will inform the Board.

RE: SALE OF BONDS

Auditor Humphrey said we're getting ready to sell bonds -- and we're preparing for it right now.

There being no further business to come before the Board at this time, Commissioner Willner declared the meeting recessed at 4:50 p.m.

PRESENT:

Robert L. Willner, President  
Richard J. Borries, Vice President  
Carolyn McClintock/Member  
Sam Humphrey/County Auditor  
Curt John/County Attorney  
Cletus Muensterman/County Highway  
Greg Curtis/County Engineer  
Rose Zigenfus/EUTS  
Rick Higgins/Vanderburgh Auditorium Manager  
Tom Dorsey/Director of Purchasing  
Mr. & Mrs. Robert B. Edge  
Mr. & Mrs. James Esters  
Donna Hagedorn/Attorney  
Clarence Shepard/Sheriff  
Mark Tuley/Burdette Park Manager  
Don Finch/Busler's Enterprises, Inc.  
Bev Behme/Area Plan Commission  
Jerry Riney/Supt. of County Buildings  
Jim Flynn/Attorney  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

  
Robert L. Willner, President

  
Richard J. Borries, V. President

  
Carolyn McClintock, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
MAY 8, 1989

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MINUTES  
COUNTY COMMISSIONERS MEETING  
MAY 8, 1989

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, May 8, 1989 in the Commissioners Hearing Room with President Robert Willner presiding.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the minutes of the meeting held on May 1, 1989 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: DEMONSTRATION OF ELECTRONIC VOTING EQUIPMENT

President Willner recognized Mr. Jim Zehner, representative of the R. F. Shoup Corporation (based in Radner, PA) for Indiana and Ohio, who was present for purposes of demonstrating the Shouptronic Election System. Mr. Zehner said elections are unique governmental activities in three very specific ways. First of all, an election has to take place on Election Day; it doesn't make any difference whether there's hell or high water -- the election has to go forth. Consequently, the machinery purchased to carry on that election has to work. Secondly, elections involve the use of thousands of poll workers who, essentially, are volunteers who show up for two days a year and are given the responsibility of carrying out a correct election. Any equipment has to be designed with the convenience and ease of operation for those poll workers designed into it. "Thirdly, everything that you or any other elected official does rests entirely on the results of an election. If there is any doubt about an election, then at the same time your legitimacy is called into question with the legitimacy of that election."

The Shoup Company has been in the business of providing election equipment since 1919. They no longer produce the mechanical machines. Mr. Shoup, the founder, passed away in 1974 and at that point the family sold that company. In 1976, Ransom Shoup, Jr., began the R. F. Shoup Corporation which deals only with electronic machines. This machine took 10 years to develop, beginning in 1974 (with their first elections in 1984). They are in 17 states and 80 jurisdictions. Literally millions of votes have been cast on the Shoup System. They have never blown an election, nor have they ever lost a single vote. The system is also designed to make the election officials totally independent of Shoup or any other vendor. If we buy the entire system, we can also print our own ballots for the machine. That means we have no printing costs, as a substantial savings from any other kind of system, because printing costs do mount up and they are getting higher as time goes on.

Mr. Zehner said that after his presentation to the Commissioners he will be setting up the equipment in Council Chambers for additional demonstration to those persons who may be interested.

Mr. Zehner proceeded to set up the machine and walk the group through the operation procedures involved. The machine is self-contained and there is room to include the poll supplies -- if we want to send those out rather than having the workers come in to pick them up. Curtains assure the voter absolute privacy. In the event a voter in a wheelchair comes in, the machine can

easily be tilted for voting convenience. An open shutter fly reveals the machine number and cartridge number; this enables you to be sure that the names that are on the ballot are the same as those on the cartridge. The machine does not have to be programmed office by office. The programming is done in the computer once and everything else is taken from that same material. Again, by using the same data base you have a much safer situation; you can't get the candidates or issues mixed up.

Republicans and Democrats can vote on the same ballot, but the lockout would only be pushed which would be correct for the individual voter -- so the voter could only vote for the desired party candidates. Another area where this would be useful would be if we had a precinct that was split by a school district -- and not all the voters were eligible to vote for that school district. A lockout could be set up so that the voters would only vote for that which they were qualified to vote for. (You can have up to 14 lockouts.)

Votes cast are recorded into memory feature and are thereby preserved and cannot be corrupted -- which is critically important.

At the end of the day, the poll worker would push the "Polls Closed" button and at that point it would go through all the memories and give a printout in the back of the machine which would give the results of the election (which would take about a minute). You can program the machine to give you as many copies of the results as desired.

You then open the back of the machine and remove the cartridge. The cartridge would then be taken to the location where the central count is being done. It would then be out into the computer and in 1-1/2 seconds the results of that precinct would be counted. The only thing that would slow the vote count would be the amount of time it takes for the poll workers to get the cartridge to the central counting point.

If you have one or more machines in a single precinct, you can use one of those machines as an adding machine at the end of the day and get the total results for the precinct immediately at the end of the day.

In the event someone accidentally kicks the electrical plug of the machine or there is a power outage (which will probably happen at some point) the machine will continue to operate with no interruption. A bell will ring signifying the electricity is out and the poll worker will come around and push the button to shut off the bell; but the election will continue to go on.. They had a city-wide power outage in Memphis, TN on election day and the election continued with no interruptions. The back-up batteries are charged and will run for up to 18 hours.

Should the poll worker manage to let the cartridge fly out the window and run over same on the way to the central counting location, there are still three (3) other memories inside the machine from which the results can be extracted and they are powered by three different power sources. Again, literally millions of votes have been cast on these machines and not a single vote has been lost. They have never had a change in their re-count. This is the most accurate and reflective of the voter's desire of any system that exist on the market today -- and it is not Twilight Zone or Science Fiction stuff -- this is proven technology that has been in the field since 1984.

Should we purchase the Shoup machines, they will be here for the first few county-wide elections to make sure they go well. They will also train our personnel so they can handle any of the maintenance or changes or repair or whatever needs to be done to

the machine at any time. The purpose of the Shoup System is to allow those jurisdictions to have the entire election completely under their control. That is important.

President Willner entertained questions from the Board.

In response to query from Commissioner McClintock, Mr. Zehner said the number of recommended machines is one (1) machine per every five hundred (500) registered voters. No other counties in Indiana are currently using the Shoup System. Shoup has just begun to move into Ohio and Indiana in the last year. With a four (4) year warranty, the price of each machine is \$4,975. With a one (1) year warranty, the price is \$4,750 per machine. Additionally, the central count system used to program the machines and print ballots is \$31,000. In terms of life expectancy, they expect the machines to easily last 25 to 30 years. He has provided Mr. Jerry Riney with a list of their customers and he would strongly encourage the Commissioners to contact any or all of them.

In response to query from Commissioner Borries, Mr. Zehner said they currently have machines in Memphis, TN; Harrisburg, PA (294 machines); Montgomery, AL (210 machines); Mobile, AL (400 machines); Atlantic County, NJ (210 machines); Albuquerque, NM (500 machines); and a number of very small installations in Kentucky. The New Jersey Primary Election will be held on June 6th. Those interested can see them in operation in Atlantic City. The machine in question has been in production since 1984.

Commissioner Willner requested that Mr. Zehner cover absentee ballots. Mr. Zehner said absentee ballots are basically handled through their software. They can handle any system we currently use. They have also developed an absentee ballot they have not yet put on the market -- wherein they use the same data base used to program the machine. So if we wanted a ballot for someone from Precinct "ABD", we'd print that off on a laser printer and it would be exactly the same as the ballot, except we'd have numbers in each square and a pencil would be used to do that number. Absentee is probably the most difficult problem in election equipment to try and solve, but they can work with any system we currently have.

The Board expressed appreciation to Mr. Zehner for his informative presentation.

RE: C.A.P.E.

President Willner called for Ms. Alice Weathers of C.A.P.E. Councilman Bill Taylor advised Ms. Weathers has been detained (pending preparation of a financial report) and will be here later.

RE: REGENCY ASSOCIATES - REQUEST FOR VARIANCE

Mr. Jim McKinney of Regency Associates was recognized and said he and his general partner, Paul Kinney, wish to present to the Board this afternoon a new development which they are spearheading out at I-164 and the Lloyd Expressway in the northwest quadrant called Cross Pointe Commerce Center. The purpose of his presentation today is to make the Commissioners aware of their project and also request their endorsement of a variance in signs which they are going to be requesting in June regarding the recognition of this site and its location. Mr. McKinney then proceeded to share a Concept Plan of the development, emphasizing they will be using a lot of vegetation, lake, water areas, landscaping, grass, trees, etc. They look to initiate this project with one or two hotels, restaurants, their own office building, etc. They have already received numerous inquiries and they also have interest with regards to a medical center to be located in this development. The development will provide

numerous new jobs to the community, new tax dollars, and also the opportunity to have a style of office park which hopefully will attract new companies to the community which are not currently here. In June they will be requesting a variance for a sign they wish to use to identify the location of this project. The sign is to be 22 ft. in height and 8 ft. wide. They are seeking the Commissioners' support for the project and their request for variance in signage -- so they can proceed with this development. As the project further unfolds, they will be coming back to the Commissioners with appropriate requests re use, zoning, etc.

Commissioner Willner said he is sure the Commission will be glad to work with the developers on such a venture.

In response to query from Commissioner McClintock, Mr. McKinney said he is seeking the Commissioners' endorsement/support behind the variance for the requested sign and he would appreciate having this in writing.

Ms. McClintock said we are currently working on the sign ordinance. What kind of argument will Mr. McKinney be making to the Board for that kind of variance?

Mr. McKinney said the purpose behind their variance primarily is that given the location and the fact that the traffic going by it travels at a fairly high rate of speed, it would be very difficult for any sign of a smaller size than this to be read or seen. Without being appropriately signed, they cannot gain the awareness of the community of this potential project. When a property is being promoted, it needs to have recognition and identification. The sign is a very attractive temporary sign and reflects the style of development at Cross Pointe. They are doing their own promotion with regard to direct solicitation of prospective users, and he wants them to be able to know where that is so that when they drive to the site they will be able to identify its location. The sign is for the purpose of identifying the specific location of this piece of property.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request was granted. So ordered. Mr. Willner asked if a copy of the minutes will suffice and Mr. McKinney responded in the affirmative.

RE: MAYORAS & HITTLE COMPUTER PRODUCTS - JACK SHOAF

Mr. Shoaf said he apologizes for having to follow pretty concise notes, but he respects the Commissioners' time. He looked at the agenda and if he only goes the 10 minutes he planned to take and everybody else goes 10 minutes, the Board won't be out of this meeting in time for their 6:00 meeting.

At a meeting of the Data Processing Board a couple of weeks ago, he made a short conciliatory statement and they voted to recommend to the Commissioners the selection of ATEK as a principal software vendor for the City and the County. He said then -- and he says now -- that his firm, Mayoras & Hittle (along with IBM) stand ready to provide the Civic Center with a cost-effective solution that can be implemented within the desired time frame. He made the statement with the idea in mind that the Data Processing Board's decision was based on a thorough and complete evaluation of all the proposals submitted, etc. At the same meeting he received (as did most everybody there) what looks to be a 4-Page report that really boils down to two pages worth of information on it. He asked if more detailed information would be made available on how the functionality ratings were arrived at and, indeed, if the methodology were not a proprietary tool of Peat, Marwick, that they be informed as to what factors were weighed into this decision so they might be able to improve their product from this experience. He was told then that this

information would be available and Peat, Marwick assured him that it was not proprietary and they would be willing to share that with Mayoras & Hittle. He left the meeting less than happy that they were not selected, but he left believing they would be dealt with in good faith. He understands that executives such as the Commissioners cannot get into the many details you have to go into in such a project; they have to put faith in the people they have asked to do the job -- such as Peat, Marwick -- and he doesn't dispute their logic in considering this path. But he has been asked by Commissioners to do just what the Vanderburgh County Commissioners asked Peat, Marwick to do -- because he, himself, was a consultant for six (6) years and consulted a number of governmental units on software selection. Not many people know the firm of Mayoras & Hittle (in fact, a lot of those who do cannot even pronounce it). But he would suggest that the Commissioners' consultant may not have been quite as complete or thorough as the Commissioners may have been led to believe. He knows that is a strong statement, but he'd like to take a couple of minutes to explain why he believes this is the case.

First of all, the information promised to Mayoras & Hittle at that meeting has not been forthcoming. They have never received anything more than that which they received in the original meeting and the Commissioners, themselves, agreed last week that this wasn't sufficient enough to make a decision.

Secondly, he made a number of calls to Peat, Marwick (six, in fact) and those were not returned. They found this pretty dissettling, particularly in light of the fact that the figures prepared by Mayoras & Hittle (of which the Commissioners have a copy of said summary sheet and handout) and the figures they put down for Mayoras & Hittle showed a \$45,691 discrepancy. He thinks if the Commissioners cite a discrepancy such as this in their own bank account, they might want to call and find out why the discrepancy. This is what Mayoras & Hittle attempted to do and they were absolutely non-responsive in that regard.

Mr. Shoaf said that with regard to the rating on functionality, they were surprised to learn that this was done without any regard to cost whatsoever. In the proposal he believes there were 34 questions with regard to functionality. Where that functionality was lacking, the firm was required to quote a price for providing that functionality. The contents of their response actually become part of the final agreement. Whatever they say they do they are contractually bound to perform. The point is that their software, as quoted, provides the functions asked for in the request and at a price some 40% less than the next least expensive vendor. In conjunction with their hardware platform, their proposal is the overall low cost solution by almost \$1/2 million over five (5) years. Thirdly, any business decision such as this must take into account the ability of a vendor to perform what they say they will perform. He doesn't know of any way to verify whether firms can perform other than checking references. The Commissioners can imagine their skepticism when they discovered that none of their judicial references had ever been contacted at all. It was made clear to them during the evaluation that that was an important part of the evaluation. So that didn't happen at all.

And fourth, they could not understand why after almost a year preparing for evaluation of this project why it was necessary to allow only two (2) days for evaluation. The Commissioners had the representatives of the Data Processing Board meet with them last week (a week ago today). The previous Wednesday, they made their initial recommendation. The previous Monday (two weeks ago -- Mayoras & Hittle had submitted their proposals. That gave them all of two days to look over those proposals. The Commissioners themselves saw the hand trucks - there must have been 1/2 ton of materials in the meeting room -- and in his own mind he can't think of any methodology that would allow anybody

to thoroughly go through those proposals in two days. Peat, Marwick had originally established a time table of almost one (1) month for evaluation. Regardless of the tools he may have used, they can't conceive of anyone allowing complete evaluation of such voluminous material in that time frame.

It became apparent as they tried to find out how they could get the information promised to them, that very few members of the Data Processing Board actually looked at the proposals prior to the meeting at which that initial recommendation was made -- because they talked to a number of them and a number of them have never even seen the proposals. He can assume they did not take an active part in the evaluation then, if they did not see the proposals. He knows it is difficult (if you have size committee at all) to get everybody involved to the degree that you might hope. But it became apparent that a good deal of reliance was placed on the the opinions of two or three persons or maybe one or two more on that committee. In a system such as this that encompasses so many users and affects so many areas, it is important the members of the Board at least understand how these opinions were arrived at -- just as they have been seeking to find out.

Finally, when they decided to inspect the responses themselves (not being able to get answers from our consultant) they were quite frankly amazed that the degree to which their competition promised enhancements in application software but would not describe them in the proposal -- that is like buying a product sight unseen. In their industry they call this vaporware and generally it is discounted by knowledgeable persons until the vaporware actually materializes, is delivered, tested, and accepted by the users.

As they look at the relative rankings, they can only assume that the vaporware aspect must have been accepted as a known entity and weighed heavily in the responses.

Originally, Peat/Marwick called for a 3-1/2 week response from the time the request for proposals was made to the time they were due. That somehow got shortened to two weeks. As he said, they were due on Monday at noon and Wednesday they made their initial recommendation. Mayoras & Hittle does not understand how that could possibly have taken place. He understands that the Board has been at this process for a good long time. He's talked to all three of the Commissioners in part and he knows they'd like to get on with the implementation -- and so would Mayoras & Hittle. They don't mean to stand in their way and they understand the circumstances. He understands they want to put faith in a well-respected firm, such as Peat/Marwick -- and follow their recommendations. But he feels there are serious enough doubts about the evaluation to warrant taking enough time to satisfy these doubts - so they can be totally confident that the decision they made is one based on a thorough understanding of what, who, and why these recommendations are as they are. The Board has taken many of the proper and necessary steps. He knows from his own background that the Board is doing a lot of the right things. The procedure looks good on paper and the quality of the actual request for proposals was very well done and the Commissioners have involved a lot of good people in this and he'd certainly hate to waste anymore of their time -- but he really doesn't feel that an adequate evaluation has been made and he would urge the Commissioners to consider these questions before they make a decision and forward their recommendation to the County Council.

Following further brief comment, Commissioner Willner thanked Mr. Shoaf for his presentation and entertained questions.

Mr. David Roth approached the microphone and said he is with Bull Information Systems. He would also like to make it clear that he is a resident and taxpayer of Vanderburgh County and it is to the latter that he is more interested in making some recommendations and comments here. He assumes the Board is considering recommendations or decisions on accepting bids for computer hardware. He'd like to recommend that the Commissioners reject all of the bids for new replacement computer hardware and continue to use the present system. Primarily the two reasons he is doing that is because he feels that the money could be better spent on something that benefits the taxpayers of Vanderburgh County and, secondly, just as important -- the necessity to buy a new computer system no longer exists. We're operating under the original request for bids for computer hardware in February 1988. There were two primary reasons and justifications for putting those bids out. The first one was that at that time we were under contract with a local facilities management company to do the data processing for the City and the County. That contract was going to expire at the end of 1988. Therefore, we would be without data processing services. The second reason was that there was a desire by the City and the County to reduce data processing costs. Those were the two reasons and justifications for the original bid specs. He has a copy here of the request for bids for data processing hardware dated February 19, 1988 and we're still operating under this request for bids. He cites from the first page:

"This request for bid is issued by the City of Evansville Board of Public Works and Vanderburgh County Commissioners. The City-County governments want to reduce the cost of data processing. At this time, they are under contract to Pulse Data Systems, a local facilities management firm. Under this contract which expires December 31, 1988.....the contract with Pulse Systems was written in a manner that precludes the possibility of purchasing the hardware that is now in place without first going through a bid process."

A number of government leaders feel that the whole issue of data processing within the City and the County should be reviewed. Preliminary surveys show that proceeding with the bidding process might in some manner allow the cost of data processing being reduced.

Mr. Roth said, based on that justification for acquiring new hardware, he would like to state two facts:

- 1) In late 1988, the present computer system hardware was, in fact, purchased from Pulse Systems and is now owned by local government.
- 2) None of the present hardware bids do, in effect, reduce the cost of data processing.

Therefore, Mr. Roth's recommendation is that the original justification for acquisition of a new computer hardware system no longer exists and as a side issue of interest, which he is personally curious -- in referring to the purchase of the existing computer system which is located in Room 205 of the Civic Center, he is assuming that the authority to do that purchase was under the original bid of February 1988, since Pulse System's bid against that request for bid -- one of their options was to sell the City and the County the present hardware -- and since we did acquire it -- he is wondering if that doesn't constitute that we awarded the bid and, if so, how many times can you award the same bid? That is his question.

In summary, he would like to suggest that if the Commissioners were to survey the general public (as was done in a recent stadium issue) and ask the public if they are willing to pay for

a new computer system or should we save money and renovate the one we already own -- it would be his guess that the majority of the public would agree with the recommendation that he made.

Commissioner Willner thanked Mr. Roth for his recommendation and entertained further comments.

Mr. Harold Elliott, County Councilman and a member of the City-County Data Processing Board, said these summary cost sheets were received at their last meeting. Mr. Niemczura said he would have all the background information by today. He hasn't seen it yet, so he hopes the Commissioners will wait and study it very carefully (as he'd like to do) before they make their decision on how they want to spend the money.

Mr. Tom Dorsey, Purchasing Director, said that concerning further review of the bids that were presented at the last meeting, he indicated the Data Processing Board had made a recommendation on the software and that there were still some questions on the hardware yet to be answered. He believes the questions that came up at the last meeting concerned the use of a facilities manager and the estimated cost on the part of both the City and the County. In the memo he sent today he included a copy of the information that was submitted by the proposed facilities manager during the initial round of bids that showed the proposed cost. Those costs were based on a full management team; and his understanding is that we would not need a full management team but more coordination. He believes Peat/Marwick also responded to some of those issues in a letter to Commissioner Borries. As far as the costs go, he had also enclosed a copy of the information he pulled together on the City and County's side. He is not really sure what figures Mr. Shoaf was using, but in the final analysis when we look at the total system cost, we're looking at a low bid for the total system on a first year basis of \$1,352,968. That figure is a combination of the cost as proposed by Pioneer Standard with DEC equipment and ATEK is the umbrella organization for the software. That software also happened to be the software that was selected as having the most functionality and thus meeting the needs by all of the various application clusters -- the Courts Finance Administration, as well as Law Enforcement. The next low bid was submitted by IBM and Mayoras & Hittle. That bid on a first year cost alone is \$224,960 more. That is based on a total system cost of \$1,577,928. He thinks the numbers the Commissioners have been listening to may be somewhat confusing, simply because of the number of players involved. There is no doubt, for instance, that in the cost presented Mayoras & Hittle's package alone was less expensive. It was increased somewhat by the fact that there is also another vendor selling law enforcement that attaches to that and that is one of the reasons for the discrepancy. He did talk with Mr. Shoaf about that last week and at least in one case with the figures that were presented, an additional year of maintenance was added into those numbers. So he was well aware of that as of last week. The numbers the Commissioners have in front of them have been pulled from all of the various bids and each one is presented in the order of lowest cost descending to highest cost. As can be seen, in the first year cost Pioneer solution on the hardware was the lowest, as it was in the five (5) year projected cost. Mayoras & Hittle was low in both the first year and five year on software, with ATEK and Hewlitt Packard following. In a total system cost, Pioneer and the ATEK solution was low, followed by IBM, Mayoras & Hittle, and then ATEK's two bids (primary Alternate bid) and then Hewlitt Packard. He thinks one of the things that needs to be stressed is that this has been an ongoing project. We've had a number of people who have been dedicated almost solely to this for a minimum of eighteen (18) months. He knows that he has and a number of other people within both City and County government have read and re-read the proposals submitted during the first round of the process on the software and the hardware -- and they have read

and gone through the clarifications submitted this last time around. The software was not a new proposal; it was simply a clarification of those issues that had not been resolved previously. There is a summary sheet that each of the vendors completed -- the detailed information we felt necessary to determine the functionalities. This was the second consultant we've used and we've used a number of different people to evaluate those bids and both times we have come to the same solution. The Data Processing Board made their original recommendation and his request is that with the information the Commissioners have in front of them that this be taken on to Council.

Commissioner Willner asked Mr. Dorsey if he has furnished this information to the Council members?

Mr. Dorsey said he has not. He pulled this summary sheet together this morning and he has packets prepared that will be going out to Council to give them an idea of the costs. But he wanted to make certain the Commissioners had the information first so any questions could first be answered here prior to going to Council.

Commissioner McClintock said that the last time this was discussed there was a huge question mark about the Pioneer hardware. She understands the process; she understands we need to have a facilities manager; we need to decide on the software; then we need to decide on the hardware. Is he now recommending the Pioneer/ATEK package - or did he just want to break down the cost?

Mr. Dorsey said his understanding was that the Commissioners wanted as much detail as possible on the cost figures and this is a summary of that information to show what the City and County shares would be and it presents the information for all the vendors. The ATEK/Pioneer solution is the low bid. There is a question on the hardware configuration and a meeting is being set up to allow the various DEC vendors who bid to explain how they set that hardware up and why they set it up. We also have an intent in talking with deck representatives as well as having the proposed facilities manager sit in to make a recommendation on which of those configurations is best. If the configuration proposed by Pioneer is a functional configuration, then that becomes the low bid. If it is not, then we have to look at some of the others. But, again, the hardware purchase is driven basically by the software recommendation. Neither the City nor the County have approved anything. He thinks both have received the Data Processing Board's recommendation. On the City side, it is his understanding that the Board of Works agrees with that recommendation and is ready to move forward. He wants to make sure that on the County's side everything is also ready to move -- so we all go into this at the same time. Today he is asking the Commissioners to go on Council Call and request funding so we can begin this process. Prior to doing that, he thinks the Commissioners have to feel comfortable with the selection that is being made. In this case, they can request the funding and hardware/software vendors can still be argued. The point to be made here is that after two years and a number of different decisions -- we have reached the same decision over and over and over again. At some point, someone has to say this is what we are willing to do. The funding has to be in place to do that and the numbers in front of them will give the Commissioners an estimate of how much to request. The maximum amount can be requested and we can still go into negotiations or do more evaluations. The software is what is going to provide the functionality. That is what is actually going to be able to allow us to provide the services and the users (at least the ones he has talked to and the ones involved in the selection team) have a pretty strong recommendation that the ATEK/ISI solution is the best that we've seen and the most cost-effective for both the

City and County governments. If the Commissioners choose only to request the funding and not go along with that recommendation, at that point perhaps they will want to hire their own consultant to go through this process again. But he thinks they will come to the same conclusion.

Ms. McClintock said she is not suggesting the Commissioners hire another consultant; she doesn't think that is necessary. And she appreciates all Mr. Dorsey has been through in 18 months of this, as well as other members of the Data Processing Board. She has a lot of respect for him, Mr. Gann, and the other members who have spent so much time working on this. She does have some concerns and she is thrilled to have these figures -- and she did receive a copy of the Data Processing Board minutes. But the Commissioners could commit hundreds of thousands of dollars more of the taxpayers money that we want to at this point. Her preference would be to go ahead and put the request on Council Call, hold a Joint Meeting with the Council and have a full hearing at that point -- where there would be an opportunity to discuss the pros and cons. Each of these users have their reasons they want this particular ATEK as opposed to the other packages, but she needs to know that. She can't just have someone say to her that these guys like it and spend \$2 million of the County taxpayers' money (maybe the other two Commissioners can -- but she can't). And she's had some serious questions raised -- not about the process, but about some of the vendors -- and she spent a long time researching that and a little more time would permit her to do a more thorough job on that.

In addressing Commissioner McClintock, Commissioner Borries said it is either fortunate or unfortunate (depending upon whose side it is) to not have been involved in this epic for as long as some of us have been. A remark was made earlier about the stadium and that issue and how it perhaps has been publicized a bit in the media that we needed more time to study. One thing is for sure, this one has been studied, and studied, and studied, etc. -- and he could probably keep saying that for a long time. It is to the point now to where he thinks it is so confusing that we're going to have to make some decision and do so soon. With regard to one of the consultants, perhaps because he had some local ties, there was a good deal of controversy about his decision and recommendation. On the Data Processing Board itself, there happened to be not only government personnel but people who were active users of computer services from Whirlpool Corporation, Bristol Meyers, etc. -- so it has been a very broad based, intense thing from that factor. He has had questions about it. People and various vendors have brought questions to him -- we should consider this and consider that -- and we have. So we suggested that maybe we needed to get someone who had really no agenda here -- no agenda at all -- no interest whatsoever -- a nationally-known firm, a member of the "Big 8" national accounting firms (Peat, Marwick, Main & Company) -- and that is what we did. We've had more questions and he has talked to Mr. Niemczura over the phone and he would like to read a letter he received from him on Friday of last week:

Dear Rick,

Thank you for taking the time to discuss with me the City-County proposed new data processing environment. As a follow-up to our conversation, this letter outlines Peat Marwick's understanding of the best approach for the City-County in operating the recommended hardware and software system solution being considered. Our letter is organized to discuss Peat Marwick's understanding of (1) a desirable facilities management relationship, (2) recommended City-County participation, and (3) considerations for conversion of the Honeywell environment.

Desirable Facilities  
Management Relationship

We believe the City-County should contract with a facilities manager to assist with the full implementation of the new system. There is no existing City-County organization to direct this overall effort and a facilities management team would fill this role.

We further believe that the selection process conducted as part of the original RFP effort focused on the right decision factors and therefore resulted in a correct decision for the City-County. The selected firm, SCT, demonstrated: Technical competency on the Honeywell and DEC hardware; Experience in managing facilities for local governments in Indiana; and organization size sufficient to provide the level of energy necessary to stay on top of the latest developments in systems technology.

However, we recommend that the City-County renegotiate the scope of work to be provided by the facilities manager in consideration of the following:

- . All new applications will be provided, implemented, and maintained by autonomous software vendors that will require little assistance from the facilities manager in completing this effort; and
- . The recommended DEC environment requires a reduced level of day-to-day systems operations support as compared to older technologies or mainframe type environments.

As such, we recommend that the negotiations focus on required support for specific operations areas in selecting the total number of support people.

City-County Participation

The implementation project about to be undertaken will require an immediate investment in the area of \$1.5 million and will determine, largely, how the City-County processes information well into the future. Moreover, the initial implementation of the system will present a significant interruption to the City-County's normal business as these new systems are implemented.

We believe it is imperative that the City-County establish a full-time project director to oversee all of the software and hardware vendors as well as the facilities manager. The role of this project director will be to report to the Data Processing Board and participate in a hands-on mode to direct the system effort and advise City-Council, County Council, and County Commissioners on appropriate decision-making required in the systems area. This will ensure that all resources are directed most advantageously in meeting City-County data processing objectives and in the most cost effective manner.

This appointment is important and should be made as soon as possible; however, it should not hold up the hardware, software, and facilities management decision.

Conversion to Honeywell Environment

The operation of the Honeywell environment is an important issue for the City-County considering that many of the applications residing currently in the Honeywell system will need to be in operation for at least 18 months from now.

The City-County must decide on the best approach for operating the Honeywell system until (1) new software is implemented, and (2) existing software that will require complete conversion to the new environment (where no new software was found) can be converted.

For both of the above efforts, personnel experienced in the existing applications will be an asset to the City-County in completing the required tasks (assuming the existing personnel understand the application they are operating currently). As such, we recommend that the City-County consider utilizing current personnel to assist with the overall conversion effort.

I trust this adequately summarizes our phone conversation and ask you to feel free to contact me at (317) 636-5592 should you have need for any additional information.

Sincerely,

KPMG Peat Marwick

/s/ Walter M. Niemczura, Jr.  
Manager

cc: Leslie Blenner, City Controller

Continuing, Commissioner Borries said that obviously there is a new factor in here that we're going to have to consider. He, for one, (probably a minority because he is not a user, since Margie doesn't have a terminal and the Commissioners office has not done a lot of data processing) -- but he believes that based on his experience with Pulse (and he's said it several times) he thinks they've been in an impossible situation and have done a fine job. This system has grown. It is a system where we could barely write checks in 1983 -- so he thinks that is proof itself in the growth of the system is certainly one, in his opinion, for which they deserve commendation. However, Peat Marwick has said there is reduced level for perhaps any kind of long term facilities manager -- that perhaps the County needs to find their own person (much as we had a long time ago) to now be the full time Project Director. So he thinks that is a decision the Board will have to consider. He will certainly share this letter with the other Commissioners. Mr. Borries then asked Mr. Art Gann if he has comments.

Mr. Gann said he has several comments to make -- and he would like to urge the Commission to take action on this today. We've had numerous conversations about this project over the last two years. With regards to Peat/Marwick, he thinks when the Commissioners expressed their concerns (both verbally and via written letter, as requested) he doesn't know that we could ever possibly address all the concerns of Mayoras & Hittle. He doesn't personally feel an obligation to do so. As far as the Law Enforcement side is concerned, they have spent hours and hours and hours reviewing software, reading documents, talking with vendors, and talking with users on this project. They said they had until June and if you read the document, it says that they want to let the contracts by June. You and I both know that you can't review these processes, get them passed through the Commissioners, the County Council, get the funding in place, negotiate, and let the contracts out by June's time frame. The request for proposals was listed as a "Final Request for Proposal" in this documentation and it explicitly says we're relying heavily on the first information we received. It's been validated by Peat/Marwick or whoever else we would have chosen to review it. We even state in there that we will rely solely upon the documentation provided as an extension to the previous

request for proposals. Now in the case of Mayoras & Hittle, they did have to have a demonstration set up in IBM. The law enforcement was represented over there as were the Courts and the Clerk's office. He cannot speak for the Courts. He can only tell the Commissioners that when they opened these documents here on Monday they took them back to the office and they started going through them on Monday night. They spent all day Tuesday going through them. And they spent half the day Wednesday -- and it was hot off the press when they hit the DP Board meeting. They spent considerable time in law enforcement in the administrative side going through these responses, looking over the enhancements, trying to ensure that the hardware bids were what we requested and that they were compatible with the system we were proposing. When he left the building at 5:30 p.m., he stopped by Judge Knight's and Judge Knight and Judge Dietsch were crowded together on a couch going through their documentation. Their Riding Bailiffs, as well as Judge Dietsch, attended those demonstrations at the IBM Office Building just prior to the selection. He doesn't know what to tell the Commissioners. They assure him that the ATEK solution meets their solution better than Mayoras & Hittle's. He doesn't know what else they can do in a sense of fairness. We've spent two years on this project and things have changed, as Mr. Roth said. But we spent two long years and we spent a lot of time and trouble. He doesn't know that we can ever satisfy everybody that is not selected -- nor does he think we have a reasonable expectation to try. Our responsibility seems to be to try to do the best job we can and move with it. He doesn't think that the methodology described in that discretion is in the request for proposals. He has not gotten back with any other documents insofar as he is aware of. But the criteria is that basically it is a subjective analysis of software. Which software do you think will do the best job for you? Each user rated that software. On our particular side, the IBM solution was a close second -- they did a good job. But that is not the case in the other two. The single vendor response is what we are ultimately seeking. The best possible price for the best possible functionality is what we would all enjoy. Hopefully, on the 18th (which is the date of meeting you will receive notice on -- the next Data Processing Board Meeting) we will have all the major players to help us determine which hardware selection would be the best to run that software. It is with fervant hope on his part that it is also the cheapest. But he urges the Commissioners to please put the request for funding in place today so that we can move forward and not delay any further. Any additional questions the Board or any other vendor may have that they would like to get answered, they will have an opportunity to answer either at the DP meeting or the Council meeting. Even after that stage, he believes it has to come back to the Commissioners for final contract signing (if he is not wrong). So this is not the final thing. Let's not stop the progress right here. Let's keep moving. There is plenty of time to answer any other concerns the Commissioners have. If they plan to call users, he would request that they obtain general information about the people they are talking to -- more than just the fact that they work in that office. It is imperative to know whether they work in that office, what type of system they have, how many users are on it, whether they were a part of the decision originally, whether they came in with a new party, or whether they were recently hired, how much participation they had in the original conversion decision, -- all of these things directly affect how they relate to that -- because it is just their opinion. He knows the Commissioners have to weigh this -- but he would urge them to weigh it with those questions in mind. If they can ever be of assistance to the Board about how they did this -- they have all the documentation in the office. He can assure the Commissioners that it is not simple to stand up in front of them and say this is how they did it. They will be glad to show them how they did it. They will show them the documentation, show them some of the areas where they had

trouble, etc. There are a lot of people on the DP Board who have other applications, but a large percentage of the County offices are going through a straight conversion. The primary part of Sam Humphrey's job is a straight conversion that will run on the new one like it runs on the old one. The same is true with the Treasurer, Voter's Registration, and others. That is why they may not seem to have a direct input into this process -- because it is the major offices that are going through a conversion to package software that has been the criteria they have been using. A conversion from one software to another is not nearly as complex as far as the decision over functionality is concerned. And that is why it may appear to some people that we have been making our decision in a smaller group. That is because there is a smaller group directly involved in these three (3) major functional areas. We have since changed parties in the Clerk's office. We've got new players over there. They have been participating in a lot more aggressive fashion and, hopefully, they will get up to speed relatively shortly. But time does move on. Again, he urges the Commissioners to take action today to request the funding so we can move forward.

Commissioner Willner thanked Mr. Gann for his comments. He appreciates the gentleman who says to wait and use the old system -- but it seems like that decision was made two years ago not to do that. The Commissioners are not only thinking of the County, they're thinking of the Police package, the Court package, the City package -- it is not the County's completely. He is sure that if the County were to do this alone, we would look at the present supplier. But to put all these together -- it has been the consensus of opinion that it is much cheaper to do this as a group; it is much more expensive -- but it does so much for our County. As far as a Project Director, we've had that all along as far as he is concerned. Art Gann had to be -- there was nobody else to do that. Mr. Willner said that he, personally, is not capable of doing it and he readily admits that.

Commissioner Borries said that Mr. Gann may be his choice for the full time Project Director.

Commissioner Willner said he is sure Vanderburgh County needs someone, whether it is an office holder or someone to advise this group on computer problems and solutions. That we have not even talked about yet. But we do need to do that at some point. He thinks the City needs to do that. He thinks the Police Department and the Courts all need to do that. He is not sure it needs to come now as the first thing to do, however.

Commissioner Borries said he thinks we have to get the money. He sees a minimal role in this facilities thing for the recommendation. He also sees a role for the current vendor (Pulse) in order to insure that kind of transition. So he sees a very minimal level in that because of the fact it looks as though in the future we may want to consider a full time Project Director and he wants more information on it. He is prepared to go on Council Call today to request funding, however.

A motion was entertained.

Upon motion made by Commissioner McClintock, the Commissioners approved going on Council Call to request 66% of the total of the high bid (as decided last week) or \$1,074,803.50 for the purchase of computer hardware and software for Vanderburgh County. A second was made by Commissioner Borries. So ordered.

It was subsequently noted by Commissioner McClintock that she is using the high figure; it may come down. But this is the figure and/or percentage agreed on last week.

For the record, Commissioner Willner asked for a roll call vote: Commissioner McClintock, yes; Commissioner Borries, yes; and Commissioner Willner, yes. He said the motion passed on unanimous affirmative roll call vote.

Ms. McClintock noted that this was for software and hardware only. The Facilities Manager will have to be a separate motion.

Mr. Borries said that if an 18 month conversion has been entered into, that would be as long as he would want to enter into any agreement with anyone at this time. He would need some figures in order to get that done -- but Mr. Dorsey and Mr. Gann are saying they have to have a lot of advice here to get this hardware configuration set so they can get this thing going. He is not prepared at this point to endorse a whole team of folks (technical people) to come in, because he is not sure that will be necessary now. He would think we need to negotiate a sum of money for the one or two people, and no longer than any 18 month conversion. And, again, establish that with the current vendor to make sure that everything is functioning efficiently within that 18 months. After that, he wants more information on this full time Project Director -- because he believes we may want to go that route.

Mr. Dorsey said that to clarify things a bit, when they're asking for the approval of this recommendation, they are not coming to the Commissioners with a contract and a set dollar amount. What they are saying is that they need the Commissioners' authority to begin the negotiation process with the Facilities Manager, with the software vendors, so that they can tie down exactly what costs we are going to have. Without the Board's approval to negotiate, we will never come to those final figures. So they're not asking at this point to sign a contract or to make a final decision, but merely to authorize them to begin this negotiation process so we can determine how many people we're going to need insofar as Facilities Managers, what that cost is going to be, what the final software solutions will end up being, and then at that point they will bring the final things back and request the Board's approval on the contract.

Mr. Gann said that what Mr. Dorsey is saying is that they need some dollar amount for the Facilities Manager just as we do for the hardware and software. Obviously, they're not going to enter into negotiations for five (5) people for 1989 when we will only probably need one for the remainder of this year. Then, some figure for next year. But we need the money in place so that when the final contract negotiations are made we will have enough money there to meet that obligation as approved. The rest will go back into the General Fund. But we do need some request there to show there is available funding for whatever contract with SCT should develop. Again, he would reiterate that the Commissioners will have final authority with regard to the contract. But there has to be some funding in place to enter into the negotiation phase.

Mr. Dorsey said to arrive at that figure, their original estimate was for a five (5) person team at \$305,900. Given what Peat/Marwick has said, he would assume that if the Commissioners cut that in half and talk about two to two and a half people that we're looking at a cost of about \$150,000 if we apply the current percentage amount to that.

Mr. Robert Leich, the President of Charles Leich & Company (owners of the Pulse subsidiary, the current Facilities Manager for the City/County) was recognized. He said he wasn't going to take the Commissioners' time today, because they are not currently bidding on the software or the hardware proposals the Board is evaluating today. If that is all they are awarding, he doesn't need to talk any further. But, if they are going to

award Facilities Management, he'd like to make a couple of brief remarks. He is a little confused as to how all of this process is evolving here at this juncture. At the time Pulse extended their contract through 1989 (which was done in October 1988) they were told they would "get a chance to prove themselves during a conversion period and get the opportunity to present a Facilities Management Proposal". Now, there are probably a number of people in this room today that were at that meeting. He checked with the Mayor at 11:00 a.m. today and he was still under the impression that this is what they were going to do. On three occasions they (or people they asked to ask) asked Peat/Marwick (incidentally, a firm he greatly respects and recommended that they be hired the first time -- two years ago -- as a consultant; so he thinks that was a wise choice) asked what about Facilities Management. Three times they were told by Peat/Marwick (either to them directly or through others) that they were not looking at Facilities Management right now. And that was fine -- all they wanted to do and all they want to do now is have the opportunity to submit a proposal. They were assured again that they would meet with us and when they asked why they wouldn't meet with them they said it wasn't in their contract. And that is probably true -- and he recognizes the fluid nature of all this and the need to change. However, what concerns him (and he is all for appropriating some money and let's negotiate) is that they want to be part at the table. They are a local firm. That doesn't mean everything, but there are some other things involved he'd like to comment on. He's doesn't have Mr. Dorsey's current numbers and all he has, since they were awarding on an original proposal of SCT's of April 6, 1988, which was a full staff -- and Pulse's proposal of that date is also with a full staff -- and if someone else is going to scale it down to one or two people, they'd like the opportunity to talk to the Commissioners about that, too. These figures may be greatly out of date. But at least they were apples and apples at that time and were taken from Mr. Lieberman's proposal. The key here is that at that time the consultant, Phil Lieberman, used a seven (7) year period (and, personally, he thinks seven years is not proper) to analyze the bids and on just the Facilities Management, that is much too long to evaluate anything in the computer area. Nevertheless, that is what he did. So they were \$996,800 low. That is \$12,000 per month. People say you're not trained on DEC hardware or ATEK software. Well, he just put together a training plan for people at his business and approved an expenditure with Mr. Yeager (who is with him here today) of between \$20,000 and \$30,000 to train several people on a completely new system which they are implementing at a location other than the City-County. His point is, with two months training and for two months savings -- they can get up to speed pretty fast. As far as their conversion experience, they have done the following conversions in just recent years: IBM to Sperry-Univac; Sperry-Univac to IBM; IBM to Honeywell; DEC to Honeywell (twice); NCR. They wrote the Treasurer's and Auditor's system (which have been cited by a number of people, including the State Board of Accounts -- who wants to recommend it as a standard throughout Indiana). They don't think the Board should proceed further on the Facilities Management side without Pulse being at the table with them. They are fully willing to help the County on a conversion. As a matter of fact, IBM asked them to be the sub-contractor for the conversion this time (not last time) and they provided them with figures and a detailed analysis for converting all the existing programs. Pulse will assist with the conversions. They agree we need to move forward. But at this time, he thinks we have the cart before the horse -- to select an out-of-town firm (he's sure they are a very fine firm) for a \$1 million difference over seven (7) years, he thinks the Board has to ask about cost effectiveness, what about the taxpayers? In business -- he'd love to buy a financial package in Atlanta right now for \$200,000, but he can't afford it. And he thinks those questions have to be asked. Pulse will help the City-County in any way they can. They know there is a big job ahead and they think they

can be helpful to us. But they just ask that they still be allowed to submit a proposal for Facilities Management -- and that we not rely on one dated April 6, 1988.

Commissioner Willner thanked Mr. Leich for his comments.

Mr. Art Gann again approached the podium. He said he's like to re-emphasize that the reason Peat/Marwick did not initially examine the Facilities Management aspect of this was because there was no request to do so by Council. The Council specifically asked them to address hardware and software. In fact, if he is not mistaken, he believes that when Peat/Marwick first came in they really were not keen to the whole idea of a Facilities Management contract - until after their exposure to our environment and the complexity of this installation. He cannot over-emphasize that this is going to be a royal pain when we go into the implementation of these various software packages. He thinks that just about anybody in this room that is involved in data processing can attest to that. It was our feeling at the time of the DP Board that we needed some national firm that had ties with all sorts of vendors and resources to draw from to assist us through this implementation. That view hasn't changed; in fact, it is shared by the Peat/Marwick group which the Board hired as a consultant. They also intimate that they believe there is a role for the local personnel to assist in the conversion and that the conversion efforts should be considered separate, because of the fact that the local people have had so much input into the writing of the software packages currently used by the Treasurer, the Auditor, etc. But he can assure the Board that this is not so much a mandate to how good the Pulse people wrote the programs as to how good was the instruction they had from the office holders, themselves. The program, as written, will do what the job is and if the information is correct -- that is the key part of any person writing the program -- does he get in and get the information they need correctly? In this case, Pulse obviously did and they came up with a software package that worked. When it comes to converting that package, there is no doubt in his mind that it would be far to our advantage to have some participation by the offices that have software in the conversion process. However, he still feels (as he thinks is fairly representative of the D. P. Board) that for the case of the implementation of these major bidders and their softwares and the hardware, we need someone to come in who has exhibited dynamic leadership -- and it was the opinion of the DP Board last year that Pulse did not provide that type of leadership. That is not to say that is cast in stone. But we're not talking seven (7) years anymore. Perhaps we shouldn't have the first time -- he doesn't know. But he does know that the DP Board did not reaffirm their decision on the Facilities Management in September. It was October (three weeks later) when negotiations with Charles Leich took place for the extension. Just three weeks later. There has been no change in position insofar as the DP Board. The only change that has taken place, he believes, is in the position of Peat/Marwick, who now concedes we do need that type of leadership and that type of direction from a Facilities Management. In fact, they have all changed their minds as to what extent and number of years, and perhaps the number of personnel that we'll need. But we are all in agreement that we do need that type of leadership at this time. So, again, he would urge the Commissioners to take under consideration a recommendation on Facilities Management and let us move forward with this particular task at hand.

Councilman Elliott commented that he agrees with Rick Borries that we do need to do something very soon. He also reiterates that he wants to see the figures before he votes. There is a difference between Pioneer and DEC One, which is what we based our request for. This quote is \$300,000. Now, if they are using the same software that ATEK is going to use (and he has been told it

is), it should be about the same price. If so, that makes the hardware about \$300,000 less. That is one of the reasons he would like to see the background information. He is ready to vote on this -- but he still wants some figures before he votes.

With regard to the Facilities Management, it was about 1983 when we brought Pulse in and we were pretty happy with the whole process. He is in favor of an outside firm managing our data processing facilities because, unfortunately, our County politics often enters into this -- we had a professional project manager at the time and he thinks he saw a couple of sighs of relief when we got rid of him. If a Democrat or a Republican should happen to be appointed as Project Manager, and we change the political complexity on the Commission or the Council, then all of a sudden he is out or maybe somebody's friend is hired as an assistant to him. That doesn't work in data processing -- we just can't have that. Regardless of the Commissioners' final decision, he thinks we should have an independent firm manage the facilities.

The Chair entertained a motion.

Commissioner Borries said he not going to debate with Mr. Elliott as to the advantages or disadvantages of a full time director. Harold is an accountant, a respected individual, etc. But Mr. Borries said he also happens to respect a nationally known firm (PMM) and he has had no agenda - absolutely none. But all things change. You learn from the past. This is why we're not using our fingers to count anymore -- that is why we're doing it by computers. To say that may have been a wise or unwise decision, he doesn't know. He sees a role for both. He respects Mr. Leich's ability to want to be able to negotiate here. He thinks it essential that he be involved in this conversion process. He is not interested in doing any of this past perhaps 18 months at this time. He thinks Pulse and SCT both need to be involved. SCT at a minimum, in terms of what the users see as some highly trained personnel familiar with DEC to work with the Pulse people in this conversion. He thinks both need to negotiate. He doesn't know for how long or for how much money. He will make a motion that we go on Council Call for \$200,000 for Facilities Management -- to negotiate with Pulse and SCT regarding the conversion process for a period of 18 months. That is the best he can do. A second to the motion was provided by Commissioner Willner. So ordered.

Mr. Dorsey asked if they have the Board's authorization to begin the negotiations with ATEK and with the consultants (rather than calling them Facilities Management people) and Pulse, and the Board indicated approval.

RE: C.A.P.E. - ALICE WEATHERS

Ms. Weathers said she was not aware she was to be here today, so if she is late, she apologizes. She does not have a Financial Report, as she was not aware this information was needed. What she has brought is information pertaining to the number of trips they have made. At this moment she will share with the Commissioners her confusion about what is going on. As she understood it, these dollars were set aside for transportation for County residents in the fall of 1988 for this year. We are now into the fifth month of operating the program at their expense with no dollars. Her Board President today cancelled the Executive Committee Meeting so she could be with the Commissioners. All that she has been asked is, if the Commissioner intend to give C.A.P.E. the money as they indicated and as was allocated. If they are not going to do that, would they please pick up their expenditures to date -- because the Board did make the commitment. If they don't intend to give them the money, she would like to know where the problem is. She has not been able to get any clear cut answers. She had written a

letter to each of the Commissioners saying, in fact, discontinue the services -- because C.A.P.E. cannot continue to pay for this themselves. She received a phone call for some information, and because they were into many meetings she was able to let the County Council Representative, Bill Taylor, respond to those things. All she needs to know from the Commissioners today -- so she can tell her Board of Directors -- is where the Commissioners stand on this and if they will provide the dollars. If they want to bid it, that is the Board's decision. But please don't take C.A.P.E. any further into the hole on this. Be concerned about their constituents if not C.A.P.E.

Commissioner Borries said he thinks the Board can be real specific about this. He would think Mr. Taylor asked the Commissioners a lot of tough questions and the Board asks her. The Board needs to have some understanding. There's always a continual bru-ha-ha about the C.A.P.E. budget and the Board needs to have some understanding here. It is public money. The other thing is, C.A.P.E. lost the transportation for the City. He doesn't know why, but he guesses it is because they bid it. The Commissioners did make some commitments for this year and he is willing to make a motion to go ahead and ask for the funds to be released. But Ms. Weathers needs to provide Mr. Taylor (the County financial agent) with records of how much money is being spent for the program and then the Board may consider bids for 1990.

Ms. Weathers said, "That is fine; that is absolutely up to you. We have provided that information and brought it to you, not just to Mr. Taylor. If you remember in the last year...."

Mr. Borries interrupted, "I understand about the trips and everything else. But I don't understand your budget. I assume they do. But then someone says your budget is not public record. I don't know."

Ms. Weathers commented, "Sure our budget is public record. All you have to do is ask for it. You would have had whatever you wanted today had I known you wanted it."

Mr. Borries continued, "I am telling you that we made some commitments here and I am willing to do this for 1989, but I need more information in the future."

Mrs. Weathers asked what is needed.

Mr. Borries said, "I need to have a total picture of your expenses in terms of your ridership. Do you know how much it was per trip per person?"

Ms. Weathers said that currently the trips are running \$5.00 to \$7.00.

Mr. Borries asked where he saw an \$11.00 or \$13.00 figure?

Ms. Weathers said the \$13.00 figure was for additional dollars they would have needed that the Board has not approved -- because they did lose the City transportation contract, their costs went up.

Mr. Borries said, "Well, we can't be responsible for that."

Ms. Weathers said, "Well, no and yes. We're providing services to County clients."

Mr. Borries said he understands that and there is no problem with that. But because C.A.P.E. lost the contract with the City -- the County can't be held responsible for that.

Ms. Weathers said she is not saying the County should be held responsible. But because they had the City contract they can prorate on a different basis. But since she came in and asked for those dollars, they have been actually hustling to get additional contracts -- and they may or may not need additional monies. She doesn't want to mislead the Board. This may or may not take them through the entire year. Right now it appears that it may. When they did the City runs, the cost was \$17.00 per trip. That is an average cost. It is subsidized by the dollars the County gives them and subsidized by other dollars that are available. Please don't be misled by this.

Mr. Borries said, "Well, I believe I am. So that is why I think I am going to need more information on all of that."

Ms. Weathers said, "If you need the information, if someone would just tell me what I need to do. We are getting ourselves in a financial bind by carrying the program. Even if you decide today that you don't want us to have the money that is fine, too. I just need to know something."

Mr. Borries said, "You came to us originally because you provided for City residents a service. And you said you wanted to extend it into some portions not being served by the City -- and that was the Board's agreement with you. And that is still our agreement with you. If we are going to have to change our agreement and provide for all of the residents, City or County, we're talking about a whole bunch of money here -- and then I think we'd have to look at an altogether different situation."

Ms. Weathers said, "No, no -- is that your impression? No. We're not charging you for City runs."

Mr. Borries said, "You're talking about subsidizing and that is why I need more information."

Ms. Weathers said, "When I say 'subsidizing' perhaps that was a poor term. What we have done in the past -- we have contracts. Currently we have contracts with maybe four (4) private contracts and then we have the S.M.I.L.E. contract. What we try to do is prorate those costs to all the programs we provide. Obviously, when you lose a program the cost to the other programs becomes higher. We're not asking you to pick up any costs for City transportation at all, because we don't have the contract to do that. The only time we're doing transportation for the City is when disabled individuals have been waiting for more than two (2) hours -- then we're doing a 'Gentlemen's agreement' with the Williams Transportation Company. But we're not asking you at all to subsidize City transportation. And if I've given that impression, I sincerely apologize. No, this is only Vanderburgh County transportation."

Commissioner Willner said he wants a Financial Report. She said she will provide a Financial Report.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the funds for 1988 were approved, as budgeted, with the understanding that Ms. Weathers will provide a Financial Report for C.A.P.E. to the Commissioners. So ordered.

Ms. Weathers asked if the Commissioners are asking dollars for the County's transportation?

Mr. Borries said he thought that is what was being discussed.

Ms. Weathers said Commissioner Willner said "C.A.P.E." and that is an entire audit. She is just trying to clarify.

Mr. Borries asked, "Don't you have some kind of an accounting system in which you account for this money for transportation?"

Ms. Weathers said, "Yes, but I want to make sure you get what you want. Is that what you want?"

Commissioner Willner asked, "Have there ever been any monies that were put aside for transportation put into C.A.P.E.'s other accounts?"

Ms. Weathers responded in the negative.

Commissioner Willner asked, "How do I know that? Do you show that somewhere?"

Ms. Weathers said, "Yes, we have a budget for each of our programs."

Mr. Willner said, "Okay, then I think that is what we need."

Ms. Weathers said, "Okay, but when you say "C.A.P.E., to me that means the entire agency -- and I didn't want to send just County over here and then you say to me...."

Mr. Borries said, "In a normal situation, Mr. Taylor here will look at everyone's budget -- and he needs to do that with yours. It's no different."

Ms. Weathers said, "That's fine."

Mr. Taylor asked, "Now, the motion approved was \$32,000? They get the money to operate. But you also want that Financial Report? But the money will be approved today?"

Mr. Willner said, "That is correct."

RE: REQUEST FOR HOUSE MOVE - ROGER LEHMAN/BUILDING COMMISSION

Building Commissioner Roger Lehman submitted a request to move a house 20' x 24' (not larger than most garages) and 10' tall. He previously submitted a copy of the request, including route to be taken, to the Commissioners for their perusal.

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

RE: SALE OF COUNTY SURPLUS REAL ESTATE

The meeting continued with President Willner asking if there is anyone present who wishes to bid on the County-owned Surplus Property which is up for sale.

There was no response, and the sale will be continued next week.

RE: BURDETTE PARK - MARK TULEY

Plans for Miniature Golf Course: Mr. Tuley submitted plans for the Miniature Golf Course. The facility is very well landscaped, and there is a water fountain in the middle and three (3) pools. There is a large resting deck area; stone walk and walls, etc. The architect couldn't be here today, so Mr. Tuley is submitting the plans on his behalf -- and he only saw the drawing briefly prior to coming to today's meeting. Mr. Tuley then entertained questions.

It was noted that there were a few deviations on the plans from what was originally shown, and although it will push the construction back a week, it was the consensus that the plans be taken under advisement one (1) week and the architect, etc. should come in to answer any questions the Board might have.

Day Camp: Mr. Tuley said they did a survey on the Day Camp and the response has been very, very good. As he told the Board last week, Deaconess Hospital had also contacted him and basically tried to work out something in regards to co-opping the program with us. We have not come to any kind of final agreement with them. The program, as the Commissioners have it in front of them, is laid out. If they do become part of the program, in one respect what they are looking for -- he had a meeting with Mr. Bill Bennett who is in charge of Physical Fitness & Personal Health at Deaconess, and basically, from what he was told, they would propose to be in charge of the part of the Day Camp in regard to Personal Fitness & Health. They would furnish the staff at no cost to us. They do not want any of the revenues from the program. What they would like to have is to be able to offer to a limited number of their employees a discount for the program such as that proposed by the County Council for the County employees who would like to take advantage of this program.

Mr. Tuley said they have met with the insurance people and he understands Mr. Willner met with one of them today and there was a question that was brought up in reference to transporting the kids from the Civic Center Parking Lot to Burdette Park. He talked to Mr. Dennis Feldhaus (the County's insurance agent of record) He also talked to Mr. Feldhaus this afternoon and basically that is the only part of the program they have a problem with. The rest of the program they have no problem with. Our insurance will cover this program. His only concern was (and it was a personal concern) basically that because of the age of the bus at Burdette, he wasn't sure about our using that old bus to transport kids from here to there. What he would like for the County to do, if we decide that we want to transport people as part of the program, is to check on the cost of an outside carrier -- whether it be METS, OVC, or whoever. The Commissioners probably need to digest some of the material that is here. There is a rough outline that was put together by Lisa Stuckey, whom he proposes we hire as a Director for this program. Mr. Borries said she is excellent and has done a lot of work. Her resume is excellent. Commissioner Borries has met her, and he has tried to give Mr. Tuley as much input into the program as he could. She has worked at the Y.M.C.A. in their Day Camp Program; she is a Physical Education Major and a Senior at Western Kentucky; she is an EMT, a life guard; she's had a First Aid Course and is everything we're looking for insofar as a Director for this program.

Commissioner Borries said he thinks the program has a lot of possibilities and that it is going to answer a need for a lot of children during the day. Again, we're not talking about Day Care here; this is Day Camp for children who are in school -- so it is kind of a different concept from that angle. Perhaps Mr. Tuley could talk with METS; they might be able to change a bus route -- if they don't have full ridership on a bus -- and that might be at least something we could work out.

Mr. Tuley said that someone in the City Controller's office contacted him last week (the assistant controller) and she was wondering what the possibility would be to offer a discount for City employees, also. Maybe we can arrange some kind of trade in regards to transporting, if the Commissioners so desire to transport. He thinks the program will run fine if we don't transport. He thinks we'll get enough support from the West Side and North Side people who are going to like this program well enough that they will be willing to drive a few miles out of the way to drop that child off and pick that child back up.

With regard to program cost, he has showed the Commissioners an outline for the basic costs -- that is, if Deaconess is part of the program. That has not yet been locked in. He just wanted to

show the Commissioners that we can do that program and offer it to 22 other kids at a discount and still generate a profit -- that is, if we discount the County employees as the Council suggested. Again, that will be up to the Board of Commissioners. If we are going to do this, we need to get this on the Council agenda right away. We still have another week. He would recommend a meeting between members of the Council who are interested, this Board, members of Deaconess Hospital and our insurance carrier -- but he thinks it would have to be held by the end of this week.

The other recommendation (since this is a pilot program for the County) is that the Commissioners name someone from the Board to be a Liaison to the Park to report basically to the rest of the Board to let them know the number of kids, how the program is progressing, etc. If neither Commissioner Borries or Willner are interested in doing that, Commissioner McClintock has said she would be willing to serve in that capacity -- if no one else is willing to do so. She helped set up the one at the Zoo, so she has quite a bit of experience with this. He thinks it would be nice to have her on board during negotiations with Deaconess Hospital in regard to what they can bring to the program. He doesn't know whether it can be worked out, but he thinks it is an ideal marriage of resources if we can put it together. Or we could run it on our own this year and look at the possibility of adding Deaconess next year.

Commissioner McClintock asked what we're going to do revenue wise? Will we have to have a minimum number of campers for each session in order to hold it?

Mr. Tuley said that is correct. We're looking at people who would want to put their child in for the entire summer. They would have priority over kids who only wanted in there for two weeks.

Ms. McClintock said it has been her experience that the earlier sessions tend to fill better and the August sessions kind of drop off somewhat.

Mr. Tuley said parents will be impressed that we're going to theme each two week session. So the child can stay there all summer long and not have the same program. So, the child should advance; we'll boot him up in swimming; we'll advance in roller skating -- and, if Deaconess gets involved, there will be a two week theme on Personal Health & Fitness. An Arts & Crafts Session will be themed. So these are things we'll need to work on. We can definitely have the program in place. Obviously we've come a long way with it. The program will work. He thinks we've stirred up so much interest in it now that if we don't do it, we're in trouble.

As part of the supplies, we had snack items for kids. He was informed this morning that Great Scot is willing to donate those to us for the whole summer -- so the cost the Commissioners are looking at will be the maximum cost. The West Side Nut Club has donated the sports items for us at a budget of some \$250.00. So some of the costs will come down. The cost is estimated to be \$32,238 including supplies and labor. Eighty people have said they are willing to sign their kids up for this program. A lot of those are not from the County or from Deaconess. Nor does that tell us whether they have more than one child they want to send. He talked to Mark Owen a while ago and he said he will have some members of Council at the meeting, as they have some concerns. If the Commissioners will set a time for a meeting, he will see if he can get everyone together.

Commissioner Willner said, to explain the insurance carrier's objection one more time -- if we pick children up with the Burdette bus and take them to the facility, we are indicating that we are in the Day Care Program. At that particular instance you pick them up and are going to care for them -- it doesn't matter what you call your program -- in other words, the things that you do in that program indicate what kind of system you are. If you pick up people anywhere and take them to your facility, then you are in the Day Care Program and not a Day Camp Program.

Mr. Tuley asked to define Day Camp versus Day Care.

Mr. Willner said the words don't mean anything. It's the actions.

Mr. Tuley explained that both he and Commissioner Willner talked to Dennis Feldhaus and he guesses they got different understandings. Obviously, if Mr. Feldhaus is at the forthcoming meeting, he can explain it to everyone and, hopefully, all will come out with a general consensus. His understanding was that he has no problem with the transportation period. He just doesn't want us transporting them. He doesn't say we become a Day Care versus a Day Camp if we transport them. That is not the issue. His issue is basically that Burdette has an old bus and he doesn't want us carrying kids on it. He said if we can get an outside carrier to transport them, then he has no problem. Mr. Tuley said he talked to the Department of Welfare before we got into this thing. If you're Day Care, you have to be licensed. With a Day Camp, you don't have to be licensed. If you're Day Care, you're basically dealing with toddlers. Toddlers are not permitted in this program. This program is designed for kids between the ages of 5 and 12 years of age. Obviously, we are providing some of the same services that are provided in some Day Care facilities, but he thinks we're a lot more than a Day Care facility. Current insurance will cover a Day Camp at no additional cost. If this thing is defined as Day Care, it will cost us about a \$14,000 premium. So when we looked at this thing, obviously we did not want to get into a Day Care situation.

It was decided by the Board that they will discuss this at the Commissioners Meeting on Monday, and members of Council and Dennis Feldhaus will also be invited. Commissioner McClintock and Mr. Tuley will try to set something up with Deaconess on Friday and present a written report to the Commissioners on Monday. Mr. Tuley will advise Commissioner McClintock as to the proposed meeting on Friday.

STO/MDA Dog Walk: Mr. Tuley said he would encourage those who have a dog to bring same to the STO/MDA Dog Walk on Saturday, May 13th. (If you don't have a dog, as Bryan Jackson would say, "Rent One".)

RE: SHERIFF'S DEPARTMENT - SHERIFF SHEPARD

Sheriff Shepard said this has been a lengthy meeting and they will be serving meals in the Jail in about eight minutes. They serve about 800 meals per day -- and the food is good. He would invite the Commissioners to eat up there anytime. Some of them have eaten up there before.

Continuing, Sheriff Shepard said he has been in police work some 30 years now and he has been in many Court sessions on cases. In the JoAnn Reed trial we're undergoing right now, he would like to commend David Miller and the fine attorneys and resources at his office. He feels very comfortable being represented by Attorney Miller. He knows the bill is going to be a little high -- but that is what you get when you hire the best. In his opinion, David has well represented this County, as well as himself, the Defendant. Jail suits and lawsuits from the Sheriff's Department are not unique to Vanderburgh County. Of the 92 counties in

Indiana, probably one-half to one-third have lawsuits ongoing right now. It seems to be the thing to do. It is something they contend with in the Sheriff's Association. On Wednesday evening after Court, he is going up to Indianapolis to meet with some Sheriffs on Thursday. They have been discussing some of the trials going on across the State -- the different types of suits, etc. Attorney Miller has been representing him as a Defendant. When he stands up and presents our side of the case, he feels very comfortable with him in the arena. Jim Casey (his right hand man) has done hundreds of hours of research. If David needs a question answered, Jim has it right there beside him. Mary Gidcombe has been excellent as a resource person. Between Jim and Mary, they come up with the answers David needs. This represents hundreds of manhours of research. It has taken away from the duties of the Sheriff's Department for this lawsuit, but they feel it is important they represent the County well on this and, hopefully, win, lose, or draw -- he'd like to commend David for the excellent job he and his firm have done.

RE: COUNTY ATTORNEY - DAVID MILLER

Condemnation on Lynch Rd.: With respect to the condemnation on Lynch Road just east of Oak Hill Road, Attorney Miller said that Victor Funke has submitted an appraisal to this office. It is a second appraisal that takes into account the presence of a sanitary sewer line that was ignored in a previous appraisal because nobody realized it was there until the title work was done. In order to get that condemnation action moving again, we need to have a buyer appointed and authorized to make an offer based on Mr. Funke's appraisal, because a good faith offer has to be made prior to initiating the eminent domain proceeding. Thus, he would encourage the Commissioners to initiate that action as quickly as possible so we can renew the lawsuit.

Commissioner Willner said the appraisal was around \$121,000 odd dollars (about \$17,000 per acre or something of that nature). Is that a public sewer or a private sewer? And are we buying the sewer?

Attorney Miller responded, "No; as I understand it, the appraisal does not include any value for the sewer line, because the sewer line is simply going to be moved in the process of the eminent domain proceeding -- and there will be, as I understand it, an offer of \$1.00 per owner made to the people who own that sewer line. But, to my mind, they are not being damaged by the taking."

Mr. Tom Bernardin of Bernardin, Lochmueller & Associates said, "If Federal Funds are to be used in the right-of-way acquisition phase (which, this particular parcel I assume is exempt -- because you are going with early acquisition for various reasons)-- however, when you do go to the right-of-way phase and, hopefully, for monetary reasons you can use Federal funds to help reduce your local cost, when all the documentation is submitted to the State, they are going to want to see that your buyer followed Federal guidelines even on this parcel. Thus I do suggest (just as a comment) that whomever you do get for a buyer is experienced and skilled in Federal Aid acquisition. If the person does not follow the Federal Aid Guidelines, when you go to submit all this and everything is done -- they are going to look at this parcel and it may cause you to have to go back and do it over again. We do have a list (I don't have it with me) of pre-qualified buyers with the State. I think there are some in Evansville that are very familiar with the Federal Aid requirements."

Attorney Miller asked if Mr. Bernardin can send a list of those to the Commissioners and perhaps the Commissioners can select a buyer from that list next week so we have a qualified buyer.

Mr. Bernardin said he will be glad to do so.

Commissioner Willner said he still doesn't understand why we had to re-appraise it just because there is a sewer.....

Attorney Miller interrupted, "Because it is a privately-owned sewer and it was discovered after the first appraisal process was done. It was not mentioned in the first appraisal. There was no way for us to satisfy a Court that it had been considered in the first appraisal."

Commissioner Willner asked, "But the price was much higher than the first one, was it not?"

Attorney Miller said, "I don't know that to be true; I didn't think it was. I thought it was virtually the same price."

Commissioner Willner asked Attorney Miller if his recommendation is for the Commissioners to send out a buyer to buy it for the appraisal price?"

Attorney Miller responded in the affirmative.

Claim/Bowers, Harrison, Kent & Miller: Attorney Miller said he had an opportunity to explain the claim submitted in the amount of \$38,270.12 to the County Council (since he was sitting in for Attorney Kissinger). At this time, he would ask the Commissioners to go on Council Call to request funds for legal services to meet that bill and what they anticipate the legal expenses in this trial and other matters that are ongoing will be. It is a very big balance for a firm of his size to carry and he would like to not have to carry it very long and he will appreciate any assistance the Commissioners can give him.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Commissioners will go on June Council Call for \$65,000 for legal services. So ordered.

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

Commissioner McClintock asked if the Board also needs a motion re the \$121,000 for the purchase of the right-of-way on Lynch Road.

Commissioner Willner verified that the total was \$121,550 and the number of acres of acquisition was 7.405. His question is, when they built I-164 just adjacent to that, they tell him the appraisal price was less than \$3,000 per acre. Why are we giving \$17,000 per acre?

Attorney Miller said he cannot respond to that. If Mr. Willner questions this appraisal, then we need to have Vic Funke in here to explain it -- and he has no problem with that if the Commissioners are troubled by the appraisal amount.

Commissioner Willner said he is certainly troubled. He could understand if there were a private sewer and we were going to cut off the revenue from this sewer or something and have to build a new one. He understands that. But just as ground for \$17,000 per acre -- he has a big problem with that. And it is zoned Agricultural -- so he has a problem with that price for some reason -- probably because he doesn't understand it.

Attorney Miller reiterated he doesn't understand it either and cannot pretend to explain it.

In conclusion, the Board agreed with Mr. Willner's feelings and President Willner asked Mr. Riney to contact Mr. Funke and ask him to appear before the Board next week to offer an explanation and answer any questions.

The Board continued by discussing the area in question and acquisition of same.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Commissioners approved going on Council Call in June for \$100,000 in the Lynch Road Extension account.

Claim/Bowers, Harrison, Kent & Miller: Attorney Miller submitted a claim submitted on March 26th to cover work during late February and early March in the amount of \$13,202.70. That was held up, as he understands it, pending Council's approval of funding at their last meeting.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the claim was approved for payment. So ordered. (It was noted we're still awaiting final approval from the State; the additional appropriation has already been approved by the County Council.)

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports: Mr. Muensterman reported that he had submitted copies of the Weekly Work Reports and Absentee Reports for employees at the County Garage and the Bridge Crew.....reports received and filed.

End Loader Repairs: Mr. Muensterman noted that the end loader is going to have to have brakes and other repairs. The bill may be a little high -- because we're talking about a big piece of machinery when it comes to brakes. It's been 2-1/2 years since we've had it done. We have to have it for next winter for sure, because that is what we load our trucks with. He is getting a couple of estimates and will bring same to the Board for their consideration.

Certified Licensed Mixer: It was noted that Mr. Muensterman is sending Alan Groves for training as a Certified Licensed Mixer. We have to have a Certified Licensed man, or pesticide mixer -- Alan Groves is a crib man; he can mix the chemicals in the morning and then we can go ahead and spray whatever we have to spray.

Bridge #99 and Bridge #74/St. Joe Avenue over Pond Flat: The Bridge Crew worked on these two bridges. On Bridge #74, they replaced an abutment. On Bridge #99, they had to remove a 27 inch sycamore tree, because it was pushing the abutments.

Leave of Absence/Clayton Jenkins: Mr. Muensterman also submitted a letter requesting leave of absence for Clayton Jenkins, a laborer for the Vanderburgh County Highway Department. Mr. Jenkins broke his ankle on 4/27/89 enroute to work. As of 5/10/89, Mr. Jenkins will have exhausted all of his sick, personal, and vacation days, so the Highway Department is requesting a leave of absence for approximately 6 to 8 weeks. They are also requesting that the County pay the county portion of Mr. Jenkins' health insurance.

Commissioner McClintock asked if this is an unpaid leave of absence, and Mr. Muensterman responded in the affirmative.

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

6800 Block/Kembell Drive: In response to query from Commissioner McClintock, with regard to this area, Mr. Muensterman said there are about 1-1/2 blocks which haven't been accepted and he will take care of this.

Weinbach Avenue South: Commissioner McClintock asked what we're doing about Weinbach Avenue South.

Mr. Muensterman said the State is paving down to the bridge. We went down and we want to ditch that on the other side -- from the bridge on up to River Road -- to try to keep the water off the road. We need to repave it, but he wants to know when they're going to be through hauling those big trucks down there. The other day when he was out there there were about fifteen that went down through there. He thought he'd get with Evansville Materials to see when they're going to be through hauling down there. They've been furnishing the rock and we've been grading it into the holes. He'll keep working on this and keep the Commissioners advised.

RE: WEIGHTS & MEASURES

Mrs. Loretta Townsend of Weights & Measures submitted a request to go on Council Call in the amount of \$14,500 for a truck. They not only have gas that is in 5 gal. provers (that are a definite health and safety hazard) but they also have 50 lb. weights. They have up to at least 1,200 lbs. at one time. So they have to have a piece of equipment that is heavy enough to haul all this. But it has to be so made that the gasoline and fuel measuring devices are in the back and well vented, away from the front. They cannot take the gasoline cans into the Community Center at night, so they have to have cover protection for the cans -- which will be vented and double-doored. The cover will run about \$500 and the truck \$12,000 plus (if we can get it through the State) - so she's talking about \$14,500 request.

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

RE: COUNTY HIGHWAY ENGINEER - GREG CURTIS

Boonville-New Harmony Rd. Extension: With regard to this project, Mr. Curtis said we've sent out the Notice to Proceed for the utilities -- both SIGECO and Evansville Water & Sewer. And we will be receiving the Notice to Proceed for the contractor to begin work on the road contract as soon as they receive the claim the Commissioners signed earlier.

Coliseum Roof Project: We've given Industrial Contractors, Inc. Notice to Proceed and will be giving them a copy of the signed contract. They should be starting in a week or so.

Easement/Schlensker Rd: Mr. Curtis reported that he has an easement wherein the Water Department had needed the right-of-way to put in one of their lines. The property owners were agreeable to giving this right-of-way free of charge for road right-of-way, as well. It is a 40 ft. right-of-way on the north house of the centerline of Schlensker Rd. along the John & Pearl Osborne property and he'd recommend the County accept that right-of-way and have it recorded.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the right-of-way was accepted and the easement signed. So ordered.

Claims/Veach, Nicholson, Griggs Assoc.: Mr. Curtis submitted the following claims to VNG, recommending approval:

Green River Rd. South in the amount of \$3,001.92  
5th Avenue/Fulton Ave. Bridge Project in the amount of  
\$1,200.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner the claims were approved, as presented. So ordered.

Claim/Change Order/Harvey Klenck on English Way & Green River Rd.: Mr. Curtis submitted a claim to Harvey Klenck in the amount of \$14,287.00 for work on the English Way/Green River Rd. intersection. This was \$787.00 in excess of the original quoted amount due to cave-in. The Board had requested a Change Order, which he is also submitting today.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the claim and the Change Order were approved, as presented. So ordered.

Bridge #13/Boonville-New Harmony Rd.: Mr. Curtis said Bernardin Lochmueller has the plans for Bridge #13 on Boonville-New Harmony Rd. ready for approval. Mr. Tom Bernardin said they moved back behind the existing abutments so they could keep the cost down -- put in the new foundations without having to remove the old foundations. The waterway opening provided is 640 sq. ft. (553 sq. ft. was required).

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the bridge specifications for Bridge #13 were approved. So ordered.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, authorization was given to advertise for sealed bids for Bridge #13 replacement, to be received in the office of the County Auditor until 2:30 p.m. on Monday, June 5, 1989. So ordered.

West Summit Estates: Mr. Curtis said that Mr. Jerry Nord isn't here this evening. However, since Mr. Nord is ready to build the first section of streets, Mr. Curtis would recommend that the County give him construction approval on West Summit Drive (which is the main road in the subdivision from Station 0+00 to Station 21+25.34, which is the beginning of the dam -- and that is the section he intends to build first -- and Wilderness Court from Station 0+00 to Station 6+00 and these streets will be built as per the County specifications.

Commissioner Borries said he would make the motion but, for the record, this does not constitute any approval of that dam.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the distances recommended by Mr. Curtis (to be built according to County specifications) were approved. So ordered.

Commissioner Willner said he did go out there and look -- and this is a most beautiful subdivision. He could go along with the road over the dam with certain conditions -- such as the Homeowner's Association, with the County Engineer designing guard rails or some device whereby they wouldn't be able to run off into the water. If that is possible, fine. If not, that is fine, too.

Authorization to Advertise for Bids/Other Bridge & Culvert Materials: At the request of Mr. Curtis, upon motion made by Commissioner McClintock and seconded by Commissioner Borries, authorization was given to advertise for annual bids on Other Bridge & Culvert Materials (including guard rail, treated timber, etc.). At one time we had a bid on those items; however, for some reason, this was overlooked in the annual bids last year.

Bridge Design Proposals/Franklin Street Bridge & Columbia-Delaware Overpass: With regard to bridge design proposals on these two bridges, Mr. Curtis said he will have a

recommendation next week. If the Commissioners have questions or would like to give him information in regards to one of the consultants who submitted proposals (we've interviewed most of them previously, and his intention at this time is not to interview consultants, but rather to come back with a recommendation).

Commissioner Willner said that is fine with him, but he does have one question. If we use Federal money, do we have to do that? Is that a requirement?

Mr. Curtis said, "Not when we are not using Federal money for the preliminary engineering, which is not available at this time."

Road Management Program & Computer: Mr. Curtis said that last week the Commissioners requested that he have a price on a computer hardware (and he included software in addition to that) that his office would need not just in regards to road management, but just in general. That figure is approximately \$18,000 and he would like permission to solicit informal bids from as many computer companies as we can find that are interested and qualified. But he'd also like for the Commissioners to request funding from the County Council.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, authorization was given to go on Council Call in the amount of \$22,000. So ordered.

Mr. Curtis asked if there is anything the Commissioners wish to do with regards to the Road Management Program.

Commissioner Borries said he would like to get it on Council Call. The plan has been presented. We're spending all this money for computers and everywhere else -- and it's time to move into the 20th Century on this road system.

Mr. Curtis said the total on that was \$58,550.

Mr. Willner said \$30,000 was submitted in the budget.

Mr. Curtis said the \$30,000 submitted in the budget was only for the inventory portion of that project and was not for the full amount of the project -- the software procedures manuals and training, the mapping, etc. All that was requested in the budget last year was for the road inventory portion of that.

Commissioner McClintock asked, "Was that not approved?"

Mr. Curtis responded, "No."

Following further discussion, Mr. Curtis said getting the inventory information was all that was included last year when they put it in the budget for Council. In addition to that, simulating the information and putting it into the program that Bernardin, Lochmueller has, and giving us procedures manuals and training his office to keep that updated, pavement drainage and signage maps, and equipment all total another \$28,550 (This also includes 25 copies of the report.)

In response to query from Commissioner Willner as to what account Mr. Curtis will be asking these funds from, Mr. Curtis said that he, in turn, would ask the Commissioners the same question. There was some confusion as to whether or not it can come out of Local Roads & Streets. Mr. Borries said that Warrick County has a similar system and they can tell us what account they get their money from.

Mr. Bernardin commented that he believes it can come from Local Roads & Streets.

It was subsequently determined that Mr. Curtis will check this out and advise the Board next week.

RE: REQUEST TO GO ON COUNCIL CALL - REASSESSMENT

Mr. Jerry Riney said he needs the Commissioners' permission to go to Council with a request for the Reassessment program in Acct. 249-130 355.1.2.3. In Point #1, request for \$800; Point #2, \$5,500; and Point #3, \$250.00 for a total of \$6,550. They have already have spent the money and we already have the blue claims and we can't pay the claims until we get the money. This is part of the Commissioners' budget -- but we don't have any control over it..Somebody else buys it.

Commissioner Willner said all the Commissioners have to do is not pay one once -- and that will stop them. Commissioner Willner said Mr. Riney's request is different from the one he has. On Point #1, he has \$5,000; On Point #3, he has \$6,500; for a total of \$11,500.

Mr. Riney said he has the one Evelyn Lannert from the County Assessor's office brought down to the Commissioners' office.

Commissioner Willner said this needs to be straightened out and Mr. Riney said he will check it out. Mrs. Meeks said some of the claims had Council's number on them, so they were sent to Council.

RE: ACCEPTANCE OF CHECKS

A Check in the amount of \$100.00 from the Evansville Dance Theater on promissory note to the Auditorium was presented (Attorney John had indicated last week he had received this and would be forwarding it to the Commissioners.

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

A check from the Evansville-Vanderburgh School Corporation in the amount of \$1.00 for rent on West Heights School was presented.

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

RE: REQUEST FOR MEDICAL LEAVE - TREASURER'S OFFICE

Mr. Willner submitted a request from the County Treasurer to place Deborah J. Mosby on medical leave of absence beginning May 31, 1989. She is to have surgery on May 17th and will be off for approximately six to eight weeks. She will use vacation time for the first two weeks of her absence. The Treasurer is also requesting that the County continue to pay its share of her insurance during her absence. A letter from her physician is attached.

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

RE: TRAVEL REQUEST - AREA PLAN COMMISSION

Commissioner Willner also submitted a request to travel from Barbara Cunningham of Area Plan. Commissioner McClintock commented that Mrs. Cunningham just returned from a trip.

Continuing, Mr. Willner said Mrs. Cunningham advises there will be a one day meeting of the Indiana Planning Association Board of Directors on May 12th. She is requesting permission to travel to attend said meeting in Indianapolis. Her only expense will be gas and meals. She advises she has no money left in her travel account, so she will pay for gas and meals herself.

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

RE: COUNTY CLERK - MONTHLY REPORT

The Monthly Report from the Clerk of the Circuit Court for period ending April 28, 1989 was submitted.....report received and filed.

RE: REQUEST FOR APPOINTMENT TO THE AUDITORIUM BOARD

Commissioner McClintock requested that the Board place the appointment of someone to the Auditorium Advisory Board on next week's agenda. This has been vacant for a couple of months now and has been discussed previously. We have a Commission appointment and a Council appointment open.

Mr. Willner noted the prior appointments were all Republican; could we make all Democratic appointments this time?

Ms. McClintock agreed.

RE: SCHEDULED MEETINGS

Mon.	May 8	6:00 p.m.	Public Hearing/Union Twp. Overpass (Room 301)
Wed.	May 10	6:00 p.m.	Area Plan/Public Hearing re Code of Ordinances (Room 307)
Thurs.	May 11	4:00 p.m.	EUTS Policy Committee Mtg. (Room 307)
Mon.	May 15	7:30 p.m.	Final Reading/Travel Ordinance (Room 307)

RE: 75TH ANNIVERSARY OF CO-OPERATIVE EXTENSION SERVICE

President Willner announced that on May 8, 1914, President Woodrow Wilson signed the Smith-Lever Action and the Extension Service legally became an educational arm of the U. S. Department of Agriculture that we now know as the Co-Operative Extension Service. To Jack Wade and his department, the Commissioners extend Congratulations on their 75th Anniversary and declare this week as Co-Operative Extension Systems Week.

RE: CLAIMS

Mr. Willner submitted the claim to C.A.P.E. in the amount of \$32,000, but Commissioner McClintock noted this has already been approved.

Commissioner Borries emphasized that Ms. Weathers is going to provide the Commissioners with a Financial Report. Subject to what the Board sees on the said report, they may want to do what the City does with regard to their transportation services -- and that is to bid it.

RE: EMPLOYMENT CHANGES

Auditorium (Releases)

Jarrod Pfafflin      Part Time      \$35.00/Day      Eff: 5/1/89

County Recorder (Appointments)

Debbie Stucki	Bkkpr.	\$15,267/Yr.	Eff: 5/15/89
Sally Dicks	Entry Bkkpr.	\$14,229/Yr.	Eff: 5/15/89
Mary V. Ohl	Mtg. Deputy	\$12,675/Yr.	Eff: 5/22/89

County Recorder (Releases)

June Reuter	Bkkpr.	\$15,267/Yr.	Eff: 5/12/89
Debbie Stucki	Entry Bkkpr.	\$14,229/Yr.	Eff: 5/12/89
Sally Dicks	Mtg. Deputy	\$14,229/Yr.	Eff: 5/12/89

Burdette Park (Appointments)

Antwain Johnson	Rink Guard	\$3.50/Hr.	Eff: 4/26/89
Jarroð Peaffmann	PTGC	\$3.50/Hr.	Eff: 5/1/89

Circuit Court (Appointments)

James Worley	Guard	\$16,380/Yr.	Eff: 5/8/89
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Circuit Court (Releases)

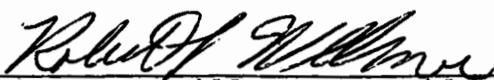
Scott Sullivan	Guard	\$16,380/Yr.	Eff: 4/28/89
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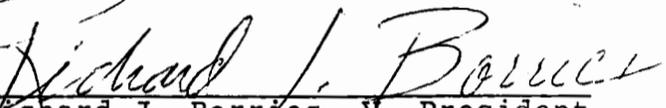
There being no further business to come before the Board at this time, President Willner declared the meeting recessed at 5:58 p.m., with an announcement that the Public Hearing re the Union Township Overpass will convene immediately in Council Chambers (Room 301) rather than the Commissioners Hearing Room due to what appears to be an overflow crowd already gathering in the hallway.

PRESENT:

Robert L. Willner/President  
Richard J. Borries/Vice President  
Carolyn McClintock/Member  
Sam Humphrey/County Auditor  
David V. Miller/County Attorney  
Greg Curtis/County Engineer  
Cletus Muensterman/County Highway Supt.  
Jim Zehner/Shoup Corporation  
Jack Shoaf/Mayoras & Hittle, Inc.  
Chris Kern/Couty Surveyor's Office  
Tom Dorsey/Director of Purchasing  
Dave Roth/Bull Information Systems  
Robert Leich/Charles Leich & Co./Pulse Systems, Inc.  
Jim Gager/Charles Leich & Co./Pulse Systems, Inc.  
Betty Hermann/County Council Member  
William Taylor/County Council Member  
Harold Elliott/County Council Member  
Robert Lutz/County Council Member  
Keith Lochmueller/Bernardin, Lochmueller & Assoc.  
Tom Bernardin/Bernardin, Lochmueller & Assoc.  
Bill McAllister/Mayoras & Hittle, Inc.  
James McKinney/Regency Associates, Inc.  
Darrell A. Veach/Veach, Nicholson, Griggs Assoc.  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

  
Robert L. Willner, President

  
Richard J. Borries, V. President

  
Carolyn McClintock, Member

TRANSCRIPT  
OF  
PUBLIC HEARING  
RE  
UNION TOWNSHIP OVERPASS/UNDERPASS  
MONDAY - MAY 8, 1989  
6:00 P.M.

Transcribed by:

Joanne A. Matthews

TRANSCRIPT  
OF  
PUBLIC HEARING  
RE  
UNION TOWNSHIP OVERPASS/UNDERPASS  
MONDAY - MAY 8, 1989  
6:00 P.M.

A Joint Meeting of the Board of Commissioners and the County Council of Vanderburgh County, Indiana was held at 6:00 p.m. for purposes of conducting a Public Hearing with regard to the Union Township Overpass/Underpass in Council Chambers at 6:00 p.m. on Monday, May 8, 1989 at 6:00 p.m.

Commission President Robert Willner called the meeting to order and said a presentation by United Consulting Engineers, Inc. is scheduled, but he would like to introduce those individuals at the head table, as follows:

James Lindenschmidt, Vice President/County Council  
Robert Lutz/Council Member  
William Taylor/County Council Member  
Betty Hermann/County Council Member  
Harold Elliott/County Council Member  
Mark Owen, President/County Council  
Sam Humphrey/County Auditor  
Ron Miller/United Consulting Engineers, Inc.  
Carolyn McClintock/County Commissioner  
Richard J. Borries/County Commissioner  
Joanne Matthews/Secretary

The meeting proceeded with President Willner asking Mr. Ron Miller of United Consulting Engineers to introduce their speaker for the evening.

Mr. Miller introduced Mr. Ross Snyder, a registered professional engineer with United Consulting Engineers, Inc. Mr. Snyder will make a brief presentation and offer information regarding the two alternates they have under consideration.

Mr. Snyder said he is here to discuss the proposed project. "As Mr. Willner said earlier, the purpose of the meeting here this evening is to inform you, the public, of the proposed project and to obtain input, which will be considered in the design of the project." The exhibits they have here in the room are preliminary in nature. Their intent is to show in concept form only the options that are being considered. Details such as construction limits, right-of-way requirements, as well as any other pertinent design features cannot be shown at this time until a detailed field survey is performed and preliminary plans prepared. This project being considered is one hundred percent (100%) locally funded and there is no State or Federal assistance in this project.

The project proposes the construction of a grade separation to allow vehicular traffic to cross the existing CSX Railroad lines without disruption from the rail traffic. Several locations and options are currently being investigated in order to determine the most economical option on minimizing the impacts to the surrounding properties.

The first location investigated involved reconstructing and extending Barker Avenue through the construction of an overpass over the rail yard and Henderson Road with a loop provided and a T-intersection then to Henderson Road to allow access to and from in both directions from Barker Avenue. The approximate construction cost of this option with the overpass bridge is \$5,550,000. This alternative would require the relocation of several residences on Barker and the details of that can't be worked out just at this time -- but there would be some relocations involved.

Another possibility is the extension of "B" Street to the east to intersect with Broadway Avenue. And the "B" Street alternative would not require any residential relocations. There are two possible alignments of the "B" Street extension.

Alternate #1 involves the extension of "B" Street on a tangient or straight alignment, the construction of an underpass to carry the three (3) CSX rail lines over "B" Street, and the removal of two (2) spur lines which currently service SIGECO. Depending on the amount of right-of-way that CSX may be willing to commit to the project, retaining walls throughout the project length may be required. The estimated project cost without retaining walls (which I'll call Alternate #1-A) excluding right-of-way and utility relocation costs, is anticipated to be \$2,336,000. If retaining walls are required to minimize the construction limits and required right-of-way, then the estimated project cost is \$3,130,000. Once again, that would be excluding any right-of-way and utility relocation costs.

The second alternate on "B" Street involves the extension and re-alignment of "B" Street to the north and construction of underpasses once again to carry the three CSX lines. This alternate eliminates conflicts with the SIGECO rail spur lines. Again, depending on the availability of right-of-way, this alignment may be constructed with or without retaining walls. Construction of this alignment without the retaining walls (which I'll call #2-A) is estimated to cost \$2,510,000. Again, excluding right-of-way and utility relocation costs. If retaining walls are required due to right-of-way limitations construction of this alignment is estimated to be \$3,780,000 -- once again, excluding the right-of-way or utility relocation costs.

Both "B" Street alternates limit the right-of-way and construction impacts to the surrounding properties. Also, in designated area there were two alternate locations eliminated from consideration due to their close proximity to the rail lines. Underpasses were considered in descending "C" Street and Dennison to intersect with Broadway. The maximum allowable vertical grade requires that a minimum horizontal distance of approximately 200 ft. from the rail line to the intersection. But you have to have that amount of distance. And the actual distances for "C" Street and Dennison are approximately 150 ft. and 90 ft., respectively, so that eliminated those two alternates.

The final alternate that was considered involves the extension and construction of Stinson Avenue to the west, over the rail yard, in Henderson Road, plus construction of a loop and T-intersection with Henderson, as in the other case (and that is not shown on the exhibit). The existing Stinson Avenue is extremely narrow in width in designated area -- it is approximately 30 ft. wide -- and parking is currently allowed on both sides of the street. If parking were restricted to just one side, there would still not be a wide enough area to allow for two (2) lanes of traffic to go through. This location will impact a residential area and a parochial school. The approximate construction cost of this alternate is \$4,653,000 -- once again, excluding the right-of-way and utility costs.

In conclusion, I'd like to say that there will be some further discussion with SIGECO and the CSX Railroad and other affected parties and input from this meeting to be evaluated before a preferred alternate is selected. That is all I have to say. If you'd like, I can take a few questions on this -- one at a time.

In response to query (inaudible) from the audience with regard to school buses and emergency vehicles on Barker Avenue, Mr. Snyder said it would be taken into consideration in the width of the street. With regard to the school bus, there would be a temporary inconvenience with the stopping of the school bus. But those are factors that will have to be evaluated. But the street will be designed to accommodate emergency vehicles.

County Auditor Sam Humphrey requested that President Willner ask individuals to come to the microphone to speak so their comments can be recorded. Comments cannot be recorded from the back of the room.

Carol Mackey/1012 1st Avenue: Ms. Mackey stated she previously lived on Barker Avenue for 25 years. She said mention was made of relocating some of the residential people in that area on the Barker Avenue alternate. She was wondering if Mr. Snyder has any idea at this time as to what streets or people would be involved?

Mr. Snyder said the details of that are not known at this time, but they do know we're going to have some problems, if not with relocation, with access to Barker Avenue along the first block or two. Isn't that right, Ron? North from the railroad crossing?

Mr. Miller indicated agreement.

Mr. Snyder continued, "Right now with the concept plans that we have, we can't work out the details insofar as to which ones stay or which ones go. We'll have to work up some preliminary plans. But the areas of concern are the first block or two north of the railroad crossing.

Ms. Mackey asked, "That would be up to Dearborne, including Cambridge Avenue? Is that right?"

Mr. Snyder pointed to the plans and said it will be in the area where the heavy line is shown on the drawing.

Ms. Mackey asked, "Do you have any idea about right-of-way, or are you going to have access to your garages or to your front yards?"

Mr. Snyder: "We don't have details like that at this time. But we will note that as a concern. We were aware of that already and will be looking into that very carefully.

Gerald Chipps/3045 Old Henderson Road: My question is -- there is some ground to the east of Barker that is vacant and the railroad owns that. Have you checked with the railroad? Being this is the only location they have approved, there is some ground there with no railroad tracks on it. Has that been checked into? There is a big section of ground there.

Mr. Snyder: This drawing here is not established at the centerline. The proposed crossing would be right on Barker, but eventually you would have to tie back in.

Mr. Chipps: Yes, eventually, you would -- but from Broadway up that is all available ground there. And with the railroad approving that location, you might be able to acquire that. That is a thing to keep in mind for these residents.

Mr. Snyder: I agree with you. And at this time we haven't set an alignment or anything of that nature.

Mr. Chipps: And your costs of the ground that you're going to acquire for "B" Street -- have you ever thought about the ground you'd have to acquire from Deig Brothers (a multi-million dollar outfit)? You're not going to get that very cheap -- for him to relocate.

Mr. Snyder: With the presentation we have now, we didn't take that into account. The numbers I read did not include in addition to land costs.

Mr. Chipps: This could be quite costly, you know.

Mr. Snyder: I can assure you that this will be looked into before we proceed, if that alternate is selected.

Herschel Moss/Owner-Operator of Nu-Plaza Yacht Club: This "B" you're talking about (the viaduct)-- what is your height going to be?

Mr. Snyder: It would have to be 14. ft. 6 in.

Mr. Moss: Well, you know you have a lot of farm equipment going down there and we also have a lot of the bigger yachts now. It takes more than 14 ft. And you're talking about guideline wires and everything. So this is nothing more than a swimming pool for most of us farmers and operators down there.

Mr. Snyder: So you're talking about a height that would be higher than the legal requirement in the State anyway.

Mr. Moss: Right.

Mr. Snyder: We would meet any City standard for that clearance.

Mr. Moss: That's the only question I've got about the viaduct, I think. Because you're talking about taking off a \$10,000 fly bridge and then putting it back on -- and you're talking about several thousand dollars just for a guy to get his boat down there -- and you've got two (2) marinas down there now and it's going to grow.

Mr. Snyder: If that type of traffic is going to use the street, once again, I can assure you that we will look into the proper clearance that would be required.

Mr. Moss: Okay, thank you very much.

Betty Parker/1415 S. Barker: I have already been told that we will not have access to our driveway -- that we will have to come into the alley. And I don't like that at all. I think these people need a way in and out. But for emergency vehicles is what they're asking for -- then we're going to have boaters; we're going to have semis; and what else are we going to have on it? I mean I feel sorry for these people. But I want to be able to get the emergency vehicles into my house, too. Are we going to be able to get a fire truck into the front of the house? Or, are they going to have to come in the alley and look for the numbers? What about an ambulance? If we can't get our cars onto Barker Avenue, then how are we going to get emergency vehicles? And I think that unless you're going to buy all the houses on two blocks -- then put it back down in the bottoms somewhere. How about Nurrenbern Road? We've lived here for thirty (30) years and I'd like to still live there -- but not if I have to come around the alley to come into my house and won't have any access to my garage, because it doesn't have a door on the back.

Randy Chipps:

I grew up down in the bottoms myself. I lived on what used to be Box 315 and they've changed the address -- and I don't even know what that is anymore. I guess my question is, from a personal standpoint, if we have an underpass, can you guarantee it won't flood like the Ray Becker Parkway does now? Because during the storm we had just a few weeks ago -- it flooded -- and there were several cars that actually went under water and basically died in the flood. With it being as close to the river as it is, that could also present a problem. But when there are bad storms (as there were a few weeks ago) maybe those emergency vehicles won't be able to get through because they are also flooded. So I think we'll have a problem there with just the flooding of an underpass versus the overpass. I can really sympathize with the people on Barker Avenue. I know that is going to be an inconvenience and, hopefully, everything can be worked out. I Hope that the railroad will provide a right-of-way just east of Barker so that these people won't be inconvenienced and we can still have a safe route to Union Township. But I guess my main question is, can you guarantee us that it won't flood like the Ray Becker Parkway does now? And I forgot what it cost -- \$3,000,000...I don't know the cost of it. But no matter how much money you put in to it, I don't think you can guarantee us that it won't flood. We saw what the Lloyd Express has done, too. So be sure and give that some consideration.

Mr. Snyder:

What I can say at this time is that in consideration of that alternate, because it would be an underpass, that storm drainage would have to be accomplished through a storm sewer lift station. And that would be one of the factors that would be evaluated if that route was selected.

Harold Elliott:  
subject?

Can I ask you a question on that same

Mr. Synder:

Certainly.

H. Elliott:

In a use like that young man was referring to, could you guarantee that the corner of Barker and Broadway wouldn't flood in the approach if you had an overpass there?

Mr. Snyder:

I'm not going to guarantee anything. But I know that there are maintenance problems associated with lift stations. But I also know that lift stations are used on a very frequent basis -- more often than sanitary sewer applications than in storm. They are used all over the place and they don't have problems all the time. All I'm saying is that if this alternate were selected, the storm drainage would have to be accommodated through a storm sewer lift station -- which do have primary, secondary, and terciary alarms to indicate when they are not functioning.

H. Elliott: Is that included in the total cost estimate?

Mr. Snyder: The lift station is included in the cost estimate. All the anticipated construction features -- the construction-related items were included in the numbers.

C. McClintock: There was a question about right-of-way and I wanted to clarify it in my mind. Do these numbers (\$5.5 million and \$2.3 million) include any right-of-way or property acquisition costs in any of the projects?

Mr. Snyder: None of the figures include any of the costs for land cost, right-of-way engineering, or right-of-way services (which would be actually purchasing the right-of-way).

Ms. McClintock: Is project engineering included in this cost?

Mr. Snyder: Project engineering meaning? The inspection while the project is being constructed? Design work?

ZZ

Ms. McClintock: Design and site supervision.

Mr. Snyder: It does not. This number would include construction inspection.

Ms. McClintock: The \$5.5 million alternative over Barker -- it is my understanding that that does not include any costs if we had to realign or remove railroad tracks.

Ron Miller: On that option with the Barker Street overpass, no costs were included for track relocation. Because of the nature of that track, we're not sure it is going to require any. On the "B" Street alternates for the construction of the structure, you will have temporary track relocation on those. And that cost has been included in the "B" Street proposals. But we don't really anticipate anything on Barker Street, because as everyone knows there are a lot of tracks and we hope we can set the piers in between the tracks where we have enough clearance so there won't be any relocation.

Mr. Snyder: And I think that is shown on our drawings in designated area -- where the pier placement could be such that it would accommodate the tracks in their present location.

H. Elliott: Could I follow up on Carol's question? First of all you said this doesn't include your project engineering cost. I assume that when you work on one or the other it is generally in percentage of the total cost. Or, do you figure it on....

Mr. Snyder: Well, not necessarily. It is related to the complexity of the design.

H. Elliott: Like on the \$5.5 million versus the \$3 million job. Is it reasonable to assume that the engineering will cost more?

- Mr. Snyder: That would be a reasonable assumption, yes.
- H. Elliott: With regard to Barker Avenue versus "B" Street, which would require the most right-of-way purchase, including, in addition, possibly houses?
- Mr. Miller: If you were not able to move the alignment on Barker to the east on that vacant ground the gentleman was talking about earlier, and you had to stay pretty much in the center of Barker when you started going up, that would require more right-of-way than "B" Street. I think one gentleman asked about the construction company over there -- and we really don't have to buy that construction company out or anything like that. We might get into the very southeast corner of the construction yard he has in there -- so it is not like we have to buy him out and relocate that. With the underpass you have to deal with the construction company and the railroad and SIGECO -- they're probably the only three (3) owners that you have on that alternate.
- H. Elliott: One more question on Barker Avenue. Does this total cost include crash protectors for the pilars that support the overpass? I've been told they are required, by law.
- Mr. Miller: The impact continuators, you mean? There will be some sort of end treatment protection, yes. We've included that -- that is in our cost. Anything that is in construction cost which needs to be...
- H. Elliott: But not relocation of the tracks.
- Mr. Snyder: Right. Anyone else who has a comment or question?
- Gail Cummings: For ten years we have fought for a train free access to and from Union Township. I'd like to thank the County Commissioners, County Council, and CSX Railroad for their efforts and cooperation in trying to make our goal a reality. We have spent hours and hours covering all the reasons why this access is so important. I think everyone now agrees it's a given that something must be built.
- We now have to make a decision between a Barker Avenue overpass or a "B" Street underpass. Even though either route will work, we feel that the Barker Avenue location is the best long term solution.
- We understand that "B" Street is cheaper; but just because something is cheaper does not always mean it is better.
- Assume for just a minute that you have a broken arm. The doctor tells you that he can give you some pain killers or he can operate on the arm. Now the operation is going to cost more, but it will fix it like it should be. Union Township is the broken arm of Vanderburgh County and the Barker

Avenue overpass is the operation that will fix it like it should be.

There are several reasons why we feel that Barker Avenue is the best solution.

First, we are concerned with potential flooding problems with the "B" Street underpass. It seems like everytime we have a hard rain, we hear about the underpasses around town being closed. Is there any reason to assume that "B" Street would be different?

Next, the Barker Avenue location would allow people to bypass the heavy truck traffic associated with the CSX piggyback operation, the oil companies, the grain companies, and Southern Indiana Dock. Also, anyone who has driven past Southern Indiana Dock during a light rain can tell you just how dangerous the coal dust on that curve can be.

Another reason we prefer the Barker Avenue location is because of the possible rejuvenation of Howell that the additional traffic could bring. Now, I'll admit that's more of a long term advantage, but isn't it our responsibility as citizens of this community to look to the future?

Finally, as you are driving on Dixie Flyer to get to the "B" Street location, what do you have to cross? That's right -- train tracks! It's true that the grain company to which the tracks lead is currently out of business, but for how long? For ten years we have fought for a train free route in and out of Union Township, so is it any wonder that we have some reservations about the "B" Street location? One of our fears is that with "B" Street we could once again be waiting on trains.

We know that Barker Avenue is expensive. We know that it sounds like we are asking for a lot. But, all that we are really asking is that you fix it like it should be.

(G. Cummings, Union Township Betterment Association, whose presentation was met with resounding applause.)

Mr. Snyder:

Thank you. Is there anyone else who would care to make a comment?

Elizabeth Limberger:

I live on "B" Street. I think the young lady put it beautifully. We've been worried about this project for a long time. -- about our front yards, the water, and the whole bit. I think this young lady stated all the facts real well.

Mr. Snyder:

Does anyone else have any comments that haven't been made?

Shirley James:

I'm Shirley James and I'm with the Westside Improvement Association. I have a few questions. I noticed on the map showing the "B" Street Alternate that there was a large

debris pile. What is that debris pile composed of? Is it a fill? The reason I am asking that is because this entire designated area here is undercut with coal mines. That is the reason the Ray Becker Parkway went to \$5 million, because it kept caving in and they didn't know that before. So it immediately jumped the price some \$2 million. And our question is, was that fill to fill some of the cave-ins that are occurring because of our water table and because of our unstable ground out there? We think you should check that.

Also, where are the two stoplights going to come? There would be two (2) stoplights right within a short proximity of each other.

Mr. Snyder: No, we're not aware of that.

Mrs. James: It was our understanding that there was to be a stoplight on Barker in peak traffic and then I understood that there was to be a second one a scant distance away.

Mr. Snyder: Our construction costs don't require that any stoplights be installed at this time. Our construction cost doesn't reflect any signalizations at any intersections at this time.

Mrs. James: Is there apt to be?

Mr. Snyder: Until you do a traffic count on that -- as far as what you have on Broadway -- right now Broadway doesn't go through to the east, I don't think. So until you get in there and do a traffic count and meet some criteria that the City of Evansville has for signals, why I really can't answer that question. But our construction cost estimate does not include any signalization.

Mrs. James: Okay, thank you. Is your cost estimate an itemized cost estimate? Is this a fairly accurate picture of the cost of the project?

Mr. Snyder: Yes Ma'am, it is. It is an itemized cost. And one reason we went to such detail on it was because of the many items and variables that you have in there. For example, on the "B" Street Alternates we may have to go to retaining walls because of the soil condition in there, so we have tried to anticipate those costs in that.

Mrs. James: Have you done any soil surveys?

Mr. Snyder: No Ma'am.

Mrs. James: Now, I have no quarrel with the engineering firm that has been selected. But I do ask the Commissioners a question. Hayes, Seay, Mattern, & Mattern had originally been selected to do a study on this and had done a formidable amount of work and that did cost

the County some money. My question is this, why wasn't that study - why weren't they again chosen, because they had already done a lot of background work. Couldn't that have saved some money? This is a question I am just curious about.

Mr. Willner:

Admitted, I think the cost for the engineering firm you're talking about was \$45,000. It was not selected by this Board. It was selected by the railroad company. In fact, it was told to this group at that time that that was the one we had to use. We had no choice in the matter. Now, CSX has been sold and has new owners -- and he understands that they are not imposing their will on us, so that we were free to do whatever we wanted to do.

Mrs. James:

I see.

Mr. Willner:

They had also done a study of where to put it and had come up with "B" Street. That not being a popular decision, it was decided to let a new company come in and do the same thing again. So that is where we are at this time.

Mrs. James:

Last year, Mr. Borries was the President of the Commission at that time -- and he did suggest the Barker Avenue overpass, which we, of course, all agreed that we wanted -- and we felt that we were well on our way. We felt that was almost a commitment by the Commissioners. I hope that we weren't mistaken. But we felt it was and we fully supported it. It was a suggestion that was well received by the people in the Township, as by the Westside Improvement Association, because it, of course, was first an overpass. Secondly, it made a better access into the area and we thought it was better for the future growth of Howell. So, all in all, we just thought it was a much better answer. We would hope that the Commissioners would consider that that was made at that time. We're a little confused as to why we're backtracking. I know the cost is up there -- but even at that time, I think EUTS did tell us that their preliminary estimates were something in the realm of \$3.5 million or \$3.4 million. And it would probably go up a little from there. So we were expecting it to be a little bit higher when we had our discussions last year.

Also, the Westside Improvement Association would like to say that they fully support the Barker overpass area. And that reminds me of one other question. The railroad submitted two (2) other options for going the Barker Avenue way. Did you study both options? We thought we were just going to have to make that selection -- that everything was settled, and we were just going to have to select between the two (2) options that the railroad presented us. And I haven't heard much on two (2) options. I've just heard comments on one (1) option.

Mr. Snyder: You say there were two (2) options on Barker?

Mrs. James: There were two (2) options that the railroad gave us. They sent their engineers out and they gave us two (2) options on the Barker Avenue area. And I have heard nothing of the second option. I've just heard of this one particular route -- and there is another one that they did consider.

Mr. Miller: I have not seen that information from the railroad. Does it differ very much from what we have here?

Mrs. James: Yes. I'm not an engineer and I wish the Civil Engineer who works with our group was here. But I have the map -- and I can show it to you after the meeting.

Mr. Miller: That will be fine.

Mrs. James: Okay. Let me see -- I think that is all.

Mr. Miller: Craig just informed me I have seen what you are talking about. He FAXED them to me about two weeks ago and we have a copy of them. But as I recall, they were pretty much similar to ours. They might not have had quite the curve that we have at the end of it coming into Henderson Road there; but, basically, they had two options. One was basically the one we had. The other one was really Barker Street pretty much extended straight south and then tying back into Henderson Road once you got over most of the railroad tracks and Henderson Road, which would put that alignment tying in a little bit further south than what we show on this aerial here.

Mrs. James: Would that be in that open area that they were talking about?

Mr. Miller: No, I think the open area I'm referring to is on the north side of the track on the east side of Barker -- at the very beginning of the job. That is the aerial I'm talking about. I think I did bring those and I can show you to see if we're talking about the same one.

Mr. Borries: There were a couple of things where you made mention of my name. You are correct. Last year I did, as an individual (you learn real, real quickly, Shirley, on this group that when you're a member of a three (3) member board you speak for yourself.

Mrs. James: Well, I understand that.

Mr. Borries: You all correctly did, I think, apply pressure last year -- it was an election year issue -- and I made my stance known at that time that it was Barker Avenue. My stance this evening I am here to tell you is still Barker Avenue.

Mrs. James: And we're glad for that.

Mr. Borries:

So I will not change at this point. I do have concerns and sympathies for some residents who have spoken here this evening and I hope that we can explore some other railroad land. But one of the reasons we're here tonight, I think, is to gain first of all a consensus and probably another vote on a three (3) member board. That is one of the reasons it is hard to look good. You're always looking for another vote. And, secondly, you'll need four (4) members of the County Council to make that same commitment for funding; and then, I think another reason we're here this evening is that we have to reach a consensus very quickly -- because if we are going to at least get our County even to get a bond rating by Standard & Poor's & Mooney, which are the national bond rating agencies, we must do so quickly in order to move this project forward. So that is another reason we are here this evening. But I am here to tell you that I believe -- you know, it's a shame that we haven't been able to reach a consensus before. But we're closer now. The past is behind us and we need to move forward and as quickly as possible. So I am here to tell you that my position has not changed on it.

Mrs. James:

Well, that is splendid -- I am glad to hear it. And, Ladies and Gentlemen, thanks for your kind attention. (Round of applause)

Mr. Snyder:

In response to your comments, we did find that information on the other alternative -- and after the meeting we can go over that with you. Anyone else have any comments?

Gerald Chipps:

I am not a road engineer, but my question is you are going out in these fields so far. Is that really necessary? The old one didn't do that. You could come down south more and come in. I know you're going to want to leave the truck traffic and the L&N traffic coming in the way it still does. For an emergency they can still get out that way. But you're taking in an awful lot of farmland there that is not necessary. Now, I've measured the tracks. There have been five (5) tracks added where the old viaduct was. The last track is 100 ft. from the road. The last track at the new spot is 145 ft. from the road. There is no reason you cannot come in down there and tie into Old Henderson Road without going into that field like that. Now, I would like to know if that is not possible.

Mr. Snyder:

Now, once again, this is not a definite alignment. This is just a concept of what this would be. But the reason that the large curvature was used was for a couple of reasons: To provide for a good intersection in designated area so you could have access in both directions. That's one item. The second item is, there are certain design criteria that need to be used for a curvature after the bridge and if this is made much sharper, it will increase the construction

cost by having to have expensive retaining wall work in order to have that curve sooner and sharper. It will have to be evaluated with the curvature and the added construction cost and the cost of the land, as you say, to determine a final curvature. But this is by no means a final radius, if you will, on this curve. And we're here this evening to gather input such as that to determine what that might be.

Mr. Chipps:

I have lived in Union Township in the same home for twenty-seven (27) years and the traffic has increased tremendously in the last ten years. And with the boating industry the way it is, it is increasing more every year -- I can tell. I really don't think your "B" Street can handle it -- especially with all the congestion and the trucks, etc. A person just has to live down there to see the traffic. It's unbelievable on the weekend. And anytime you have a lot of boating traffic that is when you have your emergencies. There are very few weekends you'll ever have without emergency vehicles going down there. Thank you very much.

Mr. Snyder:

That will all be taken into account. And there are standards for clearances and curvatures -- and that is one of the reasons that this has to have a generous curve here. And all I can say is that this will be looked into. Anyone else with a comment that hasn't been made that would like to make it part of the record?

R. Chipps:

The first time I came up here -- it was a personal question I had. My name is Randy Chipps. I'm a member of the Outboard Boating Club of Evansville, Indiana. We have around 160 to 170 members. At a meeting last week we brought it up. We asked all the members present who would be in favor of the "B" Street over the Barker Avenue overpass. We found no boaters who were in favor of the "B" Street overpass. Everyone was in favor of the Barker Avenue overpass. So, on behalf of the Outboard Boating Club of Evansville, I would like to show our support of the Barker Avenue overpass. And the comment on the stoplights, I don't think you've been down there in the summertime and seen all the boaters come down. I don't think you could get a couple of boats through one (1) stoplight before you hit another stoplight. Probably half the boat and half the vehicle will be out in the intersection. There is just not enough room to handle the boat traffic. I really believe you're in for a lot of trouble with the "B" Street overpass. And the Boat Club definitely wants you to know we support the Barker Avenue overpass one hundred percent. Thank you.

Mr. Snyder:

I think what we said was that we're not saying that signals are not going to be required here -- and I don't want to speak for the County. But I think we can say that signals will not be installed until they

come to the County standards for that type of installation. So, if one is required, I believe I can say that one would be installed. There is some anticipation as to type of traffic, but since you are creating a new situation, we are not exactly sure what that is. So there might be some point in time where they have to observe the situation and then decide what would be the appropriate type of traffic control. Does anyone else have a comment they'd like to make?

Carol Mackey:

I have a comment to make about all this. I'm real sorry for the voters. You know, when you're talking about people's residences and homes being changed -- or they have to relocate and they can't even have entrances to their garages or driveways -- I notice a lot of people are talking about the boaters and people who can't get their yachts under the underpass, etc. But what is more important? People's recreation or their homes? Or like kids trying to play in their own yards. It's a pretty emotional issue as far as I am concerned, because that is where I grew up. I'd like to know, too, if the Westside Improvement Association -- I lived down on Barker Avenue for twenty-five years. You never did a thing to Barker Avenue & Broadway down there where people get killed and there are businesses. And here you are talking about.....

Mrs. James:

May I answer that? We've done a lot for recreation.....

Mr. Snyder:

We've taken quite a bit of time here. Let's try to restrict ourselves to any new comments regarding the project -- that we can evaluate. So, does anyone else have a unique comment they'd like to make?

(?)

I have a question. When this first started Nurrenbern Road was the prudent thing and at less than one-third of the cost we're talking about -- and I don't hear any mention made of Nurrenbern Road. And, possibly another spot south of Barker Avenue -- my question, I guess, is what happened to Nurrenbern Road and possibly a less expensive route. This is the most costly program, as I see it, that you could come up with. What I am asking is, what happened to Nurrenbern Road?

Mr. Willner:

If my information is correct, most of the people who are affected thought that the railroad track in that area was a deterrent to flood waters and to their property -- and if that were opened up with an underpass it would allow extra water to flood their property when the river came up and down. And, that going 30 ft. over the top of the top of the railroad track (which is already probably 12 ft. or 14 ft. was an impossibility. So, I found nobody who was willing to go with Nurrenbern Road.

Mark Owen:

And, additionally, on Nurrenbern, I think there were problems that we felt were going to be caused by the additional traffic on Red Bank Road. And the lack of sidewalks and the condition of the road, and the necessity to make major improvements to Red Bank Road to accommodate that -- and I think overall it was concluded that an overpass at Nurrenbern was just not possible and that the underpass was going to cause significant water problems and Nurrenbern wasn't a feasible alternative to even consider.

R. Lythgoe:

Who made the determination that it would not be cost effective to do it with an overpass? I understand the underpass -- but the overpass -- I don't understand that. Nothing is impossible. I don't understand that.

H. Elliott:

Dick, just for the record, on Nurrenbern Road, the original consultanting engineer recognized the Nurrenbern Underpass as the first alternative and the Nurrenbern Overpass as the second alternative. I have backed off Nurrenbern Road myself because it is an impossible situation. Nobody on the Council will vote for Nurrenbern Road, I don't believe.

Carolyn James:

My name is Carolyn James. As of two weeks ago I lived at 2828 "B" Street. I now live at 2789 Broadway, which is between Floyd and Eggmont. Somebody is going to be unhappy. If you go "B" Street, Barker Avenue is going to be happy and "B" Street is not. It's just common sense. The stoplight is not included and there is no way you cannot have one. There is not enough room between the two streets. You come off the Ray Becker Parkway and turn onto Barker and stop to slow down to turn onto "B" Street now and almost get rear-ended, because people come off that Parkway onto Barker -- they want to fly on down Barker -- and, you know, you can watch it. You've got parking on the right hand side of the road. If you're stopped to turn onto "B" Street, then people can't get around you because there is a car there. They are sitting there getting impatient and you've got traffic backed up around the curve all the way back onto the Parkway while you're waiting to turn left. So I don't see how you can say -- they say they haven't included a stoplight. There is almost going to have to be another one -- and that is a very short distance. It is not even a full City block in between the Parkway and "B" Street now. If you're moving "B" Street north, where are you going to start on part of "B" Street to move it north? Is it just the southeast corner of Deig's? The people on "B" Street can't comprehend how you're just going to take that one little section to move "B" Street north and not take anymore of that.

Mr. Miller:

That is about what it would take. It would be the southeast corner of the construction yard -- we'd start curving "B" Street to the

north and once you got over the first set of tracks -- then you'd want to curve to the right and tie back into Broadway.

Ms. James:

Okay. Then people have talked about the yachts and the boats -- and you're going to have the semis coming around. They're not going to sit up there on Ray Becker Parkway and wait to cross those tracks at Claremont. If there's a train there, they're going to come down "B:" Street. Then you've got all the Deig Brothers Construction equipment. Can that street handle all these heavy vehicles coming up and down it? And what about the residents who live there? That's a very short block, itself. What kind of problems are they going to have? They don't have driveways at all. They've got an alley. Are they all going to have to build access in their backyards to park? How is that situation going to work?

Mr. Snyder:

"B" Street presently is two (2) lanes with parking on both sides -- and it would remain that width through the easement. People are going to have access to the front of their houses as they currently do. They would still be able to park there. They would still be able to park in front of their houses.

Ms. James:

But all the houses are on the south side of "B" Street facing north. How are they going to get turned around to get off of "B" Street when they want to leave their homes. With all the traffic, they can't make a U-Turn which, basically, is what everybody does now. You know, how are they going to be able to get away from their homes to leave?

Mr. Snyder:

There is an alley on the east end of "B" Street. That would have to be improved to make that circulation in there. You'd probably want to make it one-way traffic.

Ms. James:

It's also sitting right at the bottom of the bank of the railroad tracks? Is it going to be able to have access to be widened? Or, do you have to take a house on each end of "B" Street and "C" Street to widen it?

Mr. Miller:

I can't answer that exactly -- because of the detail involved. When you get into the drawings, then we would be able to answer that.

Ms. James:

Even though I still don't live there, I have relatives who still live there. They weren't able to be here.

Mr. Miller:

We've talked about that with the engineers, the Commissioners, etc., in attempting to maintain a traffic flow for those people. But they will be able to park there as they do now and when they leave they will have to use this alley in order to keep that moving. So we might just want to look at one way traffic south there.

- Ms. James: Well, that answers a lot of questions. I understand at this point that the "B" Street location looks like it is the least expensive. I think this young lady had the best point -- it's not always the best way to go just because it is the cheapest. Thank you. (Round of applause)
- Mr. Snyder: Anyone else want to comment?
- Dave Williams: Nurrenbern Road will not do the job, although it may be a lot cheaper. I wish that some people would quit worrying about saving my tax money.
- Gail Cummings: I am Gail Cummings with Union Township Betterment Association. Back in 1986, when Hayes, Seay, Mattern & Mattern did the survey for us, they gave us preliminary studies with an underpass at Nurrenbern, an overpass at Nurrenbern, the "B" Street location and, if my memory serves me right, we were given an option to either go with Nurrenbern or "B" Street. At the time the residents chose the "B" Street location because it was the quickest in town route for us to get our medical emergencies into and out of Union Township. That is why at that time the residents chose the "B" Street location. If memory serves me correctly, was that not killed because of the houses along "B" Street that were going to have to be taken at that time? What made the change that now they don't have to be taken?
- Mr. Willner: I cannot answer that question. I never did think they were being taken.
- Ms. Cummings: Why then was it killed back in 1986?
- H. Elliott: Bob, I think that had something to do with the fibre-optic cable -- they said it couldn't be spliced and subsequently it it has been proved that it can be.
- Ms. Cummings: That was one of the concerns, too. I should have dug out the Commissioners Meeting minutes (I didn't do that).
- Mr. Lindenschmidt: Gail, at that time, wasn't there a wall that had to be put down going down into that underpass that was going to cut off the yards and they talked about that if it was going to cut the front of the houses off -- and they talked about having to buy those houses and relocate the people. But now they are talking about moving it over to the other side.
- Ms. Cummings: Well, according to all the diagrams that I have, it is going in at the same place.
- Mr. Lindenschmidt: I think he said that you're going to go over and curve and come back to get away from those -- I don't know.
- Mr. Miller: On "B" Street, maintaining access to the people like you said -- there are no driveways to their houses. They park along

the curb now. What we'd have to do -- I'm trying to think if there is a sidewalk up there. The elevation of that sidewalk is going to stay the same. We'll have to start a little in the street back to the west in order to get clearance underneath the railroad. And where you start lowering that grade on the street, then you would have to build two or three flights of steps up for those people to the walk -- with a little retaining wall through there -- that is how that would be handled. But really, there won't be any houses taken off "B" Street.

Ms. Cummings:

One more thing. I have some input as to how many residents and people who use Union Township would be affected. This does not include the people going to the individual businesses (Chipper's, the two restaurants, Dog Town Marina) -- these are strictly recreational clubs that use the facility:

1988	Dog Town Boat Ramp	(over 8,000 boats launched)
1988	Nu-Plaza Yacht Club--	over 6,500 went to their business
1988	Outboard Boating Club --	Approx. 150 Members
1988	Small Craft Boating Club--	Nearly 200 Members

There is one more club that uses the facility, but I don't have the membership count -- and that is the Ski Club.

H. Elliott:

Ms. Cummings, may I ask a question. How many boats did you say were launched last year?

Ms. Cummings:

Just at Dog Town Boar Ramp itself, 8,000.

H. Elliott:

Is that 8,000 different boats, or that many launchings for the year? If there are that many boats, somebody is not paying for the licenses.

Ms. Cummings:

It said there were over 8,000 boats launched this season.

H. Elliott:

I think they're referring to total launchings and not total boats.

Mr. Snyder:

Anyone else with any comment they don't feel has been made?

Rod Tillman:

I represent the Evansville Water Ski Club. Mr. Borries, I realize this might be a question in the wrong direction, but the other option of Barker Avenue -- will that possibly take that route further south to eliminate the access problem this lady has to her house? Also, does anyone have the construction cost on the other Barker Avenue option?

Mr. Borries:

You are asking the wrong person on the construction cost. I would want to assure you and the other residents that we would want to make every effort to try to lessen the impact on that neighborhood and try to move that access further south. I cannot tell you the estimated construction cost -- perhaps one of the engineers will have an estimate.

Mr. Tillman:

Just forget the construction cost. Would the other option move the beginning of the overpass further south to allow access to these houses on Barker Avenue? We do support the Barker Avenue location. But in order to maybe help the residents in the area, does the other option that was considered at one time move it further south to allow them to have access to their residences?

Mr. Miller:

Do you mean further east?

Mr. Tillman:

That will be fine -- whichever direction you guys are going.

Mr. Miller:

The options I have from CSX; one of them was basically the option we showed up here. The other one, as explained to the lady, was the projection of Barker Avenue pretty much straight south -- over the tracks and everything. As Ross said earlier, whatever we can do in cooperation with CSX to begin pushing that road over to the east to try to eliminate any impact on those houses -- that is the first option we're going to look at.

Mr. Tillman:

I'm sorry I'm going in the wrong direction; but I think that needs to be considered if these people want access.

Mr. Snyder:

Anyone else with a comment?

H. Elliott:

Mr. President, some weeks ago the County Council had a Wheel Tax hearing and our previous County Engineer came up and gave his opinion of the different alternatives, which he would prefer from an engineering standpoint and a cost standpoint.

I'd like to ask our current County Engineer for his opinion. Will you come up here, Greg, I'd like to talk to you. I guess my question to you is, if you were a County Commissioner and people wanted an overpass built at Barker Avenue or "B" Street, how would you make your decision and what would your decision be?

G. Curtis:

I'll preface my comments with "I've never run for an elective office and really don't ever intend to" (Applause) In my own mind, I believe that the problems with the "B" Street option from an engineering viewpoint, as well as from a functional viewpoint -- if properly maintained, those problems can be addressed and that can be a good location for an overpass -- given the cost differential between the two. And I would like to think

that if I were an elected official and were making that decision that that is the decision I'd make.

H. Elliott:

Thank you very much.

G. Curtis:

I'm sorry, the "B" Street underpass (not overpass). Now you see why I say I'll never run for an elective office!

Mr. Willner:

I want to see if everyone from the audience has had their fair share? I don't want anybody to go away saying they didn't get to speak their piece.

Bob Ellbrink:

My name is Bob Ellbrink. I've been a resident of the west side of Evansville for 43 years. The last ten (10) I've lived in Union Township and the last 13 months I've had the lease on the Dog Town Boat Ramp. The number that Gail gave you a while ago on boat launches was a correct and accurate number. We kept those records last year. That is from the last weekend in April thru the last weekend in September. There have been many more launches than that.

H. Elliott:

Is that 8,000 separate boats or 8,000 launches?"

Mr. Ellbrink:

That is 8,000 count. This is a growing industry and there are going to be more boats. And they are not short boats, by any stretch of the imagination. Your average trailer is going to be 30 ft. long, plus the truck pulling it. That creates a lot of traffic -- a lot of bottlenecks. If you slow one of these rigs up and you get several of them in line, you can tie traffic up for a long, long time behind you. I favor the Barker Avenue overpass. And I think you should also consider the support vehicles that comes with these people. Many of them bring two and three households with them in other vehicles. It would strictly be a guess. We have no way of counting support vehicles with those boats. But if there are 8,000 launches, I think I'd be safe in saying that there are 12,000 additional vehicles that go with those boats. If you have any questions about the number of boats or documentation, we do have that. Thank you.

Mr. Willner:

Anyone else that hasn't been heard yet that wishes to be?

Ed Whiting:

I've lived on the west side. I was born and raised at 3216 Corbierre Avenue, which the highway came through and took my home. I was born and raised there. I've been on the west side -- I won't tell you how many years -- but I'm not ashamed of my age. The thing that everybody has told you here are true -- both ways -- "B" Street, Barker Avenue, or whatever. But the thing of it is, you keep talking about the engineers for the cost. The cost is going to be beyond whatever they

say it is going to be. Just like every highway that's gone through. You can't please everyone -- there's no way. There are going to be people who feel they are being stepped on. But Union Township -- for the people who have lived there -- have been stepped on for so long that it's a damn shame, if I have to say it. (Applause) To me, it doesn't matter which way they go. But they should really think the thing out and not think about money. The taxpayers are going to pay for it anyway -- so are the boaters. They should take care of the people and try to do the best they can. The Barker Avenue way -- everybody says is the best way. It is going to be costly. But it should be worked out. And quit talking about the thing -- and do it! (Applause, applause)

Mr. Willner:

Anyone else who hasn't spoken before?

G. Cummings:

I have one more question for Mr. Elliott and Mr. Curtis. Obviously, you didn't listen to my whole spiel at the beginning. What did I say one problem was with "B" Street?

Mr. Elliott:

You mentioned about residents' houses being taken -- but I think that has been taken care of. Then you mentioned flooding on the underpass, you mentioned the stoplight..

Ms. Cummings:

I didn't mention anything about stoplights.

Mr. Elliott:

Offered comments (mostly inaudible).....but no matter where you are in Evansville, you have a traffic problem.

Ms. Cummings:

I understand that. But what my point is, you have an existing railroad track there right now going to a grain company. If that grain company opens up again, we will be back in the same situation and the money you spent for "B" Street will be money spent for nothing.

H. Elliott:

Okay. Now, you're pretty young. I remember when they built the Dixie Flyer and they said 'Good, we can get down there without crossing the track (after you get over the Claremont track). (There was an overwhelming reaction of booing, etc., signifying disagreement on the part of the audience )

Ms. Cummings:

I just want to know how you propose -- if the grain company does go back into operation and trains are still sitting there --

H. Elliott:

How long is that track tied up on the average going across to the grain company?

Ms. Cummings:

It doesn't make any difference. If it sits there for a minute and an emergency vehicle is trying to get in or out or we're trying to get medical in or out -- one minute, and you've lost your whole project.

H. Elliott:

You've got that all over town. If you're going to a hospital you're going to run into traffic all day long.

Ms. Cummings:

But you're spending money now to solve a problem of railroad tracks, right?

H. Elliott:

I still say you're .....

R. Willner:

Gail, you've made your point very well.

Shirley, do you have something new?

Mrs. James:

I was wondering, did you consider the long term maintenance cost of the lift station as part of the cost of the overall project? You know, pumping stations on an underpass are probably going to be necessary, right? So we're not famous in this area for our maintenance. Excuse me for saying so. It's just a fact of life, and I don't mean to be downgrading anyone -- but it's just that way. I think we have to look at the long term expense of those stations as also part of the cost. (Applause from the audience)

R. Lutz:

We had a meeting the other day, Bob, and Mr. Owen would like to make a statement about what the Council recommends.

R. Willner:

All right; let me finish up with anybody else in the audience. Then we're going to the group assembled up here for their comments.

(?)

I'd just like to ask that you consider what the life and welfare of your family is worth when you consider what you spend on this project.

R. Willner:

Thank you. Let me start over here to my right. Mr. Lindenschmidt.

J. Lindenschmidt:

Now I'd like to go to the President of the Council to make a statement on our action the other day.

R. Willner:

Mark Owen.

M. Owen:

Yes. I take the opportunity to make a couple of comments and at least try to give some idea of the Council's position on this. The Council has, I think, fairly consistently supported Number 1, the Union Township access route. Secondly, certainly for the last couple of years we have been of the opinion that Barker Avenue is the best route to take. The Council reaffirmed that just last week on May 3rd when we had a vote and the vote was 6 to 1 that the Council supported the Barker Avenue route and felt that was the best alternative. And, we did that knowing the cost considerations and knowing that it would be expensive -- but felt that overall the Barker Avenue route would solve the problem on a long term basis. The problems that we had with "B" Street really were those where it was difficult for us to compare how a "B" Street underpass could even be considered comparable to a Barker Avenue overpass -- because they are entirely different types of projects and the Council did not feel that an underpass (because of the flooding situation)

could even address the problem. And it certainly wouldn't solve the problem. We felt that an overpass -- regardless of the location -- had to be the solution. We felt that the other problem with "B" Street is that coming off the Ray Becker Parkway and immediately almost having to make a U-Turn to go back on "B" Street, there'd be a significant traffic problem even worse than it is on Barker Avenue and that a "B" Street project was not going to do anything but make that much, much worse. The height limitations that were raised tonight -- we weren't aware of -- and I was glad that somebody's concerns were brought forward. I'm personally aware of the problems with the soil, because when I took over as the Director of Public Works for the City back in 1980, we were still paying bills for Ray Becker Parkway as a result of soil problems. As a matter of fact, I think the City has probably received additional bills even within the last couple of months from the State in their audit reports -- that they're still going back on for Ray Becker. I would hate to think of how much money was spent on the Ray Becker Parkway because of all the soil problems and the sliding they had when they built that project. To me, even though the initial cost is more, I think it is logical and I think it makes good sense to do with the Barker Avenue overpass. And the Council did support it 6 to 1, and I wanted to relay to the Commissioners that we are prepared and we are willing to provide the monies necessary if that is the alternative that the Commissioners decide to go with.

If anybody else on the Council wants to add to that, please feel free to.

Betty Hermann:

Thank you, Mr. President. I want to thank Gail Cummings. It was mentioned that she was very young and didn't really understand. You did a very good presentation. We have a Council member here who remembers being on the Council 24 years. He was very young when this project started. We all are going to continue to grow, I think, in age up here. I don't mean you're old, Sir, but I feel, you know, we all sit here and we cannot please everyone. The Council has made a decision. I think the Commissioners now should make a decision and get on with this, because we have our funding in place and we have our bonding. We, as Council people, have stuck our necks out and we felt it necessary for the safety. We hear about boating and we're very interested and I love boating -- but I really think the safety aspect is what the Council members up here -- we've all stuck our necks out -- and we're putting our name on the line for some very heavy bonding. So we have it in place and I think we should make a decision.  
(Round of applause from the audience)

H. Elliott:

I think you are all aware by now that I am the one (1) vote that was against it. And

I want to tell you why. Anytime I vote I think of two things: How it is going to affect the taxpayers and what we're going to get for the most reasonable amount of money. I don't go for things that are cheap -- I do for things that are least expensive. Now, it looks to me tonight like the difference of the two overpass costs will be somewhere in the neighborhood of \$3 million. In addition to that, if they go for the bond issue they're talking about (they're talking about a \$9 million bond issue over fifteen (15) years) -- I've already calculated that and at 8% it would cost us another \$6 million in tax money to pay that. So we're talking really a \$9 million difference to make things kind of nice for people. I don't think it's all that big a problem to go "B" Street instead of Barker Avenue. And I heard the lady from Barker Avenue complain. She said, "They're going to take our houses; they're going to take our front yards; we can't get emergency vehicles." Well, why don't you think about those people as well as the people on the other side of Barker Avenue on the other side of the overpass. To me, it's who is living where and where you're sitting as to what you are for. If you don't care about the people on Barker Avenue and what it is going to cost -- fine. But I gave my reasons why I voted against it.

R. Willner:

All right. Any other Council member wishing to say anything?

One of the Commissioners has asked me to have a stand up vote and we will do that quickly. Then we will go to comments from the Commissioners. Would those in favor of Barker Avenue care to stand? (At least 90% of the audience stood.)

Would those in favor of "B" Street please Stand? (A small number stood.)

Would those in favor of nothing at all stand. (Only a couple were noted standing.)

Carolyn, would you like to speak at this time?

C. McClintock:

I will be very brief. I think there has been a great deal of confusion about what has happened here and, fortunately, I guess, in my case I haven't had to age through this process on the Commission and just became a Commissioner in January. I did want to give you a little bit of background on why -- and Shirley (James) raised the question that if the Commission ever went back from Barker Avenue only (which I do believe was the understanding of the Commission before I became a Commissioner) to even looking at "B" Street -- and I can tell you that in the process of selecting an engineer -- and one of the things that Mr. Willner did not tell you earlier (I tried to whisper it to him)

-- is that the original engineering firm simply was not interested in doing this project again. And we solicited proposals (which does take some time) and then Mr. Willner and I had an opportunity to sit down and spend an entire afternoon talking to a variety of engineering firms that were interested in doing this work for the County. We did select a firm (United Consulting Engineers, Inc.) and in that interview -- and very soon afterwards -- it became readily apparent that the cost (we'd originally heard -- I'd always heard \$3.54 million) was going to go upwards to \$5 million, \$6 million, maybe even \$7 million -- and perhaps, as Commissioners and Council people, that it be wise to at least give the "B" Street alternative another look -- and to be able to compare in 1989 and probably 1990 dollars, where we might stand. We, as elected officials, of course have a responsibility to all of the citizens who live in Union Township and who live along Barker Avenue and "B" Street. But, as Mr. Lythgoe points out, we also have to consider the cost -- not only to you, as taxpayers, but to the taxpayers in the rest of Vanderburgh County. What we hoped we had done would provide you all an opportunity to give your opinions this evening on which project you wanted. And, as we have seen, you cannot make everybody happy. Most that are here are in favor of Barker; some are in favor of "B" Street, and a couple are here who are in favor of neither. I will be very honest -- the reason the Commission did not take a vote before the Public Hearing was because we wanted an opportunity to hear what the engineers had to say about these alternatives and, certainly, what you had to say. We have to take into account the testimony from this evening, what we have learned this evening; and then also what those two alternatives are going to look like on our tax rates. And I think that is something you would like to know, as well as I. So, despite the fact that the Council has taken a vote, I am not ready to vote on this issue until I can see the transcript of this Public Hearing and I can get those numbers and actually look at what either alternative is going to cost the taxpayers of Vanderburgh County.

R. Willner:

Mr. Borries.

R. Borries:

Well, it is late and I guess we are all tired -- and I appreciate all the residents coming out this evening. I heard somewhere once where someone said that, "In a democracy everybody ought to have their say, but not everybody is going to get their way". So that may happen tonight. I am for Barker Avenue; I have told you why I am in favor of Barker Avenue. It seems to me that we can always come up with reasons why we can't do things -- and that negative kind of approach. I think this is a "can do" project; it seems to me we have an overwhelming majority on the County Council that says we can do it.

(A resounding round of applause from the audience.)

R. Willner:

I hope that I, personally, have an open mind and I believe I do. I'm going to tell you that I do, anyway. I really don't care which one. I believe I can pay the taxes for Barker Avenue and I believe I can pay my share for "B" Street. I'll use either one occasionally. And I think that I will probably vote the way most of you want.

But I want to tell you that there are some problems that haven't been brought out here tonight -- and I want to share them with you.

We just got through hearing about the Council being worried about soils. I believe, and I am not an engineer, that you have to be more worried about soils when you build the overpass than you do when you build the underpass, because you surely don't want it to fall down. You talk about flooding. If we build an underpass, it is going to flood -- there's no question about it. I understand that what happened during the last heavy rain was that the electricity went off -- and that is going to happen.

What is going to happen with an overpass? You hear every winter -- and you see signs all over the place -- bridges freeze first. And you're going to have a problem there -- don't anybody think you won't.

And then you brought up upkeep. Well, let me tell you -- I believe a bridge will cost twice the upkeep of an underpass. Maybe three times that of an underpass. So you can readily see that in twenty (20) years that you might have another \$2 million just to repair it. We're going through the same problem right now with Franklin Street and Columbia-Delaware, and it is such a big project that we have even decided to go for Federal Aid on both of these projects. It's not cheap! And that one won't be either. So these are some of the things that haven't been mentioned tonight. And I wanted to relay my true feelings. It's not a matter with me of saying I don't want to do what the people want to do -- because I certainly do. But there are other things that you have to take into consideration -- and a lot of these haven't been brought out tonight. That's one of the things we hired the engineering firm for -- to tell us -- and we don't even really know how fast that we can get up and down. Everybody says from a 5% to a 6% grade -- that's a long way. And there are going to be some cars sliding down there -- don't think there's not -- because there certainly is. I appreciate all of you coming down here tonight and I would hope that somehow we can come up with a good solution. As far as I am concerned, there is no other solution to the Union Township transportation problem -- other than the ones that we have studied. Many a person has

spent many an hour trying to find an alternate route -- and there just isn't any, that is acceptable.

I am not going to ask the Commissioners to vote tonight. I may do so next week. If there is no further input to be heard, we may make a decision next Monday. I will certainly let you know if that is the case -- and I would think it would probably be that tonight. I think the Commissioners will have a chance to look at the transcribed message we've had here tonight -- and if the engineers can answer all our questions, I see no reason why a decision cannot be made next Monday. We have a night meeting at 7:30 p.m. and you are all invited. I am not sure we will hear a lot of testimony, unless there is something new. But barring any unforeseen event, we will take a vote.

(?) Where will the meeting be next Monday?

R. Willner: It might be in this same room.

(?) : City Council will be here next Monday.

R. Willner: They were supposed to be here tonight and they're not.

J. Lindenschmidt: They cancelled their meeting this week -- but we didn't know that until about three days ago.

R. Willner: It will be in Room 307.

(?) : Mr. President, on your statements you just made -- I worked for twenty (20) years in the City of Louisville, KY and have lived here all of my life. I traveled back and forth; at least one (1) trip per month -- and sometimes once a week. My office was located at the end of Floyd Street where the railroad tracks cross and you can take I-65 South. Hill Street is an underpass. There are three (3) overpasses and then they also have the loop that goes over the river. I can only remember it's being closed (which it's heated) three (3) times in twenty (20) years. But anytime that I left my motel room (which is by Louisville University) and I had to take the Hill Street underpass, I ran into the same problems that we have in the little City of Evansville. So they do have the problems in bigger cities, also. But with the overpasses I never had to worry about anything like that -- I could get around -- and I had to make several loops whenever that happened -- because I was on one-ways, and one-ways to the University of Louisville -- and there is only one way back if you're going to stay on that side of the highway. Or else, I could go out to the Fairgrounds and then come back around when that Hill Street underpass was flooded. So that is all I have to say about your comments.

R. Willner:

Okay. You made a good point -- and I'm glad you made it. You also mentioned the word "heated" -- and I failed to bring that up, but that is an alternative. And that also is a monthly cost. Is there anything the Commissioners would like to add or subtract before I adjourn this meeting?

R. Borries:

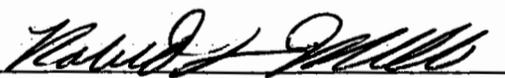
If at all possible. I respect the decision, because it is apparent that both of you are not prepared to vote this evening -- and I understand. But I think it is of the utmost importance that we reach a decision on this next Monday. (Round of applause from the audience.)

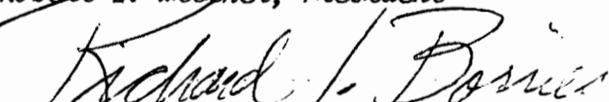
R. Willner:

I agree. This meeting is recessed. Thank you for coming down.

\*Meeting recessed at 8:05 p.m.

SECRETARY: Joanne A. Matthews

  
Robert L. Willner, President

  
Richard J. Borries, V. President

  
Carolyn McClintock, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
MAY 15, 1989

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MINUTES  
COUNTY COMMISSIONERS MEETING  
MAY 15, 1989

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Monday, May 15, 1989 in the Commissioners Hearing Room, with President Robert Willner presiding.

The meeting was called to order by President Willner, who said the Board would have liked to have moved the meeting to the City-County Council Chambers, but it is impossible because the City Council has a meeting tonight. Thus the Board will hear the Rezoning Petitions first, and as soon as some of those people leave, perhaps the balance can be accommodated. (The room was filled to overflowing.)

RE: APPROVAL OF MINUTES

A motion having been entertained, upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of meeting held on May 8, 1989 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the transcript of the Joint Meeting of the Board of Commissioners and County Council re Public Hearing on Union Township Overpass/Underpass held at 6:00 p.m. on Monday, May 8, 1989 was approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: AUTHORIZATION TO OPEN BIDS RE CARANZA DRIVE SEWER

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Attorney Curt John was authorized to open the bids received re construction of Caranza Drive Sewer. So ordered.

RE: REZONING PETITIONS

First Readings:

VC-6-89/Petitioner, Richard Christ: Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, VC-6-89 was approved for forwarding to APC. So ordered.

VC-7-89/Petitioner, The Pantry, Inc.: Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, VC-7-89 was approved for forwarding to APC. So ordered.

VC-8-89/Petitioner, Marie Sirkle: Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, VC-8-89 was approved for forwarding to APC. So ordered.

Commissioner Borries asked if this proposed rezoning affects the eastern portion of the proposed Virginia Street? Ms. Behme of the Area Plan Commission said they will have a EUTS report for the APC meeting.

Second Readings:

VC-1-89/Petitioner, Don Claycomb: Attorney Laurie Baden said she represents Mr. Claycomb, and he is also present. Continuing, Attorney Baden said this is a request for a rezoning from

Agricultural to M-1. This property consists of 12 acres north on Highway 41 and is located across from the PPG plant and is next to property owned by Bill Koester. The proposed use of this property would be for the sale of construction and farm equipment, both new and used implements -- but will focus on new equipment. No work will be done on any equipment at this location; any work will be done elsewhere. There will primarily be an outdoor showroom or display area for this equipment. It will be shown by appointment only, so there will be little traffic in and out of this location. The location will be improved (and she believes the Commissioners have a diagram in front of them showing the proposed improvements). There will be quite a large area at the front that will be blacktopped; behind that would be an area covered with gravel; the entire property will be fenced with chain link fencing; it will be well lighted. There are no immediate plans for any buildings or other improvements on the property other than those mentioned. They believe there has been a trend in this particular area from agricultural to manufacturing and industrial use and that this request for rezoning would be consistent with this particular trend.

The property owned by Bill Koester next to the 12 acres in question is used for a similar use in that he sells used construction equipment at this location and has that setting in that area -- so it would not be inconsistent with the use of the adjacent property.

Commissioner Borries asked how much of this 12 acres Mr. Claycomb proposes to use?

Ms. Baden said he proposes to use half of it at the present time for this use but is, of course, looking ahead to future expansion, if necessary.

Commissioner Willner said similar zoning was requested last year or the year before.

Ms. Baden said she believes it was two years ago (April, 1987) -- and it was requested by the former owner of the property. It is also her understanding that the former owner had not contemplated the proposed improvements that Mr. Claycomb plans to make to the property.

Commissioner Willner asked if Mr. Claycomb presently owns the land, or does he have an option to buy?

Mr. Claycomb said he owns the land.

Commissioner McClintock said she understands that the last time this was proposed for rezoning that it was the neighbors who opposed the rezoning.

Ms. Baden said she believes so. She believes they were concerned about equipment rusting in the weeds, so to speak -- and just setting outside. And Mr. Claycomb plans to improve the property to prevent such a situation from arising (as she noted earlier).

Commissioner Willner asked if the Board can ask for a stipulated Site Plan. He wants to know that they are going to adhere to the blacktop, fencing, etc.

Ms. Behme said the Board can do this, and a Section 4 can be included in the ordinance.

Commissioner Willner asked Mr. Claycomb if he will stipulate the Site Plan as to exactly what he is going to do to the "t". He would like to know where the fence is going to be constructed; where the blacktop area is going to be. He doesn't want Mr. Claycomb to tell him it is going to be there and then him find it

is not going to be. If Mr. Claycomb feels comfortable with that, then the Board would recommend the rezoning subject to that. If he deviates from that, he will be held in contempt.

Mr. Claycomb agreed to the stipulated Site Plan.

Mr. Willner asked if there are any remonstrators present either for or against this rezoning? None responded.

Motion was made by Commissioner Borries that VC-1-89 be approved on Third Reading to M-1 zoning, subject to Stipulated Site Plan that will be adhered to. A second was made by Commissioner McClintock.

Commissioner Willner asked for a roll call vote: Commissioner McClintock, yes; Commissioner Borries, yes; and Commissioner Willner, yes. Commissioner Willner declared the motion passed on unanimous affirmative roll call vote. So ordered. He requested that Mr. Claycomb run a very nice, clean operation. Mr. Koester keeps his grass cut, is very clean, etc. And PPG (across the street) does the same thing. The Commissioners would like the entrance to Evansville and Vanderburgh County as clean and neat as possible. He said, "I guess your front door always is the first impression somebody gets of us. We'd like for for you to be a good corporate neighbor."

VC-1-89/Petitioner, W. C. Bussing, Jr.: Requested zoning is from P.U.D. to R-5.

Mr. Jack Allis of Morley & Associates said he is representing Mr. Bussing on this project. The Harbour's Edge development is a 13 acre project on the river, and is located between the Evansville Water Department Filtration Plant and the Inland Marina. It will be a high rise and one and two story family units. He will be glad to answer any questions the Commissioners might have.

Commissioner Willner entertained questions. There being none, he asked if there were any remonstrators. There was no response. A motion was entertained.

Commissioner McClintock said the APC had recommended this, because it certainly encourages and fits in with the goals of the Downtown Master Plan and Comprehensive Plan for the downtown area. She moved that VC-2-89 be approved. Commissioner Borries seconded the motion.

Commissioner Willner asked for a roll call vote: Commissioner McClintock, yes; Commissioner Borries, yes; and Commissioner Willner, yes. Motion passed on unanimous affirmative roll call vote. So ordered. Commissioner Willner commented that he is sure there is no need to tell Mr. Allis that the Commissioners would like for that area to be nice, too.

VC-3-89/Petitioner, Thomas E. Baumgart: This rezoning petition has been continued until June.

VC-4-89/Petitioner, Bob Straub: Petitioner is requesting zoning from Agricultural to C-4. Attorney Steve Bohleber said he is representing the petitioner in this cause, Bob Straub. In the interest of letting the Board proceed with some of his neighbors' problems on the west side, he will submit a couple of written documents for the record. The first is basically a version of his presentation. He thinks the Commissioners have all had the privilege of perusing same (and in the case of Ms. McClintock, listening to it perhaps longer than she wanted to). However, he'd like to make the document a part of the record. Additionally, he would like to make part of the record a petition that was signed by all but two (2) of the adjoining property owners in support of Mr. and Mrs. Straub as neighbors, and as

photographers and the operation of their business. So he would also like to make this part of the record. . They have no reason to believe that the other two would not sign, it was just that they weren't in a position to get the petition to them.

Commissioner Willner requested that the record show that he has nine (9) names and addresses (and they all seem to be on Big Cynthiana Road) of individuals who have no objection to the rezoning petition.

Continuing, Attorney Bohleber said that, very briefly, he would like to show the Board a view of the area (aerial photos) of the Straub property, showing their residence, garage, swimming pool, and the area to be rezoned C-4. As can be seen, it is an island completely within their property. This is likewise reflected upon the survey affixed to this piece of evidence. He has also placed here (in case there is some concern about parking) a place where parking spaces are presently available (five marked stalls are available in front of the garage; there are three parking spaces in the garage; concrete pads behind the garage and behind the laboratory area and recreation room provide additional parking). There has never been a problem in the past and these folks have been there for 29 years. What brings them here is the fact that in 1983 they expanded their buildings, creating a recreation facility for the family and additional storage area behind their residence. A portion of that is used for a laboratory for their photography work -- totally for their work, no one else's work -- it's a logical extension of the family business that has been operating in the basement of their home since 1960. It is this area that they're asking to be rezoned. He appreciates going from AG to C-4, something he knows the Commissioners are not always that thrilled about -- but they ask that in this case the Commissioners consider looking at what they have done to try to limit it. First, they have created the aforementioned island in the Straub property. The family homestead is likely to be the family homestead into the future and beyond. Secondly, it comes to the Board with a Use Commitment, restricting its use to exactly what it is now. Nothing will change if this rezoning is granted; it will just maintain and preserve the status quo and make it legal. Some of the Straub's neighbors even came here this evening -- and he would ask that those folks who came in support of the Straub's please stand -- and Mr. & Mrs. Straub are also here to answer any questions the Board might have.

Commissioner Willner entertained questions; there were none. He said he doesn't have any questions -- but he hates to see this type of zoning come to people who were good neighbors for 29 years -- and he apologizes -- he's sorry. It was none of his doing. But he guesses that is progress or whatever we call it -- but, again, and he's sorry.

Commissioner Willner then asked if there were any remonstrants who would like to speak to VC-4-89? There was no response.

A motion was entertained. Commissioner McClintock moved that VC-4-89 be approved, with a second from Commissioner Borries.

Commissioner Willner asked for a roll call vote: Commissioner McClintock, yes; Commissioner Borries, yes; Commissioner Willner, yes. Motion carried by unanimous affirmative roll call vote. So ordered.

VC-5-89/Petitioner, James E. Huff: This petition has been continued until July.

Commissioner Willner said he will give those individuals who were here an opportunity to leave if they wish to do so, prior to proceeding with the next item on the agenda.

RE: BURDETTE PARK - MARK TULEY

Miniature Golf Course: Mr. Tuley said Mr. Dan Engelbrecht, the architect for the new golf course, is here tonight. Last week the Commissioners had a few questions and, hopefully, Dan can answer those tonight. Messrs. Tuley and Engelbrecht proceeded to share the blueprints for the new golf course with the Board, which the Commissioners had approved in concept.

Mr. Engelbrecht said he apologizes for not communicating a bit better as to how the golf course was designed. However, they have been keeping their noses to the grindstone, trying to get the construction drawings finished as quickly as possible -- because of the seasonal factor and they want to try to open as soon as possible. Therefore, most of their drawings have been construction-type drawings. He then presented a Site Plan, showing the layout configuration of the holes, and the location of most of the landscaping is included. They figure it is going to be very nice and something the County will be proud of. It is going to be substantially larger than any other miniature golf course in town in terms of the holes, themselves, and also in terms of the overall area -- and they have a lot of landscaping space in it. They have been very fortunate in that the site has a lot of mature trees on it now -- so there is a lot of natural landscaping and they are going to add a great deal of plant material when they do landscape it. Because of the seasonal factor, they may delay the landscaping contract until the latter part of the summer, because if they plant in the hottest weather they lose a lot of it. (But that is assuming they can open early in the summer.) The course has about 9,200 sq. ft. of concrete area, which is roughly double anybody else in town -- so the holes and playing areas are substantially larger -- and they are using the railing and the bank areas, where you cut the ball and bank shots, etc. It is going to be very well lighted. Mr. Engelbrecht then pointed out the concession building. There will be four small pools of water. Between holes #9 and #10, there is a swale that runs through the site that drains toward the batting cage. There is an existing bridge across that swale presently and they intend to add a second bridge. They will use both bridges in the layout of the course.

Ms. McClintock asked, "If they choose to play nine (9) holes, is there something to prevent them from going on to play eighteen (18) holes -- or do they have to play eighteen (18) holes?"

Messrs. Engelbrecht and Tuley said it is designed to play eighteen (18) holes.

Mr. Tuley said that as far as he is concerned, he likes the course and he thinks it is going to blend in very well with the park. In his opinion, we basically didn't want a golf course that looks like the one on Green River Road. That looks fine on Green River Road -- but he didn't think it would blend well into the park. This plan with all the landscaping, etc., is going to blend in beautifully and be a lot like the course down across from Opryland. It doesn't have all the animals and the characters, etc., but it has some beautiful landscaping. As far as he is concerned, he would recommend to the Board that we go with it.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the plans for the miniature golf course at Burdette Park were approved. So ordered.

Concession Building: With regard to the concession building, the initial contract was approved. However, they cannot get their building permit. He understands they are going to have a bath room and a sink to serve hot dogs and a variety of foods. Basically, this business will be an evening business and weekend

business. The other food outlets in the park are basically closed at that time -- when the pool closes. He thinks they need these things. The bottom line being that if the City wants to charge us a tap-in fee of \$2,500 for that building -- so he guesses he needs a motion from the Commissioners to allow him to pay this out of Burdette's Utility Account. He has been trying to deal with the Utility Department to work this thing out. But it's a twofold problem. He talked with Jim Cameron and right now it seems we have a give-and-take relationship. We keep giving and they keep taking. They owe Burdette a bunch of other money. Burdette was overcharged for sewage and the swimming pool for at least eleven (11) years. In 1984, they came out and said they made a mistake and would not charge Burdette for that anymore. But not once did they ever say they would give them any of their money back. He can tell the Commissioners that in 1983, that overcharge was \$6,000. So he assumes that if we estimate that back -- Burdette's records say it was 11 years and the Utility Department's records say it was 20 years. So he would like permission to appeal to the Utility Board and see if they will change that -- and if not, turn it over to the County Attorneys and let them try to recoup that money. We need to get these people a building permit where they can get started on the golf course. And he needs a motion from the Commissioners to allow Burdette to pay (since they own the property and in the contract we agreed to furnish the utilities) this out of their account. Hopefully, we can negotiate with the Utility Board. Attorney Curt John is willing to go with him. They realize they charged Burdette for something they didn't receive; but at this point they are just not willing to give their money back to them.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the fee is to be paid from Burdette Park's account and the matter turned over to the County Attorney for further negotiations with the Utility Department. So ordered.

Day Camp: Mr. Tuley said he also has final discussion regarding the Day Camp at Burdette; however, would the Commissioners rather he bring this back at a later date? He said he did receive a letter from our insurance carrier (Dennis Feldhaus of Helfrich Insurance) requested by the Commissioners last week -- and the questions have been resolved. He is asking for permission to be put on Council's June agenda to fund this program -- and there are a few other line items.

Commissioner Willner said if agreeable to the other Commissioners, they will go ahead and put this on Council Call and wait until next week for the formalities and proposal. Commissioner McClintock and Mr. Tuley met last Friday with Deaconess representatives and they can give their report at that time, also. And the Commissioners can go over the details of the proposal next week (price of the day camp, whether it will be done monthly, weekly, daily, etc.)

Commissioner McClintock commented that she thinks the Commissioners will be very well satisfied -- she thinks it is an excellent program.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, approval was given to go on Council Call in the amount of \$34,412. So ordered.

RE: UNION TOWNSHIP OVERPASS/UNDERPASS

President Willner said the Board would like for each and every one who would like to speak tonight to have that opportunity. At the same time, they would also like to cut down on people speaking on the same points; repetition is not in the best interest of the group tonight. To start it off, there are some organizations. Would they care to go first?

Gail Cummings: I'm Gail Cummings with the Union Township Betterment Association. One more time! When I called the people to let them know about tonight's meeting, that's what I told them. One more time! One more chance to try to get this problem solved. So, how do we do it? We've already pointed out the advantages of the Barker Avenue location. We've mentioned that it would allow the people to by-pass the heavy truck traffic on Broadway and Dixie Flyer. We've expressed that it might help rejuvenate that area of Howell. We've complained that we would still have to cross railroad tracks to get to the "B" Street location. And, we've argued that an underpass would most likely be plagued with flooding problems. We've heard it said this week that whereas an underpass would flood, an overpass would freeze. Believe me, if I have a sick or injured child that has to get to the hospital, the chances are that I can drive across a frozen overpass -- but I can't drive through three (3) feet of water.

So, what's the problem? Money, of course. And it is a real problem. This overpass will cost a lot of money. On the other hand, let me read the headlines in yesterday's front page. "City's \$3 Million Flood Control System Doesn't Work".

Why is it we can always find the money to do it over, but we just can't find the money to do it right the first time.

This week one of the Commissioners stated that they wanted to check to see what impact this overpass would have on other County projects like the Eickhoff/Koressel and Lynch Roads. For ten (10) years we have waited while other projects have been started and completed. We have waited and waited for our turn. Is it because this is just going to affect some country folks, some boaters, and other people who enjoy Union Township? The traffic count that the Evansville Urban Transportation Study referred to last week was taken July 9, 1986 on a Wednesday for a one (1) twenty-four (24) hour period. Wake up, people, we value our lives and the lives of our loved ones just as much as anyone -- and we will keep on fighting until this problem has been eliminated.

People, this is not a political game. Every day that you delay increases the chance that lives will be lost. Talking about it isn't going to solve the problem. Doing another study isn't going to solve the problem. The residents of Union Township have shown their support for the Barker Avenue location. The people that travel in and out of Union Township have shown their support. The County Council has shown its support. The Railroad has shown their support. What else can we do? Why do we have to wait any longer? Ten years is a long enough time to have all the discussion and studies done. It is time to take action and do this thing right the first time. So, no more delays. Let's take a vote on this project so it can be started. Thank you.

Shirley James: I'm Shirley James with the Westside Improvement Association, and I would like to indulge and repeat a few things. Basically, for those persons who have not yet heard about the history of this - I have been asked several questions during the last couple of days. Why, when all the residents wanted was an emergency exit to the area -- why is it they are now wanting this expensive bridge? My answer to them is this: Barker Avenue was originally proposed during the Russell Lloyd administration and was expounded upon by Shirley Jean Cox. However, it didn't receive much public attention until it was proposed by Commissioner Borries during the fall election. Until that time, residents were so desperate they were willing to accept anything. When the suggestion was made to consider Barker, people responded positively, because it was closest to what they had with the old viaduct (which was torn down in a devious manner, much like the L&N). The Ray Becker Parkway was supposed to solve the dilemma, but it did nothing to help. They felt that the Barker Avenue

access was not only closest to what they had before, but was even better. For WIA (Westside Improvement Association) this was also a good answer, because the "B" Street access would require two stoplights on Barker Avenue in close proximity to each other (at least this was the opinion of some engineers we talked to), thus impeding traffic; would require purchases of houses, or destroy those persons' quality of life living on "B" Street; the ground instability and water problems with the high water table and poor drainage made it even more emphatic that we consider something else. Barker Avenue was a compromise situation which seemed last fall to please everybody. I'm tired of having jibes made at boaters and their "yachts". We espouse economic development for Vanderburgh County. In fact, I'm sure Commissioner Willner ran on that basis during the election -- that he supported economic development which, of course, is a very good thing and we all want it. Evansville appears to be moving away from a heavy industrial base to a service-oriented base. The Ohio River is an asset that can't be denied. However, frontage on the Union Township section is low and floods, making the land worthless for industrial development -- but, ideal for recreation. More ideal because it is well downstream from treatment plant overflow to the severely polluted Pigeon Creek. Also, it is close to expanding Burdette Park, as we just saw. And camping and fishing is attractive in the Bayou -- as well as turkey shoots and other recreational activities enhance this area and its natural beauty also adds to it. Persons seeking recreational outlets use other services, such as restaurants, gas, groceries, and medical. Howell, which has been badly impacted upon by industries, both environmentally as well as economically -- such as with the closing of Bucyrus-Erie and a depressed railroad -- needs this kind of industry -- the type of industry that will re-open some of those closed shops and do it in an environmentally safe manner. Boating and recreational activities are this type of industry. Recreation can be big business.

Also, it has been shown in this economic survey (in an economic survey done for the entire Vanderburgh County area that I have at my home, it showed that the southwest quadrangle would experience growth to the year 2000. If I remember correctly, it claimed that growth would be experienced at the rate of 64% on a general basis increase between now and the year 2000. It also said that commercial growth would increase by as much as 82% and that jobs would be increased from 7,100 to over 9,250 or something to that effect. Anyway, this growth will certainly have a spill-over effect on Union Township and we're experiencing this growth now, as you well know from happenings now on the west side.

Another economic and safety factor to be considered is the fact that we have an industrial base that uses hazardous chemicals that are transported through railroads. Some of these trains are so long that they block intersections sometimes as long as 45 minutes. Presently they operate against the State Law, which says 10 minutes is the longest time any intersection may be blocked. If there were a major derailment of an especially long train blocking intersections -- carrying hazardous chemicals such as chlorine -- getting people out of the township would be a disaster. And let's face it, we had a chlorine spill in Howell and they had to evacuate 2,000 people (that was in the town, itself). If they block the intersections, the outer township would be in trouble. If the access is not built soon, pressure will be brought to enforce the law and shorten the length of the trains. This could have a detrimental economic impact against railroads and industries using this form of transportation.

I keep hearing that taxes will have to be increased to pay for all of this. But this is not so. I am assured that money for this and USI's project is going to be taken from Wheel Tax and increased Local Option Income Tax revenues, not property tax, such as the \$11 million improvement for Roberts Stadium. So there should be no additional tax burden, other than what already

exists on the poor or the elderly. The loan would be over twenty (20) years at a cost of \$23 million (not \$40 million like I've heard) for both the USI and Union Township Overpasses. I have a problem with the \$7 million figure outlined by EUTS, because so many uncertainties exist that influence final cost. First, we don't know -- a plan will have to be acquired -- that's still a question mark. Secondly, the type of structures could influence the cost. My husband is an engineer -- a project engineer for large projects. He supervised the State Road around G.E. and the construction of the roads in the County for General Electric -- and coordinated these activities. I asked him, "What is the difference between a viaduct and an overpass? Because the people were happy with the viaduct they had. Why aren't we talking about viaducts? The difference is that a viaduct allows you to utilize everything underneath and keep everything just as it is. So, if you build a viaduct over Barker Avenue, houses can stay the same, roads could stay the same -- everything would be above. Land acquisition would be less as a consequence. He said an overpass is generally where you have lots of land, you have money for land acquisition and then you fill it with dirt fill. So the type of structure would definitely influence the cost. I then asked him what about sewer lift stations? His statement was this, "If you plan a lift station based on your heaviest rainfall in 100 years, that rainfall may never occur again -- but that means that you have to maintain that lift station and pumping station very well indeed in order for it to function when you do have the heavy rains. He said that the best type of maintenance would be once a week, run an oil -- every week, all of the time, year after year. It would have to receive that kind of maintenance to function perfectly. So then I thought about the fact that we are considering putting all of this water into the storm sewers. Well, on the west side we have only combination storm sewers. We're old. We're the traditional part of the City. Barker is already undersized. If they went into Barker -- you may be talking about reconstruction of the sewer system. Also, water coming from the Ray Becker Parkway would just shoot down that area. Consequently, we feel that the route is circuituous and land acquisition (which is not included in the engineering study) -- that estimate would be expensive, because it would require some acquisition of industrial property (Deig), two stoplights in close proximity on Barker. That's another cost. They did some estimates for us one time for stoplights (\$100,000). The instability of the ground would make construction of retaining walls a must, which could also be very expensive when you consider Ray Becker Parkway costs began at \$2 million and ended at \$5 million. And the fire house is presently having water problems, because we can't drain the water away from it -- and the instability of the ground there. There would be the potential for massive sewer reconstruction. There would still be railroad tracks across. If you use the "B" Street location, we still have a railroad track. Long term maintenance would be expensive. At any rate, we are asking you to make a decision tonight. The credibility of the political structure really comes into question when you do not make decisions expeditiously -- and we are asking you right tonight to please make some kind of a decision.

R. Willner: Thank you, Shirley. Anyone else?

(End of Side "A", Tape #1)

Carol Mackey: My name is Carol Mackey. I live at 1012 First Avenue. The first thing I would like to do is to present to the Commissioners some pictures. I was at the meeting last Monday night and the Consulting Firm you had only had a few pictures of people's houses on Barker Avenue. I also have a few photos of the Columbia-Delaware Overpass -- I'd like to show you what those houses look like now. I'm not going to go over a lot of points

again, except to maybe say that even if we have an overpass at Barker Avenue (like Shirley just said) that the first station on Barker Avenue floods. Therefore, the street on Barker Avenue is going to be flooded. If you get down past there and make it, the Ray Becker Parkway is probably going to be flooded. And if there is a train across Barker Avenue, you're right back where you started. (There was some opposition to this comment from the audience and Ms. Mackey continued.) I'd like to have the same respect that I showed the rest of your speakers tonight. If I've made a mistake, then I wish somebody would correct me at the proper time and at the microphone.

I started coming to these meetings because I wanted to be moral support for my Mother -- and I didn't intend to get involved. But when I saw the prices of this project escalating everytime I talked to somebody, I couldn't believe my ears. I think the Evansville Courier said it very well Sunday when they said that this project has been blown out of proportion and it needs to be put into the light it was originally in -- and that is to provide Union Township with good passage back and forth to their homes and for emergency vehicles. They started out at Nurrenbern Road with an underpass for \$1.5 million. I talked to the County Engineer today and that money is still on the books and set aside for that project. I've never been satisfied with why nothing was ever started when that was approved.

Then we went to \$2.5 million on "B" Street. A lot of residents and Union Township residents weren't happy with the idea of another underpass because of the flooding.

Now we've gone to upwards of \$7 million for an overpass at Barker Avenue. It just keeps escalating to be more and more money, more and more work. Overpasses have to go 23 ft. above the railroad tracks -- so we're talking about a long incline to get to that point and then back down again. The EUTS Board voted unanimously in favor of the "B" Street project. (That includes the Urban Transportation Department and the County Engineer.) The EUTS Policy Committee meeting that afternoon rejected that idea. I hope that the Commissioners are in favor of the Technical Advisory Board and that they will consider the impact this is going to have on all Vanderburgh County taxpayers. The Courier said this money is going to come from both Excise Tax and Wheel Tax revenues. I talked to some people who said it may even be property taxes. I don't think anybody really knows where the money is going to come from -- just that we are going to have to borrow it and it will have to be paid back.

Kent Coleman: My name is Kent Coleman and I live at 2818 "B" Street. Two years ago this fall we brought our petition with some of the reasons that we didn't want the underpass to come down our street -- at least the way it was planned, because there were no plans for the buyout of any houses or anything and we'd have walls in front of our houses. The only thing that was given to us at that time to go along with it was that we'd have brand new sidewalks to go along. Tonight I just want to reiterate our points at those meetings back then stand the same. If you're going to do the job, let's do it right. If you do decide to go down "B" Street, let's buy the houses and treat the people fairly. It doesn't matter where it would go -- you can go Barker Avenue or you can go "B" Street. But let's be fair to everybody. You know, the people in Union Township deserve what is rightfully theirs. They deserve proper fire protection. They deserve proper ambulance protection and all - and the right to get back to and from work or wherever they are going -- without having to wait on a train for a long time. But it shouldn't have to be at the expense of anybody. What is rightfully somebody's shouldn't have to be at the expense of somebody else. And I am just standing tonight and speaking alone -- and speaking for several other residents of "B" Street...to not drop our property values; by not taking our houses. So if you decide to go "B" Street,

let's reconsider and see what you can do -- that would be fair to the property owners along "B" Street. And with regard to the traffic counts -- at the time that they came up with the traffic count that there wouldn't be that many cars more coming down through our street -- the majority of the traffic that comes down "B" Street during any given day turns off about a quarter of a block down and goes down the alley to Deig Brothers. At that time, there was also mention that once the underpass was built that the CSX Railroad would request that Claremont Avenue be blocked at the Ray Becker Parkway. But I haven't heard anything else about it. That's not been brought up lately. But we'd like to know, too, if that would be the case -- because they told us at that time that if the underpass was built and our homes weren't taken, that we would have to go from our homes on "B" Street -- go underneath the underpass and turn around somewhere on the other side and come back the other way. So we don't believe we ought to have to pay the price or bear the burden for something that really these people have coming to them and have fought for so many years.

Also, I am buying my house and I bought it as an investment property to start out with -- and be able to live there for a few years and be able to turn around and sell it for a small profit maybe and move up in the world. But ever since this has taken so long, you can't get anybody to talk to you about buying a property on "B" Street, because they know the threat of an underpass coming through there looms over their head. So I ask, also, for a speedy decision so we can get on with this thing and so we all can get along with lives. (Applause, applause)

R. Willner: Anyone else wishing to speak.

Linda Beach: My name is Linda Beach and I live at 1409 S. Barker Avenue. And I'm saying the same thing he is saying. I don't want the wall run in front of my house and neither do any of the rest of them. We want to be treated right, too.

R. Willner: What is your name, Ma'am?

L. Beach: Linda Beach -- and I live at 1409 S. Barker Avenue.

Jim Anderson: Thank you, Mr. President, my name is Jim Anderson. I have been a student of this Union Township dilemma for sometime. And I feel as I stand here today that I should be able to drive to Union Township without having to have a delay by a train.

Ed Whiting: Out of order -- you didn't say where you live.

J. Anderson: Evansville.

Ed Whiting: Where at?

J. Anderson: On the East side.

R. Willner: Let the gentleman speak.

J. Anderson: I've been involved with this project for many, many months. I'm aware of Mr. Elliott's approach to this project. Mr. Elliott is a County Councilman and Mr. Elliott likes fiscal responsibility. I also like fiscal responsibility. However, I also have to live in this community and I have to travel this community -- and elected officials have to face you on a daily basis and they have to try to make the right decisions. In doing a little research the other day I found a little guy named LaGuardia (he was the Mayor of New York, to refresh your memory) and he was very pro and con in some issues of his own party and of the opposite party. But fiscal responsibility stops where public lives begin. We use fiscal responsibility when everybody

in the public is protected. People in Union Township and other people on the west side are not protected. We have to look at the situation. We need access. I, tonight, will agree to whatever decision you make as long as one thing happens -- you agree to a decision and you give the access to these people. This should have been done long ago. It's in your ball park now. No one will remember the people of five or six years ago. They will remember you people tonight. The people need access. It does not need to go any further. I don't like to spend anymore money than is necessary, but there is no amount of money we can raise in Evansville or Vanderburgh County that will create another life if it's lost. I feel comfortable whatever decision you make, as long as you make a decision and you feel comfortable with that decision and you know that decision will be carried out.

The gentleman asked me where I'm from. I'm from the east side. And there are a lot of people on the east side who feel the same way I do -- because someday we might have a problem over there and we might have to come and ask the same thing - and we don't want it to go on for five or six years. We all live here together.

As far as the three Commissioners are concerned, I would request that you do make a decision tonight. If you feel -- fiscal responsibility is to the people. Their safety is more important than a few dollars. We can always raise the money; it might not be comfortable. But we cannot create life. So if you can tonight, I'd appreciate it if you would come to a decision and let the people of this community know that we can make a decision and we can protect the lives of the people of this community. We all congeal in one group called Vanderburgh County. Thank you.  
(Applause, applause)

Manuel Milligan: My name is Manuel Milligan and I live in Union Township. I don't know how many were here during the 1937 Flood -- but the viaduct was Heaven for us during the 1937 Flood. That's where we put our tractors and combines -- up there. That is the only ground open in Union Township during the 1937 Flood. And down on "B" Street and Barker Avenue you could row a boat. We put our tractors and combines up on the viaduct and they brought hogs up there and turned them loose -- because there wasn't anymore ground in Union Township. So, in other words, a viaduct in this place will be Heaven to us.

R. Willner: Is Carol Mackey still here?

C. Mackey: Yes.

R. Willner: Is this your petition? Have you counted these people and checked where they are from?

C. Mackey: They all have their addresses on there. There are over 200. They are mostly Howell residents - Cumberland Avenue, Delmar, Barker Avenue, etc.

R. Willner: Jerry Riney, do you want to count these? And make a note of the address. What I want to know is whether most of them are in that district. Does anyone else want to speak at this time?

Linda Carr: My name is Linda Carr. I was going to keep quiet tonight. Gail has done an excellent job of following up on this project that I started ten years ago. Rick, Bob, Carol -- you all know me personally. I've come to you many times before. I believe we presented a petition many years ago, and probably had as many signatures. I think it's very important that you guys take into consideration the fact when we were first presented with an underpass we were told by Bob Brenner, "You'll never get anything else; you'd better take it and run with it and we'll have it built within a year". We see what's happened. We were

told, "Don't even consider anything else". We were taking the advice of our elected officials, hoping we elected them because they took into account the people they represented; they used good judgment. I always backed off because I felt yes, \$5.5 million is a lot of money. We didn't pursue that initially because of that fact -- because we were told, "You'll never get it -- you have to be fair to the rest of the County. Well, fair is fair -- and it's been ten years -- and we have been very patient. And I think now it's time to do what is best for us -- not settle for second best; not just stick something in there to get us in and out. Are we going to sit on it again? The plans were tabled because no one would follow up, because the railroad said "Sorry you guys, you can't do this -- this doesn't meet our specifications". So that's why the underpass never went through -- because nobody had the guts to stand up to the railroad and say, "You're going to have to make some adjustments; we're going to have to do some compromising here". No one would do that; no one would follow through. You've all been supportive. You've always said you have our best interests in mind. So why won't someone take this issue and do something with it? I don't understand and I think there are going to be less homes -- we don't even know whether any homes are going to be interfered with on Barker Avenue. There is a lot of railroad property there. I'm not so sure that there are going to be any homes involved. But you've got to remember -- Bob, do you remember what happened? In August 1979, we received a phone call; my father-in-law was having a heart attack. The ambulance could not get to him; they had to go around. He made it. But it took us 45 minutes to get from our home to Deaconess Hospital because there was a train at both ends. We could not get out of Union Township. We were desperate; that is when we came to you. We met with the Sheriff and talked about the immediate answers. We put the phone in so we would have a way in the interim to at least let the emergency vehicles know which entrance was not blocked. We tried to work within the system -- but it is not getting us anywhere. I was not going to get emotional -- but it is a very emotional issue -- and you know that as well as I do. And \$5.5 million -- I'm sorry, the interest alone has probably brought it up to that -- the money was appropriated a long time ago. And we knew that -- but we had to have something and we didn't get it. So now, Gail is right. Let's do it right. Let's not go back and say ten years from now that we should have done it the other way. I think it is time to do something for us. We've counted on you for a long time. And, yes, I'm being emotional. Please do something for us. I think it is long overdue and it is time.  
(Applause, applause)

Nova Hille: I'm Nova Hille and I live at 3035 Old Henderson Road. Linda brought up what she went through in 1979. In 1978, I sat beside a Sheriff's car when my husband was involved in a very bad accident. I sat there for well over an hour. The ambulance drivers came through on the Sheriff's radio saying, "Tell Mrs. Hilley we are trying to get into Union Township, but every crossing is blocked. My husband made it, too. I have scraped up I don't how many people on Old Henderson Road who have had accidents and we were lucky that we were there and could administer first aid while we waited for emergency people to come down and take care of these people. I have watched houses burn to the ground because fire trucks cannot get in. Now, you guys think this is Union Township's problem? Do you know how many people we scrape up who are people from the east side?-- people who come from Haubstadt? -- people who come from Henderson? -- people from all over the world come into Union Township. And it can be one of your loved ones. And I think it's time to stop playing with this thing and do something. Something came out in the paper about a political issue. We do have a political problem down there. I have closed the polls only to have somebody drive up a minute or two late and they couldn't vote -- because they were waiting for a train and couldn't get into the Union Township polls to vote. So we do have a political problem

down there. We do have a problem and it's time that they do something about it. We all know we can't dig a hole in Evansville, Indiana without it filling up with water. I've known that since I was a kid. I got stuck on the Virginia underpass when I was a little kid. We have two overpasses -- one on Darmstadt and one on Old State Road. Have those been a problem? They've been there since the late 1970's? We were talking about maintenance last week. Those are about a half mile the other side of Mt. Vernon. Why can't we have an overpass? We can get in and out via an overpass; we can save everybody's life if God meant it to be saved. But if you got us an underpass and it's full of water -- it may not be my husband the next time. It might be yours; or it might be your grandchild. Thank you.

Dave Williams: I think most of you know me. I'm "Hap" Williams and I live at 101 Wills Avenue. I'd like to address a technical point that I'm afraid may have been overlooked by the Evansville Courier and the EUTS Technical Committee. That is, nobody ever mentioned that there are 18-wheelers on the Ray Becker Parkway that are held up by the train at Claremont. If you can, imagine an 18-wheeler trying to come off the Ray Becker Parkway, making that turn, and trying to make a wide turn on "B" Street and vice versa and not creating traffic stoppage. I think this is something that wasn't brought up last week and I think it should be brought up now. Thank you.

Norman "Red" Mosby: I'm Red Mosby and I live at 1631 S. Red Bank Rd. I sat up there last week and I'm sitting up here this week listening again -- and here's my point of view on it, Commissioners. I was born and raised on "B" Street and moved to Broadway in 1936, then moved to Helfrich Avenue. I got married and moved to Red Bank Rd. If you put it on "B" Street, it will be just like the Ray Becker Parkway -- it will be flooded all the time and you're looking at \$3 million. If you look at a Barker Avenue overpass, you're looking at \$7.5 million, right? I still say you ought to put it back on Stinson Avenue where it belongs. That's where you took it down at -- and that's where it should go back at. Now I'm here to tell you, Commissioners, you got a plan on it and it will be less -- \$4 million -- and it's not in front of anybody's home over there -- it will be on the side and out of the way. I say it will be less money and you don't have to buy no homes -- buy nothing -- for \$4 million you can put it there -- and that's the way I say to go, Commissioners.

R. Willner: Thank you, Red. Anyone else?

Harold Elliott: Mr. President and Members of the Commission, my name is Harold Elliott and I am Finance Chairman of the Vanderburgh County Council. I agree with many of the speakers who have preceded me -- we do need the access. I've been saying that for years. I agree with Red. If we could get it at Stinson for \$4 million, yes, I'd go for that. I wouldn't go for Barker Avenue.

When we first started talking about bond issues, the Council President told me, "Harold, let's go for \$9 million and it will only cost close to \$16 million total with the interest". And I thought that was it. I called him today and he said that now we have to go at least \$10 million, at a total cost of \$18 million, including interest. Or, to be safe, go for \$12 million, with a \$23 million total cost. That is ridiculous! I'd like to give you some figures. On a \$9 million bond issue (\$16 million total cost), on a 15 year payout the annual payments would be \$1,051,466. On a \$10 million bond issue (\$18 million total cost) the annual payments would be \$1,200,000. On the \$12 million bond issue (\$23 million total cost) the annual payments would be \$1,533.33. (Mr. Elliott read the figure this way -- but I believe he meant \$1,533,330, or something to that effect.) I'd like to tell you what this would do to our tax rate. On the first option, with an assessed valuation of \$796 million (of

course, the first option has been dropped from consideration by the Council President and by the bond people) this would add 13 cents to the tax rate. The second one would add 15 cents to the tax rate. And the third one would add 19 cents to the tax rate. But that is not the whole story. For some reason or the other, we didn't advertise the bridge rate this year (10 cents) -- so to get a comparison of how much more tax the people would pay we have to add that 10 cents. So on the first option, it would be 23 cents extra on the tax rate per year for 15 years which, believe it or not, is 15% of the total County General Fund Rate this year. The second option with the bridge fund added would be 16% of the total \$1.53 County General Fund Tax Rate this year. And this is for 15 years -- and I'm talking about per year. The third option would be 19% of the \$1.53 County General Fund Tax Rate. That is raising \$12 million - almost \$13 million on the current tax rate. So on the first option we'd be paying 1.3% more than we raised for the entire County General Fund Tax Rate -- I'm talking about the frozen tax rate. On the second option, it would be 1.48% or one and a half times as much as what we raised in total property taxes for the County General Fund Tax Rate. And the third option would be 1.89% -- almost twice as much as the \$12,178,160 that we raised within the frozen levy for the total County General Fund Tax Rate. Now all this extra cost -- bear in mind -- is for only two (2) overpasses -- and we have over 150 bridges in the County. I've said so many times that I agree that Union Township needs an overpass/underpass -- but they do not need one as expensive as Barker Avenue. The former County Engineer, the engineering firm from Virginia (Hayes, Seay, Mattern & Mattern), the present County Engineer (but I can't say the present County Engineer on the first option) -- and I prefer the Nurrenbern access, since neither "B" nor Barker Avenue would take care of the Burdette Park traffic. The way it is now, people going to Burdette come off the Ray Becker Parkway and go down to Barker and Broadway and it makes sense to turn right and go down Broadway to Red Bank, etc. If we had it at Nurrenbern at least half of that traffic would not be on Red Bank Road anymore. People from Henderson Road could access at Nurrenbern and not have to cross this track you've been talking about to the grain elevator. But if we had to choose between "B" Street and Barker Avenue, "B" Street is clearly the most cost effective and people can get from Henderson Road to Barker Avenue and to the Ray Becker Parkway just as easy from "B" Street as they can from Barker Avenue, because you pass "B" Street on your way to the Ray Becker Parkway. It's two right turns. If we had to choose between "B" Street and Barker Avenue, again, we have money in the budget right now at a \$4 million cost to pay for "B" Street -- we don't have that for Barker Avenue. We would have to borrow. Currently we have in the budget right now \$1,434,000 for Union Township access. And at budget time we transferred only \$1 million to Local Roads & Streets and reserved \$1 million of the County Option Income Tax which we generally put in Local Roads and Streets -- and are holding it there for the local overpass projects. So we've got \$2,434,000 right there. The Cumulative Bridge Fund currently has a balance of \$1,554,000 after deducting \$596,000 in encumbrances. So, yes, we could do "B" Street. We could do Stinson Avenue -- cash -- right now, if we can do it for \$4 million. We wouldn't have to pay all that interest. The first option would be \$6 million interest; the second option would be \$8 million interest; and the third option would be \$11 million interest. Now, the next two years we'll be able to transfer to the Local Roads & Streets & Bridge Funds \$3 million per year without it hurting us. So we can spend possibly \$4 million for the USI Overpass and pay cash for that, too. Although I, personally, will not vote for more than 25% of the total cost of the USI Overpass, with 75% coming from Federal and State funds. If I had to choose between USI and the intersection of Boonville-New Harmony Road on U. S. Highway 41, I'd vote for the latter. The traffic count is so much higher and visibility is bad coming over the hill -- and the likelihood of fatal

accidents much more than at USI right now. Yet, the State and Federal governments both say that the overpass at USI doesn't qualify for Federal funds. I don't think we should pay for it all with County funds unless we can do it for \$2 million or maybe \$2-1/2 million -- I'd go for that. I'd prefer not to, but I would. I've heard a lot of talk in previous meetings about accidents -- and I agree. But if we had an overpass or underpass at "B" Street or Nurrenbern, there are many, many businesses and residences in the area served by the Fire House on Barker Avenue and by the Ambulance Service that are further away than these businesses on the other side of the Howell Yard would be using "B" Street or Nurrenbern. So there's no favoritism there. We don't have to give special consideration to businesses on the other side of the tracks just because they are there -- if we can get to them faster than we can to other businesses in the same service area in the Fire Department.

Now, as I've said before, the former County Engineer said that Nurrenbern is the most practical. But, between "B" Street and Barker Avenue, he takes "B" Street. The present County Engineer says, "Yes, B Street would be more practical than Barker Avenue". The EUTS Technical Committee (5 to 0 vote) says, "Yes, B Street would be better than Barker Avenue". Now, in a departure from tradition, the EUTS Policy Committee in a split vote voted 3-2 for Barker Avenue. The three who voted in favor of Barker Avenue were Commissioner Borries, who has said many times he would vote for Barker Avenue. The other two who voted for it both live in Warrick County. The two votes for "B" Street on the EUTS Policy Committee were Jack Corn of the Evansville City Council and Russell Sights of Henderson, KY. So that was not exactly what you would call a unanimous vote. It was an overwhelming vote and all the technical people (people who know bridges and overpasses -- you don't know them -- I don't know them -- we depend on experts for this) said "B" Street is better than Barker Avenue -- and it's a hell of a lot less expensive. I'm not talking "cheap" -- I'm talking "less expensive".

R. Willner: Following opposition from the audience, Mr. Willner asked, "Anything else, Harold?"

H. Elliott: Yes, I've got a little bit more. I promise I will take less time than Shirley did. I don't have much more.

R. Willner: Please continue.

H. Elliott: So I've got to say to you, that if we build two overpasses at a cost of from \$18 million to \$23 million, including interest, we will be unfair to the 150,000 residents of Vanderburgh County that we represent. We will be inflicting on them the most fiscally irresponsible act that I can remember as long as I've been involved in government in Vanderburgh County and even before. I think it is our duty as elected officeholders to serve the best interest of all the residents of the County.

Now, relative to the bond issue. The County Council President is talking about a revenue bond issue to be paid back from excise taxes and wheel tax. The Auditor, in his estimate for the general fund revenues, estimated \$1,250,000 in excise taxes and we know the wheel tax will raise about \$300,000. But he estimated that for County general fund revenues. If we take that out of the revenue bond issue, we're going to be almost \$1-1/2 million short of having enough money to give you people money to build roads and overpasses. Your paving program will suffer greatly. In fact, it will deteriorate. We, in the last four years, have transferred \$6 million of County Option Income Tax money to Local Roads & Streets Funds -- and that is why we've had such a great paving program. We can't afford to give up \$1,250,000 to \$1,533,000 in interest payments total cost -- each year for 15 years. We won't be able to pave our roads like we've

been paving them. So all they're talking about with this revenue bond issue is shifting dollars around. We'll have to replace it with COIT dollars.

E. Whiting: They do it all the time.

H. Elliott: That's right; that's right. So the only practical way to foolishly spend this money is by a general obligation bond with a separate debt reduction fund, which would not only increase the property tax but would, at the same time, reduce the property tax replacement credit. Now, there will be people come before you (the County Council President) who will want to say. 'Well, in the future, we'll probably have a lower tax rate'. That's right -- the total dollars will be the same -- but they will be increased 5% per year per year to cover inflation -- that is the way the system works. We have an assessment function to figure the property tax freeze -- yes, it's 5% per year. But at the same time, expenses go up at least 5% per year. So if the tax rate goes down, it's only because the assessment went up. The total dollars are still the same. Under this system, too, in the future the homeowner would pay a much, much larger share of the property tax -- because businesses are assessed at their cost on equipment with a depreciation factor. They are assessed on inventory at cost with a 35% reduction factor. So their assessment won't change, so the total of the total assessed valuation the homeowner will pay will be a much larger share. That's all I have to say. If anyone has any questions or comments, I'll be glad to answer them.

R. Willner: Thank you. I've been informed that Mr. Taylor would like to speak.

W. Taylor: My name is Councilman William P. Taylor. I'm Third District County Councilman. I used to sell papers out in Howell when I was a kid. I know Howell very well. I've been caught by the trains. But the fact is, you can take numbers and make them say anything you want to. The Vanderburgh County Council voted 6 to 1 to support the Barker Avenue Overpass at whatever cost. (Applause, applause, applause)

We feel like whatever it takes to keep us and the rest of the community of Vanderburgh County's west side to not be responsible for losing a life or losing a limb or anything because of a train -- is worth the money. As far as the general obligation bond, the Statute says we can't do it. It's out of the question. As far as the cost of a \$12 million or \$13 million bond, it will be just like the Airport. The Airport was slated to be paid out in twenty (20) years. They're telling us now that we're looking at eight (8) years. Money makes money. We're going to make money. We're going to meet our obligations as far as these bonds are concerned. These people need an access. I ask you, "Go along with us. We're going to take the burden of giving up the money and then making sure that the money is paid. So give the people their access. Give them Barker Avenue." (Applause, applause)

R. Willner: Anyone else?

Ed Whiting: I'm Ed Whiting. Mr. Mosby, Mr. Elliott and everybody has put their points up here and everything that they said is probably true. You have been asked to vote on this. I say, "Vote on it tonight and get it over for Barker Avenue!" (Applause)

R. Willner: Anyone else wishing to be heard? (No response)  
Commissioners -- Carolyn?

C. McClintock: I appreciate all of the input we've had this evening and certainly last Monday and over the last week, day and evening, from many of you who live along "B" Street; that

live on Barker Avenue; that live in Union Township; and, indeed, I have heard from people from all over Vanderburgh County -- and this has become a very emotional issue; not only with those of you who are here this evening, but with other taxpayers in our County.

To make the figure simple, we received today from our company we're working with on the bond issue -- and I want to say and I want it on the record that I am not opposed to bonds. I think it is a wonderful way for us to have money available to do improvements for the citizens of Vanderburgh County and be able to derive the benefits of those improvements over the term of the bonds.

When you take the \$12 million bond issue, which is what they are estimating it would take to construct the University of Southern Indiana Overpass and the Barker Avenue Overpass, the total payout is \$23,926,661. You look at the \$9 million prospectus that was prepared for the County Council, you are looking at a total payout of \$17,943,071. This is to be paid from wheel tax and local option income tax. Someone just said to Mr. Elliott that it doesn't matter where it comes from, we shift money around all the time. You, as taxpayers, know that you are indeed going to pay that tax and, indeed, the rest of the residents of Vanderburgh County, many of whom (as someone pointed out) will derive from the benefits of this project will also pay for that.

I think there is another important point, however, that has not been made. This money that is spent -- this tax money -- whether it is wheel tax, whether it is local option income tax, whether it is property tax -- will affect the future of other projects in our County. I am in favor of an access for Union Township. But, you cannot make that decision in a vacuum. I am also in favor of Lynch Road Extension, Eickhoff-Koressel improvements, improving Green River Road (both North and South), improved bridges on Franklin Street and Columbia-Delaware Streets, and all kinds of things that we envision for this community. When you look at just the projects that are on our books right now (Lynch Road, Green River, and Eickhoff-Koressel) we're looking at a total planned \$29 million. The local match, if funded for those projects, would be \$7.5 million. This project would take approximately (however you look at it) \$1 million out of funds available for all of those projects each year. There have been a lot of concerns raised about both Barker Avenue and "B" Street -- some very important concerns. Barker Avenue residents (and it has been pointed out that perhaps we could move the track) -- it is a very, very expensive project, because of the new regulations that are imposed on design by the Federal and State governments. "B" Street -- we have heard primarily about the problems with flooding. There are other problems that are linked to the flooding. The sewers, as Shirley pointed out. The stoplight that perhaps would have to be installed there. Neither design is perfect, as Commissioner Borries said in the paper today. As United Consulting Engineers could tell you, when Mr. Willner and I met with them about six weeks ago and spent the afternoon talking to engineers about various designs -- our first and only choice was Barker Avenue. But that was before the engineers spent a great deal of time with us and told us about the new regulations that would increase the cost of this project so drastically. That is when -- and only when -- we requested those engineers to then look at the "B" Street alternative so we would have some cost comparisons.

I, again, am supportive of an access to Union Township. I have been assured by (as late as 4:00 p.m. today) officials at CSX and local emergency medical technical professionals that in the event of the construction of either one of these accesses, that we can develop a plan and implement it immediately to get citizens in and out of Union Township. I think that is what all of you want.

I am ready to vote tonight. I think all of you want a decision and I will look forward to a motion being made and an opportunity to vote on it. Thank you.

Commissioner Borries said, "I want to thank the good people from the west side and Union Township for being here this evening. I will assure you that you have been patient -- perhaps overly patient -- from time to time. But throughout the history of what we've seen here -- we're looking at really all kinds of alternatives that just haven't been there, in my opinion. I, for one, looked seriously at "B" Street and not that it was forgotten -- but simply because I was not satisfied at that time that the alternatives that I saw were adequate in that particular area. I'm not going to mix up all kinds of jargon here this evening to talk about this fund or that fund. I'm sure that in any kind of community economic development will occur because all kinds of people are willing to put their faith in the future. And that is what I'm doing this evening. As I have said now for probably better than a year (and, frankly, I know I am getting as tired as you all are hearing this) -- I am for Barker Avenue and I will continue to support Barker Avenue and I believe that it is the best access for Union Township; not only for today, but for tomorrow and long after someone else is sitting in this seat. I truly believe it is the best long range plan for not only access, but for economic development for an area that has long needed it. Everything else has been said. I appreciate your patience and I also am ready to make a decision this evening."

Commissioner Willner commented, "The Union Township Overpass/Underpass hasn't been an easy one for me. I guess it has been the one that I've agonized most over during the many years I've been here. So, it is no easy matter for me. I, too, will agree to vote tonight. Or, I would agree to look at Stinson, as Red has said. We did look at Stinson with the same openmindedness that we looked at all the rest of the alternatives when the engineer was here. (In response to remark from the audience, Mr. Willner said, "You're correct, we should have looked at it when they tore it down. It was a wooden bridge and I would imagine that at some time in the future it would have had to come down anyway.) But that is neither here nor there. Union Township needs a way to the rest of the world and I am ready to vote. So, may I have a motion?"

Commissioner Borries moved that an overpass site be selected this evening and he would move that site be Barker Avenue.

Commissioner Willner asked for a second.

Commissioner McClintock responded, "No."

Commissioner Willner said there is no second. Is there another motion?

Commissioner McClintock moved that an underpass site be selected this evening and that the underpass site be "B" Street.

Commissioner Willner asked for a second.

Commissioner Borries remained silent and Commissioner Willner seconded the motion. The latter then asked if there is any discussion or questions prior to calling for a vote.

Commissioner Borries said he thinks this decision has to include considerations for the property owners and neighbors (which, again, he prefers Barker Avenue).

Commissioner McClintock said, "I agree."

Commissioner Willner said, "I agree with that 100%."

The meeting was interrupted by a raise of various hands in the audience and Commissioner Willner said, "I'm sorry; I asked for everyone to speak. Now it is the Commissioners' turn -- and you asked us to act and now we are -- and you raise your hands." To the Commissioners he said, "Whenever you're ready for the question. If you're ready, I will call for a roll call vote."

Commissioner McClintock, yes; Commissioner Borries, no; and Commissioner Willner, yes.

Commissioner Willner said the Board has given permission for the "B" Street location.

There were many disgruntled comments from the audience directed toward the Commissioners as meeting participants left the room.

Commissioner Willner called a five (5) minute recess.

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The meeting resumed with President Willner asking that the record show that he didn't read these before, but there are 254 signatures -- 65% from the Howell and "B" Street areas and 35% from all over the City and County.

RE: TRAVEL ORDINANCE

President Willner said the Board is ready for the Third and Final Reading of the Travel Ordinance. He believes David Miller wrote the ordinance and it follows the State guidelines, with some revisions.

Commissioner McClintock said it is her understanding that the money for travel for each of the officeholders and department heads is included as a line item in their budget.

Commissioner Willner said that was only done recently -- within the last two years. Previously it was in the Commissioners budget.

Ms. McClintock said, "If the money is in each of their budgets and they have to go to County Council to have those budgets approved, it seems to me that those officeholders and department heads should be responsible for staying within their own budget for travel. It bothers me that they come to us for permission to do something that, in effect, has already been funded. If they would travel outside of the allowed expenses or go to something they were not allowed to go to, those officeholders are going to answer to the voters. And we are, in effect, taking some authority away from them that is rightfully theirs, in my opinion. They are individual officeholders; they were elected by the voters of Vanderburgh County -- and it seems to me they can be responsible for their own travel budget."

Commissioner Willner said some of them are not elected officeholders; they are appointed department heads, who also have budgets.

Ms. McClintock said, "The majority of the department heads work for the Commissioners."

Commissioner Willner interjected, "All of them."

Ms. McClintock continued, "I don't have any problem with the department heads. When an employee of mine wants to go on business for WNIN, I have to approve it. But I don't understand why we have to approve the officeholders' travel."

Attorney John said, "First of all, you approve all expenditures through the County. What you are doing here is drafting, through an ordinance, limits on some of those things as to which of those expenses are reimbursible and which are not. You are basically setting guidelines by ordinance."

Ms. McClintock said, "But we are, in effect, controlling their travel and I am not sure that we really have the authority to do that once we set the guidelines."

Commissioner Borries interjected, "We do. Carolyn, it even cites the Indiana Codes. We have to set the guidelines. I think you are correct about the way that the Council has used this money in the past. I think -- and believe -- that if an officeholder, in this mystery that we call County Government, if they wish to travel or allow others to travel, they can do so at their complete discretion. But I believe we have to, according to Indiana Statute, set the guidelines. That is part of our duties. That's all we're doing. If they run out of money, shame on them and if they have to go back to County Council they are going to have to squirm and do whatever. But what we have done here is set guidelines that they have to follow. For example, as County Auditor, Sam Humphrey could not allow tips to hotel or airport porters, etc."

Commissioner McClintock said, "I agree with that. The only part I don't agree with is Section 2. If Betty Knight Smith needs to go to Indianapolis for a meeting and her money is in her budget, she does not have to come here anymore for approval? She can just go, put it on her form and follow these guidelines?"

Commissioners Willner and Borries confirmed that this is correct -- if she has the money in her budget.

Ms. McClintock asked, "So we're just going to be approving out-of-state travel?"

Mr. Borries said that is correct; and the Board is also approving these guidelines which say that food and other things here can be reimbursed up to \$24.00.

Commissioner Willner entertained a motion.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the ordinance was approved following unanimous affirmative roll call vote. So ordered.

RE: SALE OF COUNTY-OWNED SURPLUS PROPERTY

Commissioner Willner asked if there is anyone who is interested in buying County-owned surplus property. There being no response, he said the sale will continue next week.

RE: APPRAISAL OF LYNCH ROAD PROJECT PROPERTY - VIC FUNKE

President Willner advised Mr. Funke that he thinks there is a problem with the appraisal amount of dollars for the acreage that we were condemning, or going to ask to purchase, or whatever. If our figures were correct, that was something like \$17,000 per acre.

Mr. Funke said it was \$7,000 per acre. If you're taking the whole thing and dividing it by 7.4 acres, that is correct.

Mr. Willner said we're taking 7.405 acres and we're going to pay \$121,550 and that amounts to \$17,000 odd per acre.

Mr. Funke said there are other contingencies that come into that. First, in changing this plan on the road, you negated \$5,000 worth of engineering costs that Guthrie May had already paid. So they have to be compensated for that.

Commissioner Willner said, "Oh, no -- I don't think so."

Mr. Funke said, "Then they raised some ground and you moved the road over. Now they have to bring in 11,000 cu. yds. of fill to raise the ground because they moved the road (whoever drew the plans) -- so they will have to raise an additional amount of ground and that is a \$55,000 cost to them. I've talked to the engineers about that."

Mr. Borries asked, "Why did they do that though, Vic? We didn't tell them to move that dirt."

Mr. Funke replied, "They had already done that when the road was planned the first time in their original plan. Then you bring the road in and you move that road over -- I don't know whether it was 55 ft. or how much it was. This puts their lots in a lower area -- it puts them below the flood plain."

Commissioner Willner said there are no lots there -- we're buying agricultural ground.

Mr. Funke said they still have to raise it.

Commissioner Borries said it has never been rezoned.

Mr. Funke said that doesn't make any difference. They still have to raise that ground in order to use it -- whatever they do with it. You could go to Court with a lower one, but they're going to knock you out of the ballpark -- because this is additional expense to them. They have already raised some ground on which they could build a house. Now you move the road, which puts it below the 100 year flood plain and they have to bring in additional fill for that.

Commissioner Borries said, "Now, as I remember how this all transpired, representatives from Guthrie May came in with a proposal regarding a subdivision. They were told at the time that proposal came before us that a highway was going to be built and may affect them -- and until we were able to talk with them to reach a settlement, that the property was not going to be rezoned. It is my opinion that this property was not rezoned. One of the reasons we did not rezone it and it was clearly stated that we did not want to have to come back at a later date and pay for improved property. What would happen if we rezoned it? They build. Then we plan the road and have to come back and buy the houses and all those improvements on there."

Mr. Funke said, "But as I understood it, they were told the road would be in designated location and they filled designated part of the ground so that when the road was moved over they could use that ground. Now you've moved the road 60 ft. and they have to fill additional ground."

Commissioner Willner said, "Nobody told them to do that. The fact is, we told them not to do that -- that this was going to happen -- and now it has happened."

Commissioner Borries asked Mr. Funke what he would have done. We anticipated that there was going to be a road placed in designated location and we asked these people to work with us to negotiate a settlement for unimproved land. No instructions were given by this Board or by any individual to say go ahead and start filling this land. How else could we have proceeded?

Mr. Funke said that as he understands it, the road was planned further south. Can we have a meeting with Sam Biggerstaff and go over it?

Mr. Borries said we'll have to pull some minutes out -- because he knows the Board never voted on this. The drainage plan wasn't even approved.

Attorney John said Mr. Funke is saying that Guthrie May is entitled to some damages that they've incurred as a result of condemnation. He doesn't know anything about the damages or how they were incurred or whether or not they are entitled to compensation for those.

Ms. McClintock asked, "Who told them the road was going to be moved?"

Mr. Funke said there have been two different plans for the road. The engineers did it one way and it was engineered to that and then they moved the road further north and this has negated all the engineering.

Commissioner Willner said that as Attorney Miller has said, the reason they had to re-appraise and re-file was only because there was a sewer in the road that no one knew about previously. We need to get the Attorneys together (Curt John and David Miller).

Commissioner Willner reiterated that what the County is buying is farm land or agricultural ground.

Attorney John said the question has to be resolved as to whether or not they are entitled to the costs they have incurred.

Commissioner Willner requested that Mr. Riney give the appraisal to Attorneys Miller and John and tell them the Commissioners want to set up a meeting.

RE: READING OF BIDS FOR KEMPELL-CARANZA DRIVE SEWER PROJECT

President Willner requested that Attorney John read the bids received on the Caranza Drive Sewer Project, and Attorney John said they are as follows:

B.M.B., Inc. (Evansville) - \$160,360  
Deig Bros., Inc. (Evansville) - \$187,720

He also has an envelope from Greg Curtis stating an engineer's estimate of the project and Addendums #1 and #2. The estimate was done by Veach, Nicholson, Griggs Associates (signed by Darrell Veach) and it was \$194,250.

Attorney John said it is his understanding that an estimate was done previously (approximately two years ago) that was substantially less, and he would recommend that this be referred to Mr. Curtis and Jeff Harlan for their review. The previous estimate was for \$120,000.

Commissioner Willner asked, "It was asked for by this Board though, was it?"

Attorney John said he has no idea where it came from; Mr. Shively showed it to him and that was the first time he's ever seen it.

Mr. Willner said we didn't know where the sewer was going to be before.

It was noted the estimate referred to was a preliminary estimate done by Andy Easley, the former County Engineer.

Commissioner Borries said he thinks that was a very preliminary estimate; based on the all the design and negotiations that have subsequently occurred, he does not think that figure would be accurate. He does have some concerns about prevailing wage scales, etc.

Commissioner Willner asked for a motion to take the two bids under advisement and refer them to the County Engineer for his expertise and advice.

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

RE: RUFFIAN WAY

Attorney John said we're still awaiting word from the State regarding ownership of Ruffian Way. Once we've gotten word from them that either we do own it or they are giving it to us, he will begin the petition to vacate it. He's talked with Greg Curtis and Bud Muensterman -- and he understands Greg is still awaiting word from the State.

Mr. Willner said that as matter of information, Greg tells him that Highway 57 is on the list of roads to be given back to the County.

RE: BARKER AVENUE - "B" STREET

Commissioner McClintock said that apparently some of the County Councilmen are saying to these residents that they can change or alter the Union Township Underpass/Overpass project once the Commissioners have approved it. It is her understanding that they are the Fiscal Body.

Attorney John said they are the Fiscal Body; they have the right to fund or not to fund.

Ms. McClintock asked, "So they could not fund it?"

Attorney John said, "They have that prerogative; yes, they do."

Ms. McClintock asked, "But they couldn't go back and say we fund Barker Avenue instead of "B" Street?"

Attorney John said, "No, they can't. The Commissioners are the sole authority when it comes to entering into those types of contracts."

Ms. McClintock asked, "So if, indeed, they are telling people that -- they are misleading them?"

Attorney John said, "In my opinion, they are incorrect."

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. Muensterman said he had submitted the Work Reports for the County Garage and the Bridge Crew, do the Commissioners have any questions? There were none.

Quotes on Loader Repairs: Mr. Muensterman said he has quotations on the Clark loader repairs. Rudd Equipment wants about \$7,100 and Tri-State Diesel & Truck Service quotes about \$3,489. (The man at Tri-State used to work for Rudd and he works by himself. He has worked on our Gradall.) There is a lot of work to be done on the Clark loader and we'll need it this winter. We used it out on Weinbach Avenue (widening that road) and in the winter we load our sand trucks with it.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Mr. Muensterman was authorized to have the Clark loader repaired by Tri-State Diesel & Truck at \$3,489. So ordered.

South Weinbach Avenue: Commissioner Borries said we have a lot of work to do on South Weinbach Avenue.

Mr. Muensterman said we fixed the road today and he is going to shoot it with something to help control the dust. He is going to talk to Ron Smith tomorrow and find out if they are going to keep hauling rock on South Weinbach. If they're not, then we can go out there and pave it and get it out of the way. They've graded it and rocked it -- and he is going to shoot it with something (made from wood pulp) to help keep the dust down.

Commissioner Borries queried Mr. Muensterman as to our agreement on that. Obviously, they had to have access to build -- are they going to participate in any way on that?

Commissioner Muensterman said he doesn't know -- and Mr. Willner said he doesn't know.

Mr. Muensterman said he thought the County gave them permission to use that road rather than going down Highway 41 and down Riverside and back in. This way, they just took South Weinbach and right on up to where they were going.

Kembell Drive/6800 Block: Mr. Muensterman said we had a problem in the 6800 block of Kembell Drive. He talked with the lady and she wanted to know how they could get Kembell Drive or Kembell Lane accepted by the County. He spoke with Greg Curtis and he is to talk to the lady about this whenever she calls him.

The river is up again -- but the only thing closed is Waterworks Rd. He commends the Commissioners for letting the farmers put up the small levee on Waterworks Rd. It is keeping the water back and he thinks this will save those farmers some money.

Commissioner Willner said just for the record, the farmers who farm the many acres between Waterworks Rd. and the Highway 41 area called last Friday evening late and informed him that the river was supposed to crest at 35-1/2 ft. Tuesday, which would get into their planted fields -- and he understands they have about \$400 per acre invested in seed, fertilizer, etc. They wanted to stop at least a half a foot of water from coming over Waterworks Road and they did put up an earthen dam. They got the dirt from Staub up by the point. They did a nice job with rubber-tired loaders and they will take it off and assured us there will be no damage. He did call both of the other Commissioners and obtained their permission by phone, because he was sure they couldn't meet before Sunday -- and the farmers had to do it by Sunday. And, he thinks it is going to work. Today at noon the water is up to their earthen dam.

Commissioner Borries said what this constitutes is an emergency.

Mr. Muensterman agreed and said he thinks this will save the farmers some money.

RE: COUNTY ENGINEER - GREG CURTIS

President Willner said County Engineer Greg Curtis is in school this evening. He has, however, written a letter to the Commissioners, as follows:

Dear Commissioners:

Due to prior commitments, I will not be in attendance at the night meeting I only have three (3) things to report on:

- 1) Road Management can be paid for from Local Roads & Street money. Warrick County uses these funds. My request is for at least \$58,550 to conduct same.

- 2) We have prepared to receive bids on the computer hardware and software for the County Engineer's office on June 12, 1989.
- 3) I would like to delay one more week before choosing a Consultant for the rehabilitation of Bridge 1-C and the study and design of Bridge #4, as Federally-funded projects.

Commissioner McClintock asked, "Didn't he want to go on Council Call for the Road Management funds so it would be on the same hearing with the computer hardware and software?"

Commissioner Borries said, "Right."

Commissioner McClintock continued, "And we asked him to delay it until this week until we were sure we could use the funds from the Local Roads & Streets account? I will be happy to make the motion that we request \$58,550 from Local Roads & Streets for a Road Management Program."

A second was provided by Commissioner Borries. So ordered.

RE: MOTZ ROAD

Commissioner Willner then read the following letter from Mr. Curtis:

Dear Commissioners:

I'm going to try to set up a discussion with two (2) of the property owners on Motz Road. I would like to request that Mr. Willner or another of the Commissioners also attend these meetings.

Mr. Willner said he thinks that what Mr. Curtis is saying is that two (2) of the property owners have not consented to give us their ground without some concessions (and he is not talking about dollar concessions -- he thinks one wanted to move a fence and the other one had some other problem) and he would like for all of the Commissioners to meet regarding that problem so we can get on with Motz Rd.

Ms. McClintock said she has already met with him once, and Mr. Borries said he has talked with him. Both Commissioners said it would agreeable to them for Mr. Willner to attend the meeting and report back to the Board.

RE: REQUEST TO GO ON COUNCIL CALL RE RE-ASSESSMENT

Mr. Willner said he has a request to go on Council Call re Re-Assessment. There are unpaid Manitron Computer invoices in the amount of \$2,103.34; also, annual support \$5,290.50; and also shipping and handling and maintenance agreement - \$15,849.31.

Mr. Riney said that he, Evelyn Lannert and Margie Meeks worked on this and it took a long time to get this straightened out, because it has been going on for months. Different people paying different things out of the wrong accounts. It is now straightened out.

A motion was entertained re Acct. 249-130-355.1 for \$4,103.34. Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the request was approved. So ordered.

A motion was entertained re Acct. 249-130-355.2 for \$5,290.50. Motion to approve made by Commissioner McClintock and seconded by Commissioner Borries. So ordered.

A motion was entertained re Acct. 249-130-355.3 for \$15,849.31. Motion to approve made by Commissioner McClintock and seconded by Commissioner Borries. So ordered.

RE: REQUEST TO GO ON COUNCIL CALL - WEIGHTS & MEASURES

Mr. Willner said he has a letter from Loretta Townsend of Weights and Measures, indicating that per their conversation she has given the Auditor's office a request for an additional \$2,500.00. The Board had initially approved \$17,000 and she now needs \$19,500 for the truck, cover, etc.

Ms. McClintock asked, "And the idea is that she is going to obtain local sealed bids via the Purchasing Department?"

Mr. Willner said that is correct, and they will be 5% higher than the State price, because the State cannot furnish her a 1989 vehicle. A motion was approved.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request for the additional \$2,500.00 was approved. So ordered.

RE: REQUEST TO BORROW VOTER BOOTHS - MATER DEI

President Willner then entertained a motion concerning approval to loan voting booths to Mater Dei.

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

RE: VOTING BOOTHS

It was noted by President Willner that the County needs to order 100 voting booths if we are to keep our present system. He requested permission for Mr. Riney to contact the company and find out the price for the 60 to 100 additional booths and to have someone go through our present stock to see if any are damaged, etc. It is his understanding we will need 60 booths for the addition of the 30 precincts we are going to add. While we are at it, the Election Office thought we ought to purchase 100 of them.

In response to query from Commissioner Borries as to where we are on the precincts, Ms. McClintock said they are supposed to report back to the Commissioners by June 1, 1989.

Commissioner Borries said the information has to be at the State Election Board by July 1, 1989.

Mr. Willner said Mr. Brenner in the Surveyor's Office agreed that we need 100, and he is doing the precincts. Mr. Willner said he doesn't think there is any other way.

Commissioner Borries said he would say that the Board needs to go ahead and authorize Mr. Riney to obtain prices to get an estimate on the cost of those machines.

Mr. Willner asked that Mr. Riney also check to see if there is any advance with regard to the tabulators, so we can speed the count up.

Attorney John cautioned the Commissioners to remember the bidding process as the obtain any prices or estimates.

RE: APPOINTMENTS - AUDITORIUM ADVISORY BOARD AND LEVEE BOARD

In response to query from Commissioner Willner as to whether the Board is ready to make appointments to the Auditorium Advisory Board and they indicated they are not at this time. With regard to the Levee Board appointment, Mr. Borries said it has usually been the Board's policy, unless a person says they no longer wish to serve or have done something seriously wrong, that we re-appoint individuals and Mr. Marsh VanDusen has indicated he would be willing to serve again. He would be willing to recommend that he be re-appointed to the Levee Board.

Following brief comments, appointments were deferred until next week.

RE: SCHEDULED MEETINGS

Tues.	May 16	9:30 a.m.	Zoning Subdivision Review (Room 303)
Thurs.	May 18	8:00-12 Noon 2:00 p.m.	Data Processing (Rm. 303) (Room 307)
Mon.	May 22	2:30 p.m.	Final Reading/County Rezoning Ordinances

RE: CLAIMS

Simons' Governmental Services: Claim in the amount of \$8,249.53. The claim has been signed by Mr. Simon and co-signed by Robert Dorsey. Claim in the amount of \$9,184.86 signed by Robert Dorsey. Claim in the amount of \$4,878.56 from Harry Tornatta/Perry Township Assessor. Claim in the amount of \$4,426.78 from .....

Mr. Riney expressed concern regarding the claims and Mr. Willner said he has a problem with these claims. This is for 10% of the retainage on the Re-Assessment contract and the last time we said we weren't going to give him anymore money until he was done with the Re-Assessment.

Commissioner Borries asked, "We haven't received word from anyone that he has completed his share of the contract?"

Mr. Willner said, "No -- and we know he hasn't."

Cindy Mayo, Chief Deputy Auditor, said she thinks these are what was voted on in the March meeting. She thought they agreed to release 10% at that time.

Commissioners Willner and Borries suggested the Board hold these until next week -- the Board voted to give them some --but these need to be checked out.

RE: EMPLOYMENT CHANGES

Sheriff/Jail (Appointments)

Donald Wayne Porkorney    Corr. Off.    \$15,668/Yr.    Eff: 5/2/89

Sheriff/Jail (Releases)

Ryan Robert Rizan            Corr. Off.    \$16,451/Yr.    Eff: 5/1/89

County Clerk (Appointments)

Betty Hatfield	Part Time	\$6.00/Hr.	Eff: 5/8/89
Eunice Heacock	Part Time	\$6.00/Hr.	Eff: 5/8/89
Sandra Julian	Part Time	\$6.00/Yr.	Eff: 5/8/89
Mabel Winkler	Part Time	\$6.00/Yr.	Eff: 5/8/89

County Clerk (Releases)

Betty Hatfield	Part Time	\$6.00/Hr.	Eff: 5/8/89
Eunice Heacock	Part Time	\$6.00/Hr.	Eff: 5/8/89
Sandra Julian	Part Time	\$6.00/Hr.	Eff: 5/8/89
Mabel Winkler	Part Time	\$6.00/Hr.	Eff: 5/8/89

\*To change account numbers

Armstrong Township Assessor (Releases)

Earl Hoefling	Part Time	\$35.00/Day	Eff: 4/28/89
Jane E. Krohn	Part Time	\$35.00/Day	Eff: 4/28/89
Laura Lynn Elpers	Part Time	\$35.00/Day	Eff: 4/28/89
Emily Kron	Part Time	\$35.00/Day	Eff: 4/28/89
Randall Kron	Part Time	\$35.00/Day	Eff: 4/28/89

Armstrong Township Assessor (Appointments)

Raymond H. Schmitt	Part Time	\$35.00/Day	Eff: 5/9/89
Gilnbert T. Adler	Part Time	\$35.00/Day	Eff: 5/9/89
Ronald E. Barton	Part Time	\$35.00/Day	Eff: 5/9/89
Harold Hartman	Part Time	\$35.00/Day	Eff: 5/9/89

Burdette Park (Appointments)

Cole Siekmann	PTGC	\$4.00/Hr.	Eff: 5/4/89
Blake Foerster	PTGC	\$3.50/Hr.	Eff: 5/4/89

Center Assessor (Appointments)

Patricia Ann Altman	Off. Deputy	\$35.00/Day	Eff: 5/15/89
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Center Assessor (Releases)

Jennifer S. Yeley	PTOD	\$35.00/Day	Eff: 5/11/89
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Scott Assessor (Releases)

Carolyn A. Farney	Deputy	\$35.00/Day	Eff: 5/8/89
Wm. R. Oistad	Deputy	\$35.00/Day	Eff: 5/8/89
W. Marvin Lundy	Deputy	\$35.00/Day	Eff: 5/8/89
Joanne Johnson	Deputy	\$35.00/Day	Eff: 5/8/89
Harley Seyhold	Deputy	\$35.00/Day	Eff: 5/8/89
Ann S. Jones	Deputy	\$35.00/Day	Eff: 5/8/89
Norma Miller	Deputy	\$35.00/Day	Eff: 5/8/89

Treasurer (Appointments)

Patricia Tutt	Part Time	\$35.00/Day	Eff: 5/4/89
Sarah Michel	Part Time	\$35.00/Day	Eff: 5/8/89
Georgiana Harris	Part Time	\$35.00/Day	Eff: 5/8/89

Circuit Court (Appointments)

Stuart A. Vanmeter	PTWR	\$10.00/Hr.	Eff: 5/8/89
Karen Altman	PTWR	\$ 3.35/Hr.	Eff: 5/8/89
Sheila J. Silvia	PT Clk.	\$ 4.00/Hr.	Eff: 5/8/89
Stephen B. Elliott	PT Intern	\$ 3.35/Hr.	Eff: 5/8/89
Jami A. McBride	PTWR	\$5.00/Hr.	Eff: 5/1/89
William C. Korff	PTWR	\$5.00/Hr.	Eff: 5/2/89
David A. Wilkins	PTWR	\$5.00/Hr.	Eff: 5/3/89
Steve R. Pearce	PTWR	\$5.00/Hr.	Eff: 5/8/89
Michael J. Harl	PTWR	\$5.00/Hr.	Eff: 5/8/89
Charles W. Marx	PTWR	\$5.00/Hr.	Eff: 5/8/89
Stephen Griggs	PTWR	\$10.00/Hr.	Eff: 5/8/89

Circuit Court (Releases)

Steve R. Pearce	PTWR	\$5.00/Hr.	Eff: 5/5/89
Michael Harl	PTWR	\$5.00/Hr.	Eff: 5/5/89
Charles W. Marx	PTWR	\$5.00/Hr.	Eff: 5/5/89
Stephen Griggs	PTWR	\$10.00/Hr.	Eff: 5/5/89
Stuart Vanmeter	PTWR	\$20.00/Hr.	Eff: 5/3/89
Velma L. Mason	PTWR	\$5.00/Hr.	Eff: 3/12/89
Matthew Combs	PTWR	\$5.00/Hr.	Eff: 4/22/89
Karen Destache	Overtime	\$126.00	1/1/89-3/3/89
Lucille Smith	Overtime	\$ 49.62	1/1/89-3/3/89
Linda Sumner	Overtime	\$566.49	1/1/89-3/3/89
Wanda Ringham	Overtime	\$474.68	1/1/89-3/3/89

There being no further business to come before the Board,  
President Willner declared the meeting recessed at 10:40 p.m.

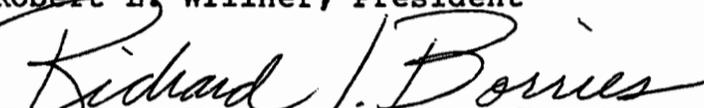
PRESENT:

Robert L. Willner/President  
Richard J. Borries/Vice President  
Carolyn McClintock/Member  
Cindy Mayo/Chief Deputy  
Curt John/County Attorney  
Cletus Muensterman/County Highway  
Linda Carr  
Leisa Carneal/Alvey Realty  
James Derk/Evansville Courier  
Lisa Bakwer/WFIE-TV  
Kelly Jacobs/WEHT-TV  
Bruce Olcott/WEHT-TV  
Debbie Jenkins/Union Township  
Polly Ellison/Union Township  
Al Lee/Union Township  
Al Gartner/Union Township  
Bob Burdge/Union Township  
Bob Rollett/Union Township  
Georgia Chapman/Overpass  
Jack & Ron Nellis/Kembell-Caranza Sewer  
Herbert Blackburn/Overpass  
Mary D. Steele/Union Township  
Austin E. Steel/Union Township  
Lee Smith/Barker Avenue Overpass  
Laverne Smith/Union Township  
Frances Smith/Union Township  
Elizabeth Schuttler/Kembell-Caranza Sewer  
Annie Kuester/Union Township  
Ellen Burdge/Union Township  
Vic Funke/Lynch Rd. & Caranza Sewer  
Helen Fulton/Union Township  
Virginia Lee/Old Henderson Rd.  
Marilyn Weimer/Union Township  
S. R. Wills  
Don & Judy Pugh/Barker Avenue  
Georgia Gourley/Fuquay Rd./Newburgh  
Jane Moad/Overpass  
Clarence DeWitt/Kembell-Caranza Sewer  
Jinny Bolton/B Street  
Ron Bolton/B Street  
Vic Gallagher/Old Henderson Rd.  
Angie Gallagher/Old Henderson Rd.  
Joseph B. Adams/Old Henderson Rd.  
Rose Adams/Old Henderson Rd.  
Susan Hansen/Old Henderson Rd.  
Bill Hansen/Old Henderson Rd.  
Dave (Hap) Williams/Wills Ave.  
Elaine Wink/N. St. Joe Avenue

Geraldine Chipps/Old Henderson Rd.  
Ruth Powers/Old State Rd.  
Gerald Chipps/Old Henderson Rd.  
Carolyn Brenner/Old State Rd.  
Vincent Brenner/Old State Rd.  
Edward Daetwyle/Kembell-Caranza Sewer  
D. G. Jones  
C. Besing/Kembell-Caranza Sewer  
Kurt Schuster/Kembell-Caranza Sewer  
Paul Salzman/Kembell-Caranza Sewer  
John Powers/Old State Rd.  
Cynthia Combs/Kembel-Caranza Sewer  
Others (Unidentified)

SECRETARY: Joanne A. Matthews

  
Robert L. Willner, President

  
Richard J. Borries, V. President

  
Carolyn McClintock, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
MAY 22, 1989

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MINUTES  
COUNTY COMMISSIONERS MEETING  
MAY 22, 1989

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, May 22, 1989 in the Commissioners Hearing Room, with President Robert Willner presiding.

RE: AUTHORIZATION TO OPEN BIDS RE ST. JOE AVENUE  
INTERSECTION PROJECT

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Attorney Miller was authorized to open bids received on the St. Joe Avenue Intersection Project. So ordered.

RE: CARANZA DRIVE SEWER PROJECT

President Willner said the next item on the agenda is Jeff Harlan re the Caranza Drive Sewer Project and the Lynch Road Extension and Jeff is not here.

Commissioner McClintock said she believes that is what Attorney Miller and Les Shively are discussing in the Commissioners' office.

Attorneys Miller and Shively entered the meeting and Attorney Miller commented, as follows:

We have received bids that are in excess of the original Engineer's Estimate, which was required to be submitted and was submitted at least ten (10) days before the hearing on the Preliminary Resolution. The Engineer's Estimate issued by the former County Engineer was \$120,000. The bids on the project have exceeded that amount. We have all of the engineering done, of course. We have all of the preliminary legal work done. But although I am not certain, I have certain serious concerns as to whether or not this Board could enforce the Barrett Law Assessment against unwilling residents (and I understand there are a few of those in this area) if the project is awarded to one of these bidders based upon the current bids in the face of the engineer's estimate that we have on hand. I believe that the engineer's estimate that we have on hand of \$120,000 was made based upon the best information that was available at that time before the plans were drawn and completed by Mr. Veach and his firm. The plans as they were bid upon resulted in a low bid that was 33% higher than the engineer's estimate.

I see no alternative in order to assure the enforceability of the Barrett Law Assessment to going back to the notification of a new hearing on a Preliminary Resolution. We will have an Engineer's Estimate that is going to be submitted in the next few days that will be more realistic based upon the plans that we have on hand now. At that hearing on the Preliminary Resolution, unless things have changed substantially or unless the residents' feelings have changed substantially, I expect you will make the same findings that you made before and you can then ask for re-bids. Or, if these bidders will leave their bids in effect for this period of time you may be able to act on those -- but I would

prefer that they simply re-bid their prices at that time. You can then immediately grant the contract -- but we have an enforcement problem here. A substantial amount of money is involved. Unless the County wants to take the risk of paying for this sewer itself, rather than using the Barrett Law, I regret to say that I think we need to schedule a public hearing on a new Preliminary Resolution today. I have the Notice prepared. I have the Preliminary Resolution prepared. We can have the hearing in June and have the bids by early July and let the contract go. But I regret to say I see no alternative. I've spent a good part of the morning in conference with some other folks in my office and I just see no alternative to this. Mr. Shively may have some remarks, if you don't mind.

Mr. Willner: Go right ahead.

Les Shively: Mr. President and Members of the Commission, I represent the residents that would have been benefitted by this project. Briefly, as you know, the project work was to be started in 1987 and it was brought to the attention of these Commissioners that the septic systems out in the area and the private sewers did not meet health code standards. The necessity for this project is basically to continue the values and preserve the value of those homes out there. At that time the Preliminary Resolution was adopted and the residents out there relied upon the Preliminary Resolution. Why bids were not requested at that time (when it would have been more timely) we have no idea. We waited two years to ask for estimates and obviously we know when we wait two years that invariably the costs go up. I disagree with Counsel; I believe that we could have amended the original Resolution today and adopted it. The only estimate that has actually been done, based upon the plans, is this sewer project would be constructed -- both bids would have been under that -- and this project could have gone on line in 1989. What has occurred is that the ball has been dropped again and these folks will probably have to wait another year for this project to be completed. Costs keep going up. The problems out there with an adequate sanitary sewer system continue to increase. These folks have even had to hire a private counsel (myself) to insure that things have been done correctly. I started working with Mr. Harlan (Assistant County Attorney) over a month ago to resolve the issue of an equitable assessment for this project, and all the matters with regard to letting the bids and seeing this project become a reality. And, as recently as Wednesday of this week, in meeting with Mr. Nicholson and meeting with Mr. Harlan, I was assured that we would follow the procedure of amending the Preliminary Resolution to show the \$194,000 estimate and to accept one of the bids, both of which are under that particular estimate. I did not learn until an hour before this meeting that that would not occur. I would have liked to have been included in the discussions with Mr. Miller and his associates, since I have been very much involved with this for the past month representing these folks, basically in a capacity where they have had to put up private money for whatever they really shouldn't have to. What will happen by adopting a new Preliminary Resolution is that it will open up a time for remonstrations and we don't believe there are any remonstrators out there now, because the main problem was the assessment procedure -- which we have a preliminary agreement that it will be done on a per home basis, which alleviated many of the concerns. We believe that the majority -- not a majority, it's unanimous support for this project -- it's a necessity, it's not a luxury, it's a necessity -- and four of those people can maintain the value of their homes. I don't think there's any excuse for this to be at this stage. I think it is very

unrealistic to think that these same contractors are going to keep their bids open for another sixty (60) or ninety (90) days, and now the bids have been opened and they know what each other bid -- are going to re-bid the project. We only had two (2) contractors bid in the first place and there's a real possibility that no contractor will venture to bid. We're heading into the summer months and these contractors are extremely busy at this point. I guess I express my regrets in behalf of my clients. I hope this matter can be resolved, but I just don't understand why we are at this stage and I think it is a very discouraging note. And if the County ends up having to pay for this project, maybe the County should have paid for the project in the first place. Thank you.

R. Willner: Is there anybody else in the audience who would like to speak on the Caranza Sewer project?

C. McClintock: I have a question. David, I guess I'm a little bit confused, too. Why can we not amend this Resolution to resolve these problems that Mr. Shively just outlined?

D. Miller: I suppose Mr. Shively and I read the Statutes differently and Mr. Shively really doesn't care -- or doesn't seem to care -- whether or not the County has an enforceable right or not. The problem is this -- and it's very simple. The Statute requires that at least ten (10) days before the hearing on the Preliminary Resolution the County Engineer must submit a sealed estimate of the cost of the project. He did that. The County Engineer at the time did that.

C. McClintock: For \$120,000.

D. Miller: For \$120,000. The Statute further provides that no contract may be issued on this project in excess of the engineer's estimate. Okay? It says so -- in the same Statute. Now if we enter into a contract to build this sewer (and we're going to pay for it initially) and if we expect to enforce reimbursement against the people who will benefit from it -- and I'm not saying for a moment that these people are unwilling to pay, I know that they want their sewer. But we are talking here now about the legal requirement to pay and they may not always live there.

C. McClintock: Okay. So, David, what you are saying is that the original estimate was \$120,000. We have bids in that are 33% higher than that and the County could be responsible for the difference between the \$120,000 and....

D. Miller: The County could be responsible for the whole amount -- could be -- and I hate to make this recommendation; but there is no way that you, or I, or anybody in my office could have known what these bids were going to be until they were opened a week ago. We had no idea. And even if we had an idea, we could not go back and change an engineer's estimate that was received ten (10) days before a Preliminary Hearing that was held last year. We're not in the business of backdating estimates. And we are not in the business of amending Preliminary Resolutions that depend upon an estimate that had to be in place ten (10) days before the hearing. So I see no other way to do it. And I'm sorry about that.

C. McClintock: So now all the contractors in town know what the engineer's estimate is (\$194,000) and the two that bid know what each other's bids are -- because that is a matter of public record -- as do all the other contractors in town. What happens if we go back? We have another Preliminary Resolution hearing and the engineer's estimate is \$194,000 and the bids come in at \$210,000.

D. Miller: We don't have a written engineer's estimate. We have Mr. Veach's opinion. We do not have our County Engineer's estimate. And our County Engineer's estimate is solely his judgment. And if the bids come in as you say at \$210,000, we don't have to enter into this contract at all. If somebody wants the work, they will have to bid competitively for it. And I'm sure, despite what Mr. Shively says, that there are contractors out there competent to do this work that will want the work. Now, nobody at this table here could have predicted a year ago what this bidding process was going to be and we relied upon an estimate from our County Engineer that proved short and the Statute says we can't issue a contract above that amount -- so we've got to start someplace. And I'm suggesting that we do it in the shortest possible time in order to solve the problem. If you don't want to do it and you want to go ahead -- it's okay with me.

R. Willner: David, you know this Board is not going to go ahead without your approval and we need to go forthwith with what you are saying. However, I'm wanting just a little bit of explanation how an engineer's "guesstimate" (there was no estimate) before anybody knew where the lines were going to be could possibly be construed as an engineer's estimate -- is beyond my comprehension.

D. Miller: I can only tell you that is what the Statute requires. And I can't explain.

R. Willner: The only true estimate of the price can be obtained only after you know exactly what size the sewer is going to be and where it is going to go.

D. Miller: I can't disagree with that.

R. Willner: Okay. Anyone else? (There was no response.) May I have a motion then?

R. Borries: What is the soonest we can set this hearing?

D. Miller: You have to have notice published twice in the newspaper seven (7) days apart and the meeting has to be ten (10) days after that.

R. Willner; (Speaking to the Secretary), Can you get one in Thursday of this week? (Response from the Secretary was affirmative). Advertise on Thursday, May 25th and Thursday, June 1, with the hearing scheduled at 2:30 p.m. on June 12th.

C. McClintock: I have a question. Why can't we begin the bidding process -- because it has to be advertised -- and those have to be sealed bids -- at the same time we are doing the preliminary hearing and resolution process?

D. Miller: That is a good question. I can't answer it off the top of my head -- but I'll sure look at the Statute right now and tell you.

C. McClintock: We could perhaps go ahead and do that at the same time -- so we don't have to wait and advertise later.

D. Miller: That is a reasonable question. Let me check.

R. Willner: May I have a motion?

R. Borries: I move that the Board of Commissioners advertise twice in the media (Thursday, May 25 and Thursday, June 1) to set a public hearing regarding the Barrett Law Assessments on what is known as the Caranza Drive Sewer Project for Monday, June 12, 1989 at 2:30 p.m.

C. McClintock: I'll second.

R. Willner: So ordered.

RE: REPORT ON HIGHWAY 62 & RED BANK ROAD

R. Willner: Barbara, will you be brief?

B. Cunningham: I will be very brief. You all have received copies of the plan of the Growth Management Report. You are aware that we have been doing a series of these as part of the Comprehensive Planning process. You have the recommendations in front of you to upgrade and widen both Rosenberger and Red Bank Road and make traffic safety improvements, drainage, utilities, etc. Attached to your report (and I might say that this is really an informational document review to assist you in making land use decisions, it is not adopted by Resolution as is the Comprehensive Plan -- but it is accepted as an educational document) you also have a report from the West Side Improvement Association. We told them that we would give them this -- so you may also have this for information. And I think that's it. We're just presenting it to you for your information.

R. Willner: Any questions of Barbara? (There were none.) Barbara, thank you, and let the record show that on this date we did receive a plan on S. R. 62 and Red Bank Road Growth Management Report and it will be kept in our files.

RE: SIGN ORDINANCE

David Mounts is here and Mike Siebeking in regard to the Final Reading on the Sign Ordinance. Which one of you gentlemen would like to speak first?

David Mounts: Thank you, Commissioners. My name is David Mounts. I'm here to speak to you as a taxpayer, a commercial property owner, a businessman, regarding the proposed Sign Ordinance. I'm here to tell you that this Ordinance is anti-business. It's inconsistent. And I urge you today to send this back to the Committee for further study -- or, adopt the existing City Ordinance regarding on-premise and off-premise signs with a few minor changes. The existing ordinance is restrictive enough so long as it is adequately enforced.

Now, don't get me wrong, I'm not against scenic corridors. I'm for scenic corridors. But a scenic corridor must be defined. And the Plan Commission has refused to address a concise definition of a scenic corridor. If you do choose to adopt the existing City Ordinance, I would ask you to revise the distance and spacing requirements to conform to State and Federal regulations in order that we may truly have a uniform code.

While I am sure the personnel of the Plan Commission spent many hours on the formation of the proposed ordinance, it is my opinion that it has been prepared in an incompetent and unprofessional manner -- and I'll explain why.

- 1) No survey estimate or any attempt has been made to determine how many signs will become legal non-conforming.
- 2) The economic impact is unknown. The Plan Commission personnel do not even care.
- 3) No estimate of the cost enforcement is available.
- 4) The Plan Commission members have been misled about certain provisions of the revised ordinance.
- 5) The Plan Commission personnel do not understand the consequences of some of the changes they are attempting to make.
- 6) Plan Commission personnel have attempted to change some provisions after they were agreed to in the initial Saturday conference (inadvertently or intentionally -- we don't know).
- 7) Plan Commission personnel added new provisions that were not discussed at the initial Saturday conference, and determined maximum size of the signs, height of the signs, and distance from the street was totally disregarded.
- 8) Plan Commission personnel seemed to sluff off individual problems by declaring that a variance can be applied for, while certain members of the Plan Commission indicate an attitude of discouraging variances.
- 9) Awnings have never been addressed in this ordinance.

Finally, it is ridiculous to even consider that Lloyd Expressway from Fulton Avenue to St. Joe Avenue should be designated a scenic corridor. I offer this -- going from Fulton Avenue west to St. Joe Avenue, we have a Brewery, a four-story Antique Mall, a railroad crossing, a roofing storage yard, a gas station, an office supply house and a restaurant. That is all on the north side of the Lloyd Expressway. On the south side, you have a four acre warehouse, a scrap yard, a concrete block manufacturer, a concrete company, another warehouse, a grain elevator, another gas station and a heavy manufacturing company. In addition, I firmly believe that enforcement of some of the restrictions of the proposed ordinance will infringe on individual property rights, restricts the concept of free and fair trade, and will undoubtedly precipitate lawsuits regarding discrimination. I thank you for your time.

R. Willner: Thank you. Are there any questions for David?  
Mike?

M. Siebeking: Mr. Willner, will you be adding comments during your open hearing and final reading?

R. Willner: That's a good question. Maybe you ought to give us the subject of your....

M. Siebeking: Once again, it is on the signs.

R. Willner: Your address, Mike?

M. Siebeking: My address is P. O. Box 3872, Evansville.

R. Willner: Betty Knight Smith

B. Smith: I'm Betty Knight Smith. I'm not speaking as County Clerk -- I'm speaking as the owner of Park Place Restaurant. According to the change in this, if something happened and I sold my business, they couldn't change those signs -- they'd come down. When I had the one sign put in the front, I had Ad-Craft (which cost right at \$700) to put it up. If that breaks or the wind tears it down, I can't replace it. There is a 200 sq. ft. billboard on the back and, according to the size of the lot, that would change that back to probably 200 sq. ft. When you're talking about small businesses, the only way that you really can get a lot of advertisement from the thoroughfare and the billboard at the back is Diamond Avenue. That billboard is helpful. But if it would fall down or I'd change it, no one could change it. I think this is picking on small businesses and

I think it is picking on the people that pay the taxes in this City. In going through the newspaper article this morning (I don't know whether any of you have read it or not) the most conservative businesses that will be non-conforming are excessive under the ordinance as to the size and the number of signs includes Old National Bank, Citizen's Bank Building, Whirlpool Corporation on U. S. 41 North, Deaconess Hospital, St. Mary's Hospital and Welborn Hospital. If any of these signs were damaged, they cannot replace them. I think before people come up with a change of ordinances, they should realize how much it can hurt businesses. Naegle put up my billboard in the back and they have twenty-four (24) employees; they license twenty-four (24) trucks and cars; they pay taxes in here -- this is going to hurt them on your thoroughfares. I just think that before they start changing ordinances to make it hard on a few people, they ought to think about what it does to the people who pay taxes in this City. And I would like to request that you vote it down.

R. Willner: Thank you, Betty. Are there any questions of Betty? (There were none.) Betty Lou Jarboe, did you want to speak?

B. Jarboe: Well, I have to agree with Mr. Mounts. I don't know who brought up the idea that Highway 62 from Fulton Avenue to the Posey County line could be designated, according to the ordinance, a scenic corridor. I would go even further than St. Joe Avenue, since there is such a lot of commercial development now taking place on Highway 62 between Rosenberger and Red Bank Road. I would say, yes, it's a scenic corridor from Red Bank Road to the Posey County line -- where we have limited access highway. There can be no curb cuts, so the commercial development cannot be acquired there. But I would move that designated corridor back and have it stay from Red Bank Road to the Posey County line. But I don't know how any ordinance can even designate a scenic corridor without a definition -- and that's what I passed out to you. I think if we have any problems at all and get into court on it, you're going to have one lawyer giving his definition of what a scenic corridor is and another one saying, no, this is what I think it is. I think it has to be down in black and white. If you're going to make a designation, you have to have it in black and white. And that is just an example. Mr. Howell and I talked and that is what he had proposed -- and I read it and agree it. So I think the ordinance would be very loose unless you did have a definition in there.

R. Willner: Thank you, Betty. Any questions of Betty? (There were none.)

Leon Howell: I'm Leon Howell of Naegle Outdoor Advertising. I'd like to back up just a few minutes to say that I guess over the course of the last couple of months we've spent a lot of time and a lot of thought went into the ordinance and some of the changes were taking place -- most of which we can make do and live with. I presented our case and had a fair chance to go before the Planning Commission to do that and I'd like to go on record as saying that I think we can live with the off premise sign ordinance the way it is drafted, with the exception of scenic corridors. It probably is time for a change and that time is probably now with the new freeways and expressways going in -- and I've said for a long time that when that happens, most cities and counties do put in a freeway ordinance type concept to go along with that. But I would like to get back to the definition of scenic corridors. With the preservation districts and historical districts and truly scenic corridors -- I have no problem with 90% of the ones listed. Again, my problem is from Fulton Avenue probably out to Red Bank Road, because it has nothing to do with "scenic" -- it's all heavy commercial and heavy industrial. But I could not argue with the Veteran's Memorial Expressway, as an example, -- it's a wonderful expression of "scenic", in my opinion, because it is limited in

commercial. Therefore, I'd like to request or suggest that if you pass this, we own probably 90% of the signs in this community (off premise signs) and we stand to probably lose most. We're not against the new ordinance; we're only against the scenic corridor concept - and if it could be defined to where it is limited to commercial or industrial, then I would be in favor of passing the ordinance as it is presented. That's the off-premise.

R. Willner: Any questions? (There were none.)

Ken Alvey: My name is Ken Alvey with Alvey Sign Company -- and I'll just make a few remarks. I just want to go along with what a lot of the rest of them have said here. I don't think that a lot of the businessmen here in Evansville realize what would happen if this ordinance were passed on on-premise signs. The businessmen I've talked to couldn't imagine having to take down a sign if they change the face. I talked to one gentleman who said, "If I want to paint my sign, I'll paint it the way I want to do it". I think there will be a lot of policing the areas and the businessman out there doesn't really realize the amount of square footage that is going to be cut from his signage. I believe that either the ordinance ought to be put into a committee and let some businessmen serve on that committee; let one of the Commissioners serve; let some sign people serve; it ought to be either that or go back to our original ordinance and really enforce the ordinance and work with that one. Thank you very much.

R. Willner: Thank you. Any questions of Ken? Counsellor?

J. Marchand: Yes, I'm Jim Marchand of Fine, Hatfield . I'm representing a general group of sign companies. Actually we represent Ad-Craft as their regular attorneys, but we'd met with a number of sign companies and the letter I submitted more or less gives you in writing the various changes that this group still thinks should be put in the ordinance. If you adopt that present ordinance they're proposing, I think the group and our client, as well, would just as soon you not do anything -- and they are living with the ordinance you have now. But if you go into this idea of having the same thing as the City has and make that big change, then I've innumarated a number of things that we would like changed that we think would make it more fair. And, of course, I've also given you some statistics where studies were made in other cities and it was found that really the general public either doesn't care that much or most of them are not really bothered by the signs and in four cities (Napierville, IL; Corpus Christi, TX; Palo Alto, CA; and Lubbock, TX) a general study was made and 78% of the general public thought that signs were useful (these are on-premise signs, primarily); 82.1% had no objection to them; and 93.6% of the general public felt that when you were away from home and in a strange place, they were really helpful. You almost needed them to find things. And my point in my letter was that Evansville is a big shopping center; that is maybe one of the primary businesses here -- Green River Road, First Avenue, and now the West Side -- and people come from 100 miles or maybe further. They are not residents of this City and they need those signs to find the things that they want to find -- and so they serve a useful purpose. Unless they are big enough and you can see them far enough away, you may even have traffic hazards and some guy turning at the last minute because he doesn't see where he is going until the last minute. So these other studies have shown that is a general public opinion -- and we think it would that here if a real study were made. That is a survey where you call a lot of people; or you put something in the paper and then they mail them in. It's not just a few groups saying they represent the entire public. Also, this same study revealed that 67% of the businesses studied said that they thought they would be greatly hurt if their signs were altered or

taken down; and another 20% said they would be somewhat hurt -- their volume of business would be somewhat hurt. Now these studies were made in connection with the Small Business Administration of the United States in Lubbock (that is the only one I could find a more detailed article on -- and I gave you that, as well). And it was also found in Lubbock that it would cost the businesses about \$600 apiece to conform and 70% of them were in violation. I think you will find something similar to that here -- and it's been mentioned that some of the bigger corporate citizens are in violation -- most of the branch banks are in violation. We have some pictures of some of the branch bank signs (he passed those around); these are probably in the City -- but as the City expands, everything becomes a shopping center. (Pointing to photos) -- These are the the signs at Mid-West on First Avenue; this sign alone is 312 sq. ft., so it violates the 300 ft. provision, as is -- and that doesn't count the rest of it.

So that is just a typical branch bank. And here is Permanent out on the West Side -- and that, I think, has 378 sq. ft. in it, alone, and that again doesn't count what is on the building or on the premises otherwise. So there are a lot of conservative businesses such as banks that violate that 300 ft. provision and if you standardize it, we think it ought to be enlarged to take into account what's happening in normal conservative businesses.

Now, just going into the on-premise alone first, one of the things that we think is really bad is the non-conforming use provision (that's 153.106(e)). As it reads now, they couldn't even change the face on their sign if a new business took over or if they wanted to change the name of their business or simply change the way their sign looks -- if it was non-conforming or in violation. They could have it there -- but they can't change the face. If a storm blows it down or a tornado (as happened in Ft. Branch recently) they are just out of luck. They've got to conform and if they are in an area with other big signs, the fellow who gets hurt by the storm or by the tornado -- God did it to him -- and he's got to put up something maybe half as big and try to compete with those other fellows who have the big signs, you see. So we think you need to put something in there to let them change the face -- even with a permit or without a permit -- we don't care; we're suggesting with a permit. But like Betty Knight said, so you want to sell your business you don't have to throw away your sign -- you can use the sign and put another face on it. What's wrong with that? It's there anyway. And if you're hurt by a storm or a casualty or even if your sign deteriorates -- maybe you ought to be able to put it back, because if you don't you're going to have a dirty, old, nasty sign up there forever. I've covered all that in the provision I've suggested. This is not for something new -- this is for existing -- because you're talking about existing property rights. The guy put that up and he put that business there because he thought he could do that. And now you come along and say, "No, you can't". Fast food operators say the bigger the sign and the higher the sign the more money they make. So you may really reduce the volume of a business and hurt -- whether it is a big fast food operator or the small business. They've got to be seen or people don't come there. So we would like to see you adopt that provision if you are going to make the change -- to be fair to all those people who have those signs that you said could be put there. And maybe it is less of a problem in the County than in the City, because there are less on premise business signs in the County -- but it is a problem, too.

Going on quickly, 153.108(a) is the provision we would like changed to allow a shopping center or a multiple-use type business to have a regular sign -- whatever the code permits -- in addition to the face signs. The way they've got it in the present code, if you're 25,000 sq. ft. you get so much -- and it's according to the size of a building. We think that a shopping center especially -- or a multi-purpose building -- is on a great big piece of land and has a lot of frontage -- and it

doesn't hurt to let them put a sign up big enough to just be what the ordinance allows without going by the square footage of the building.

Going on to 153.09(c), unless that has been changed, I think the informational signs are only allowed to be 3 sq. ft. and we think it should be up to 6 sq. ft., because that is what most people use. These are the signs that tell you where the entrances are to things -- that may be these signs like the Money Mover signs and which way you go when you go onto the bank premises -- it's got to be big enough to see it or it really does no good. And really, 6 ft. is sort of a typical minimum information sign that is in use today.

I'm going to skip banners -- because I don't know if you have a lot -- no, I'll go ahead with that, too. You may have some banners in the County. 153.111(a-4) has a provision in it where banners -- you put them up for a month, then you have to take them down for two months, then you can put them back up a month -- and then you do that four times a year. The people who use banners either use them all the time or they don't use them at all, generally speaking. Now there may be exceptions where you just have a temporary thing that you put up. But usually they keep them up all the time. I think the Manager of the Old Post Office store pointed out that he has a banner out there practically all the time advertising a special. And when he does that, he gets some business out of it. So a lot of little stores do that and we think if you're going to cover banners, let them keep them up all the time. If you want to make them renew their permit every so often, that is fine. But we don't think it should be so expensive. So we're suggesting 90 days running continuously, with a \$5.00 renewal by mail.

Going on to what is really a replacement for the last section on the on premise, 153.113 -- we're simply asking that you allow the owner of a business to decide how to use the maximum square footage. If you want to have two pole signs and no sign on the building -- or whatever -- we think the owner of the business should be able to decide -- within whatever the code says -- how to use his total signage allotment. The way the new code reads now is that you only get one (1) sign in front. You can do what you want to in back. But some franchises have trouble because their franchisor tells them what they must do -- and this would give them more leeway. So whatever you adopt, we would like the leeway of deciding how to use it remain with the businessman.

I've also got a little extra section that we think ought to be added in both codes -- and I've just calling that 153.113(a). It's "Interpretation and Enforcement" -- and I would just like to read this, because when we went through the Planning Commission hearings, whenever all these violators were mentioned in there -- you can see that they're within eyeshot -- the biggest businesses in town violate. But they all said, "Well, we'll give you a variance, that's how you solve it. Just come on down and you can get a variance maybe -- that's if we decide to give it to you, you see. And why would you want to have an ordinance where everybody is going to ask for a variance? It ought to more or less cover everybody's problem in general, or not. So we think maybe it would be good if the ordinance itself said, "The aforesaid ordinance shall be interpreted in a consistent manner and shall be enforced in a manner which is consistent, fair, equitable, and non-discriminatory to all owners of on premise signs." What's wrong with that? Treat everybody the same way. But I agree, you should have it loose enough to take care of these big buildings and these big businesses -- but it should be so written that it covers those things. Why do you have to have variances, variances, variances -- because variances do discriminate. If you give it to this one and you don't give it to that one just because that Board doesn't look at it that way,

that's like the Commissar in Russia, you now. You go and ask and maybe he will give it to you -- and maybe he won't. In this country we like to have a law that says what your rights are -- so we think maybe it's a good idea to put that in the ordinance.

I think clients say that if you just want to leave it as it is, that's fine. But if you want to have an ordinance that tracks with the City, then we think it should be looser -- we think it should be 300 sq. ft. in the C-1, C-2; 250 sq. ft. in the C-3; 500 sq. ft. in the C-4 and up -- and believe me, that's won't get Whirlpool (their's is 1,300 sq. ft. or something like that -- just one of them). But it ought to be somewhat reasonable and in the C-4 and up (the heavier categories -- the C's and the M's) you ought to be able to have three (3) signs instead of two (2) -- and that, we think, is a minimum -- and that won't even allow the signage that is out there today. But it would be more reasonable. As we pointed out, the branch banks have over 400 -- and they are conservative in the City.

Going on then from the on premise to the outdoor, I think all of the outdoor people think on the off premise that you should define scenic corridors, because it just leaves it open to ridiculous type things. As pointed out by Mr. Mounts, there is nothing scenic about it in certain areas, but it is a scenic corridor. But we do feel that should be defined. And Ad-Craft and Alvey expressed the opinion in the meetings that they think if you're going to change the ordinance, it ought to be the same as the State Law and the Federal Law -- because there have been a lot of problems of overlapping which law governs. And the State Law and the Federal Law allow 1,000 sq. ft. in the sign itself and 500 sq. ft. in the spacing. So if you're going to change it, why not do the same thing that the State Law and the Federal Law provides so that everybody knows when they go out to do it that they are all tracking on the same wave length with the same law. It makes it a lot easier to know what you can do and what you can't do.

Then, I mentioned that fair and equitable provision, and we think that would be nice to have in both ordinances -- again, to prevent discrimination with variances.

And last, I have added a provision on the non-conforming use. It is a little bit different from the other one for a special reason. Basically, again, I am saying that if a sign gets damaged by casualty you ought to be able to put that back -- and I think that has already been put in one of the amendments. But we're also saying those who do not own 90% of the signs in the County that in order to be fair to the man who rents to a sign company or to another sign company that would like to come in and offer that owner a little more rent and maybe get that location in the future -- you know, sign contracts on the off premise for the outdoor advertising are usually five or ten years more or less, and in five or ten years prices change -- values change. And if you pass the ordinance the way it is, that owner of the farm or the little piece of ground where that off premise outdoor advertising display is located will be stuck with the sign company that owns the structure, because the way this is written, if that structure comes down, the non-conforming location and use is gone. This is only the non-conforming. So he is stuck with that sign company and they can pay him anything they want to pay him. They can lower the rent; and if he wants to keep some income coming in from that outdoor structure that is located on his ground, he will have to deal with that company or his is out. Because usually the outdoor advertising company -- not the landowner -- owns the structure; that is the thing that the advertising is on. So if he can't let another company come in and put their structure up, he's got to stay with that guy -- and that guy can do whatever wants; and his only remedy is to take it down period. But the location is gone. So you're interfering

with the free right of a man to make contracts or leases with other people. Also, in some cases the property may be good for nothing. It may be some little sliver -- and, believe me, there are more of those pieces of property around town than you realize that are really good for nothing but a billboard or an outdoor advertising display -- because the highway came through and ruined the farm, etc., etc., and so they put an outdoor advertising display up there. And those people will be stuck with the company that's got the structure there -- unless you let them take it down and deal with another company. So we're asking that you adopt the language that I've put in my suggested section that is contained in my letter.

I think that is pretty much all. There is another provision (I didn't have it in my letter because I didn't realize it) -- at one point there was a provision that allowed you to have an outdoor advertising display on a piece of property that was properly zoned, regardless of whether there was a business or commercial use on that property. Now they've changed it and it says that even though you have proper zoning, you can't have the outdoor display unless there is some other commercial use on the property. And we think that provision, which has been changed back and forth a few times, should be put back in so you could still have the outdoor structure (this is the legal ones, not the non-conforming). But you should be able to put the outdoor display there without having to put another commercial use there to justify -- because what is the point of that? It just forces people to fake around and put some little shed there and say it is a machine shop or whatever. Let's look it straight in the eye; if it's got commercial zoning and the spacing and everything else is right, why shouldn't they be able to put the outdoor advertising display there? It's just another commercial use. It's probably no better or worse than some shed or some factory or whatever else. Anything else?

R. Willner: Jim, it looks like you've done your homework. Any questions of Jim?

L. Howell: I'm Leon Howell of Naegle Outdoor. You know, you have to stand for something -- and that is what an ordinance does. And we've been billing our business according to this since 1952. However, some of the things that Jim said just now -- we look at it in a different light. In other words, if we have a sign location and we lose our lease -- the property owner tells us that he is going to develop the property and doesn't want the sign there anymore -- or, hey, you can take your \$50,000 structure down or you can pay me another \$50.00 per month. I mean, he's got us over a barrel -- that's the way I look at it. I think it's the reverse. That is my opinion. And if you're going to change the ordinance back to something like that and it kind of grandfathers everything in forever -- why shouldn't I have the ability to go next door 10 ft. on the other guy's property and move it over there? The other guy next door is being cheated then, you see. In my opinion, we've worked a long time on this ordinance -- and I'd like to have some type of ordinance where we can build our future, buy our property, tear down our old signs, re-build our signs, and build our business according to that ordinance indefinitely -- forever. And, personally speaking, I think 300 ft. is too close. If you don't believe it -- get out in an open area and put some stakes in the ground 300 ft. -- and it's not very far. I'm just trying to head off problems in the future by agreeing to the 1,000 ft. on the freeway type systems; 600 ft. might be a bit much on the other highways -- I don't know. If it is, we'll come back in next year with our hat in our hand and say that maybe 400 ft. was the way to go. But I think you have to stand for something and we stand for a good highly restrictive ordinance that is somewhat fair to everybody. And I think this ordinance will do it. Again, I would recommend that you accept the ordinance the way it is with the exception of coming back and cleaning up that scenic corridor definition.

R. Willner: Thank you.

D. Vowells: My name is Dennis Vowells and I am the attorney for the Plan Commission. I wanted to address the topic of the scenic corridor definition. When it was brought up at the Plan Commission meeting, I was against it and still am against a definition of scenic corridor for the reason that, if we have a list of what scenic corridors are -- and I am faced with the task of enforcing that -- it makes my job easier to say to a Judge, "Judge, scenic corridor begins at Point A on Street X and goes to Point B -- and that's all there is to it. If an outdoor advertising display or some other form of display is in that scenic corridor, I've got a violation proven. However, if there is a definition of what a scenic corridor is in addition to those lists of scenic corridors, a device is created for an opposing attorney to stick a wedge in -- "Well, this truly is not a scenic corridor for the reason that this is not a very scenic looking area". So my point is simply that, in terms of trying to enforce the ordinance, it is easier for me to show a Judge a list of scenic corridors and say here they are, as opposed to having to work with a definition where there may be some ambiguity or potential to expand or disprove that the area truly is scenic. It is simply a question of how a Judge might view something; and my job will be much easier if we just had a list of what scenic corridors are similar to our thoroughfare ordinances. You know, this is a collector street; this is a thoroughfare street, etc. So that is all I wanted to address.

J. Marchand: You'll get tired of me -- but I want to speak one more time. We're not against having a list of classified scenic corridors. And, again, I don't know how you can define it. I'm going to describe an animal to you. Known in the jungle, it is about 5,000 lbs. of long floppy ears and a nose like a trunk. You're not going to say that is a rabbit, you know. If you do, you're not dealing with a full deck. All I am saying is let's don't describe a rabbit or an elephant then. If you don't know what a scenic corridor is, then don't have any. You can't build on Southlane Drive anyway. You can't build where it is not zoned anyway. Just don't have any scenic corridors. It's worked in the past. You don't see signs on the Veteran's Memorial Expressway, do you, along the riverfront? You can't build and re-develop. You can't build in Center City. You can't build in residential areas. You can't build in a park. You can't build near churches or schools. In fact, there is probably not more than 10% of the entire land in Vanderburgh County that you could build a sign on -- and probably 90% of that is gone. So if you can't define it, just take it out. Don't have any scenic corridors. It works pretty well like it is. I think you can't define a scenic corridor.

R. Willner: Anyone else?

B. Jarboe: I'd just like to ask, who made up the list of the scenic corridors? Where did the list come from? It's your ordinance.

B. Cunningham: No, it's not my ordinance. It's the County's ordinance and I will address that.

B. Jarboe: Well, it came out of your office -- I'll put it that way.

B. Cunningham: The scenic corridor list has been devised by many different people. It definitely has been a Plan Commission (and I am not saying this is a staff determination) determination. It has been added to by neighborhood groups and by public representation at that time. It was an idea that was brought to the first of six meetings we've been having. Westside

Improvement, I think, was the one that wanted it to go from Fulton all the way out to Highway 62 (I think that is where that one came from).

B. Jarboe: With which I don't agree.

B. Cunningham: You know, you are a member of the Westside Improvement Association and the membership sent a letter on this --so this is where that came from. It's come from many different places. Have I answered the question?

R. Willner: Any other questions of Barbara? (There were none.) I want to thank you for your input and we'll now go to the Commissioners to see whether they are now ready to act on the ordinance as it is presented, or whether they have anything they would like to add. Carolyn?

C. McClintock: Mr. President, thank you. I have asked the representatives from the various sign companies and businesses sitting in front of me -- and also the staff -- who have spent a considerable amount of time discussing this ordinance and attempting to come up with something that would satisfy. In the public hearing at the Area Plan Commission we did hear from several individuals and organizations that were interested in seeing more control over the signs in our community. We have an interesting opportunity here. I think everyone -- the sign companies, certainly the Area Plan Commission -- want to see an attractive City where business can flourish and, as Mr. Marchand points out, very much of what we do is related to service in this community. We're a very service-oriented shopping area. And it is important that visitors and residents alike to our community can find those businesses when they are looking for them and that we make that convenient. On the other hand, I think that even the representatives of the sign companies would admit that there are some current violators and even some signs/businesses that are not currently in violation that could be called overkill. Without naming any names, there is a business at the corner of Diamond Avenue and First Avenue that I noticed the other night (about the size of my apartment) that has 4 ft. x 8 ft. signs -- and it has signs on all four sides and a lit sign on top and then a banner on it -- and it really is very unattractive and doesn't serve any purpose. The other example that I would cite is that yesterday I was standing on No. 6 fairway at Helfrich Golf Course -- I don't need to know that there is a fast food restaurant down on St. Joseph Avenue. The height and size of that sign really serves no purpose. We're being asked as County Commissioners to approve this ordinance. I think that there are some changes that have been proposed. Basically, the number of signs and the size of the signs that are being proposed are currently what we have within the County. The questions arise in some interpretation of that and whether the signs can be replaced and that kind of thing. What I would suggest (and the City is really going to have to wrestle with the bigger numbers; the City Council is going to have to deal with going from 500 ft. to 300 ft. and 1,000 to 300 ft., etc.)-- and in the end we're going to all have to agree - and I don't think that we can do that today. I don't think that is going to happen. So what I would suggest is that the Commission request City Council (and I know they've already held a Joint Committee Meeting, but that apparently did not do the trick) to appoint one or two representatives; that we have one representative; and that we get a representative from the sign companies, from local, business, and also from Operation City Beautiful to look at these specific changes and come back in agreement on what the sign companies and businesses can live with, what the environmental side can live with, and then if we can agree to that and City Council can agree to that -- then go back to the Area Plan Commission for final approval.

R. Willner: Mr. Borries.

R. Borries: I would agree to that. I believe that a community that does not work together to address critical issues, such as scenic corridors and those kinds of things, is a community that is not going to be successful in reaching a consensus. To me, although I have the highest respect for the Area Plan Commission staff and their dedicated employees -- they're really a terrific bunch -- and certainly, their Counsel -- maybe there is too much schoolteacher in me, but I have to know what a scenic corridor is. It's a little bit like pornography and the Judge who talked about pornography; he said he knew what it was, but he didn't know how to define it. Well, I'm not going to go to any kind of Court or talk to any kind of business and say, "Well, we don't think this is scenic thing, but we don't have a definition for it". I simply believe that that specifically is something that we have to address. We all know what it is. We all might say it is a tree -- or trees or some kind of beauty. But I definitely think that that needs some work there. And insofar as on premise for non-conforming of existing signs, if they would fall off -- someone has told me today and, again, I can't confirm or deny this, but would certainly want an opinion -- that if a portion of the sign was removed or fell off a large building in which a bank was located, that this building would not be able to put that sign back up. Now, to me, that just doesn't seem to make common sense that some kind of replacement vehicle would not be included in that. There are many other opinions here that have been brought together. I would say that if I have to vote on it, I would vote no at this time, unless some of these differences can be worked out. And I would encourage the sign companies (as Mr. Howell has pointed out in his business) to certainly work with us and act responsibly in that sense; because we can't all have it one way. We have to have some kind of reasonable ordinance. We have to regulate ourselves, and we have to reach a consensus in this -- and it has to be what is best for, in my opinion, neighborhood preservation as well as for economic development. We have to fight hard here to keep a positive image and to say as one gentleman has said (Mr. Mounts), this is anti-business concerns me a bit, because if it is that, that's a great concern -- because Evansville is a regional business center and we have a lot to offer and we need to seize upon our attractiveness from that standpoint. And we need to work together to come up with a good, fair tough, and, in some cases, regulatory type of ordinance here. But there are some differences that I can't answer today; so until they are worked out, Mr. President, if you call for a vote today I'd have to vote no.

R. Willner: Thank you. I probably agree with both of the Commissioners' ideas. I guess there are two other things that bother me -- and that is: The area of asking for re-dress from an ordinance bothered me very much, where one might be granted that re-dress and the other not. That really bothers me. The other one I've heard from during the last two weeks is the number of signs that are not conforming now. Why do we even want to talk about a new ordinance until we have cleaned up under the old one. We just keep passing ordinances and if you don't have any enforcement, you really don't have anything. So I guess that in order to add to your solution we need to ask this Committee to look into the signs that do not meet current standards and what we should do with them. I would go along with that and if you would care to set up a meeting with the City at their choice...

R. Borries: We have a very personable representative on the Area Plan Commission and I'm sure she's quite capable of arranging that.

R. Willner: I would certainly be agreeable to a meeting and to start thinking in our own minds what we want them to do. I do want to give them some direction. I don't just want to have a Committee out here on their own. I need to tell them what we expect of that Committee and when. And at that time we will look at the problems they come back with and tell us what they are --

and Area Plan should be a part of that committee and maybe we can then have an ordinance agreeable to most. It will never be agreeable with everyone. But we certainly would like to have a better ordinance than we have.

R. Borries: Again, I think Carol has had the benefit of hearing a number of these things, but we've raised some concerns here that we just can't answer. And, again, I can't accept it without some kind of definition on a scenic corridor. And I would certainly want to say that if a business has acted responsibly and their sign is damaged and they can't put it back up -- then we have a problem here -- and those are just some basic things we have to work through. So if Carol would set the meeting up...

B. Jarboe: As a point of information, City Council will have on First Reading tonight the sign ordinance and it will then go to the Administration, Safety, and Development Committee. I don't know when they are going to hear it, because there is no meeting May 29th. But they will be calling a committee hearing on the sign ordinance.

R. Willner: I want to thank each and every one of you for coming down. I hope this is a show of good government for you and we hope that we can at least come to some conclusion that will be agreeable to the biggest percentage. Thank you again.

Ms. McClintock asked Ms. Jarboe if Sonny Laughlin is still the Chairman, and Mrs. Jarboe responded in the affirmative.

Commissioner Willner asked that the record show that Mr. David Mounts has expressed interest to serve on that Committee.

RE: ZONING ORDINANCE

Ms. McClintock asked what about the rest of the ordinance, and Mr. Willner said he has no problem with continuing with the rest of the ordinance.

Mrs. Cunningham said this is the Sixth Public Hearing to discuss this and she can tell the Board everything that they have done, but she has sent the Commissioners all this information and she thinks they have it before them. They hope the City and County adopt the same rules and regulations. She said she might also say for the record that what they are trying to get the City to adopt insofar as the sign ordinance on on premise is the ordinance that the County has lived with for the last four or five years -- with very few variances given on that ordinance. So what they are trying to get them to do is adopt a little looser ordinance than the County has been living with for the last four or five years -- and she thinks the yellow part of the chart she gave to the Commissioners shows that. What they really have attempted to do is have uniform coordination of both codes and, with David Miller's blessing, they are even numbering them the same this time -- we'll have the same numbers -- this seemed to present no problem. And what they have attempted to do is solve many of the problems that they face, as Staff, every day. They have worked together to assimilate terminology and changes they feel make the zoning code into a more workable document, a more enforceable ordinance. An example is that they are going to try to eliminate what we see as down zonings and they are bringing back the so-called pyramid zoning, where those M-2's are allowed in M-1' and C-4's and where those M-1's are allowed all the way to C-2. So they're doing some of this. They are also helping business in commercial subdivisions -- we are able to adjust common lot lines. We've not been able to do that, although previously we could in a residential subdivision. So they have done what they think are some very, very helpful things and they're trying to answer some of the problems that come to the Board at all times. Some of the use groups have been

changed; they have not been changed by Staff as much as they have been changed in their public meetings -- and Carolyn McClintock can attest to that. They've had rather long, hard meetings and they have worked very hard on that. So what they are trying to do is revise, streamline, modernize, and improve this tool of development. They sent out proposed changes to the Commissioners and finally forwarded to them a final certified copy of the proposed new ordinance in its entirety. They are pleased that so many Commission members, Council members, Board members, and citizens have been with them through these many meetings -- and they feel they have a very workable ordinance before the Board. Of course, they are open to discussion on any portion of the ordinance. Are there any questions on the ordinance at this time?

R. Borries: Do you still have an R/O as well as a C-2?

B. Cunningham: All R/O's now go to C/O-2 and it doesn't change anything. All the ones that are out there are all fine -- only they are going to be called different things.

R. Borries: What will be the difference then between a C/O-2 and a C/O-1?

B. Cunningham: The C/O-1 is going to be the smaller office building in existence now and C/O-2 is going to be what the R/O was previously, which allows a larger office building. But we're just talking offices -- no commercial uses in that instance. We think it is going to be more workable. We've added another classification in that -- so you can still have the little one that can adjust into a neighborhood and have just a very small office (I believe it is 3,000 sq. ft. is the size a C/O-1 would be) and, of course, a C/O-2 could be many sizes.

Mr. Willner entertained further questions.

Ms. McClintock said that prior to making a motion, she would again like to commend the Area plan Commission staff. They have worked very, very hard on this ordinance and in many other communities the officials are forced to hire out of town help to get this kind of thing done and the Board certainly appreciates all of APC's efforts.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the new zoning ordinance was approved, as presented by the APC, with the exception of the portions dealing with on premise and off premise signs.

Commissioner Willner asked that the record show that Bill Jeffers had two questions for Mrs. Cunningham and she did answer same.

Mrs. Cunningham said that with the newspaper and the radio there has been a little misinformation given out on Child Care Centers. She wants to clarify Child Care Centers. In the proposed new ordinance, the only changes they are doing is to move Child Care Centers, Nursery Schools and Nurseries to a higher use group out of R-3 and R-4. We are still allowing with the special use the Child Care Facilities like ten (20) full time and five (5) part time children with a special use in any residential area. You may also have up to five (5) children without any kind of permit. So she thinks there has been quite a bit of misinformation given out on Child Care Centers. And the larger ones like the Welborn Facility, etc., do go to a different classification. But if you get over ten (10) full time and five (5) part time children in an R-1 area, you're into a business and it should be treated as such.

Continuing, Mrs. Cunningham said she received the national magazine from the American Planning Association (she usually doesn't get to this right away -- but it said Child Care Centers

and that caught her eye today). And we are right on target with what they are doing throughout the whole country with the way we treat the different categories that we treat our Child Care Centers. So we are right on target with what they want the rest of the country to do.

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

RE: ROSENBERGER AVENUE & HOGUE RD. - EARL KRAMER

President Willner said that Mr. Earl Kramer has waited patiently to give the Board his comments on Rosenberger Avenue & Hogue Rd., and he believes Mr. Kramer is talking about the County's portion (which is half way between the highway and Hogue Rd.).

Mr. Kramer said he is very much concerned about Rosenberger Avenue due to the fact that his family owns 10 acres there, which is east of Rosenberger (which runs from the City Limits to Hogue Rd.). This is the longest portion of that road by quite a bit. He understands that the part in the City being developed (south of the quarter/quarter section line, which is east of Rosenberger Avenue). He represents the Yunker family (he married one of the girls) and he has been familiar with this ground for 46 years. He would like to point out that their deed shows the amount of footage they had on the south boundary line. What he would like to point out is that the pin in Hogue Road by Rosenberger Avenue on the northwest corner is the correct pin and it is in line and jives with the deed description. However, the pin that is south of that pin (which is in Rosenberger Avenue, which some people seem to think is the southwest corner) is 17.55 ft. too far east. Rosenberger Avenue has been crowded to the east for years and years. That was when Mr. Bumpus owned that land up there and there was a creek on the west side and, of course, everybody drives to the side where there is no ditch. The development that has been going on out there has been very unsatisfactory to a lot of people as well as to the Kramers. The rock that has been moved on the west side of Rosenberger Avenue really is on that quarter/quarter section line. If we want to develop that road sometime, they're not against developing the road -- in fact, they'd like to see it developed and improved -- however, they would like to see that road stay on the quarter/quarter section line. If you go out and look at it and find that pin in Hogue Road on the northwest corner and site down through there, the entire road on the north end is on the Yunker property. The thing that he thinks is going to be unfair and expensive, due to the development out there, is that some day when we want to fix that road we're going to have an enormous amount of unnecessary labor to do away with all the rock that has been put on the west side and that bank, as well as the rock in that ditch. Furthermore, that last heavy rain we had floated dirt and rocks over into the Kramer's wheat field that is 10" to 12" deep and they have rocks out there in their wheat field that came from the west side of the road that measure more than 10" across. And he'd like for the Commissioners to take a look at that. He knows that might not be their problem that it got into their field -- but to give an example, the morning after it rained so hard the night before he drove that road and he met Mr. Wilson looking at the situation out there -- when that road was terribly under mud. It was the worst road in the County insofar as being covered with mud. There are a lot of things happening out there and being developed in the area that never should have happened. And he is sure if they had complied with the law -- a lot of it was unlawful. But to give an example, he asked Mr. Wilson if he saw how much of his rock and mud floated into his (Kramer's) field? He said, "Are you trying to tell me something?" And Mr. Kramer said he hasn't heard from him to this day. Mr. Kramer said if he'd do anything like that and the results of what he'd done damaged someone else's property, he'd sure get back to them and

ask what he could do. When they combine that wheat -- there are rocks. If the Commissioners doubt his word, go out there and take a ruler and measure -- and he guarantees they will find some rocks over 10 inches across. The water was so heavy that floated across that blacktop -- that it floated the rocks over into their wheat field.

The other thing is, the City property (which lies west of the section line) -- he's got the culvert from the highway coming in due north, which is proper. But as he gets past the concrete road they're putting in and as there's a drop box there, if the Commissioners will go look at it, he's got a culvert then going northeast -- and if you would continue on the same directional line straight -- you'd probably come out with that culvert across Carpenter's Creek up on Hogue Road, which is by the asphalt plant there -- east. So what he's saying is that Mr. Wilson has gotten by out there with murder, to his way of thinking. That's the way he looks at it. He changed Carpenter Creek on the south side, which is in the City -- which should never have been changed. He closed that creek up (there were cars and stuff there in that creek); he made a 90 degree turn due east and now changing this creek has already washed out some of the Kramer's property. There's a hole down there more than 36 inches deep and over 36 inches across in their wheat field, which is a result of his changing Carpenter Street. Carpenter Creek should never have been changed. Now, this is just one problem. There are going to be some more problems down the road. This ground down there is the type of soil that caves in real easily. You can go down there and look and you'll see the banks falling in. He's worked with the Soil Conservation somewhat in Posey County and he owns some land over there as well as some land in Vanderburgh County, and he knows that when you change creeks like that and you make a creek with a 90 degree turn, you're going to have nothing but a snake effect after a few hard rains. And this is what has happened down there. But his main concern is that whenever we start looking into doing something on Rosenberger Avenue -- that we go ahead and try to use the section line as the line where the road should be and not where the present road is -- and the pin they put in is not the correct pin. It may be a line pin, but it is not the corner pin of the southwest corner. And the deed dated in 1905 and recorded -- the second page will give an exact definition of this property. Again, there are some other things taking place out there which he thinks probably do not fall in the Commissioners' jurisdiction, because the area is in the City -- but there are so many things and he is one of the few people who have expressed a lot of unhappiness with what is going on. But what is going out on Rosenberger Avenue on the west side is, he guesses, someday going to cost the taxpayers additional money -- and this should never have happened.

Mr. Willner thanked Mr. Kramer for his comments and said he will refer his letter and comments to the County Engineer. He'd like for him to go out and take a look and get back with the Board.

Mr. Kramer said he'd be glad to go with the County Engineer. Even the southeast cornerstone has been moved since the middle of February -- and he is sure the County Surveyor would like to find who moved it.

Mr. Willner said he is not certain the Commissioners can help him with the creek or any of that, but certainly the only portion of that the Commissioners could help with would be that within their jurisdiction.

Mr. Kramer said they'd like to see the road be taken equally from both sides, too -- and be straight (which it should have been in the first place). When he first became connected with the land it was just a little old trail, you might say (46 years ago) and it wasn't even a finished road. Now they feel that since some of it is going to be changed-- it ought to be changed right.

Commissioner Borries said that at some point after the County Engineer checks this out, the Board may have to ask the County Surveyor to survey it based on the 1905 deed. But maybe we could give Mrs. Jarboe a copy and ask her .....

Mr. Jeffers said the survey Mr. Kramer is referring to and the corner that is missing is presently in Court. And the 17-1/2 ft. may or not be on his west property line. He thinks the Court has not yet ruled on it. It has been surveyed by two local registered surveyors (one for one party and one for the other) -- and it is an adverse possession court case at this time, although he did address several items outside that court case. But when you get into the necessity for surveying, he would say that before the Commissioners pass it on to anyone to let the Court rule on the adverse possession case.

Attorney Miller interjected that he thinks the only position the County should have in all of this is whether or not the County's road is using someone's property without having properly.....

Mr. Willner said what he is saying is that over the years that road has shifted to the east -- and it has.

Attorney Miller said he understands what he is saying. If it has shifted significantly enough to encroach on his property, then we need to at least to know it -- that is not to say do anything about it immediately.

Mr. Willner said there are thousands of those throughout Vanderburgh County.

Attorney Miller continued, "I bet there are."

Mr. Jeffers said, "As he pointed out, it is substantially more than 40 ft. north of the highway (100 ft. or 200 ft. north of the highway) -- but there is what we thought was a section corner, which he was disputing up here as being a section corner -- and that is the City Limits line -- it passes through the middle of Kuester's and through the middle of Wall-Mart and on out."

Mr. Borries asked if, because of Carpenter Creek, if we couldn't also make the City aware of that. (Mrs. Jarboe offered to do this.)

RE: RESOLUTION AMENDING JOINT AGREEMENT ON DATA PROCESSING SERVICE

City Clerk Betty Lou Jarboe said that on January 1, 1984, the City and County entered into a Joint contract so we could monitor and supervise the data processing services. At that time there were twelve (12) members on the Board, City and County. In March of this year, the City amended their ordinance so they would add two (2) more members: One (1) a member of the Sheriff's Department and one (1) a member of the Evansville Police Department. The reasoning behind that is that the police packaging that is needed for the computer services are specialized items and it has been their experience that Mr. Art Gann of the Evansville Police Department has been very active and has been very helpful in giving them advice on the police packages that are needed (they want to join the City Police Department, the Sheriff's Department, and the State Police -- so they can talk together.

Commissioner McClintock asked who gives notice of the Data Processing Board meetings?

Mrs. Jarboe said she gives her's in writing. Lately they've had a lot of them come up at the last minute because we've had companies coming in -- trying to get out new software and

hardware packaging; we had problems with some County Council members thinking that the cost was too high; then the County hired the Consultant (Peat Marwick) and in working with them last Tuesday, there was a notice given the prior week -- and then the companies came in and were meetings most of the day on software packages. We can't have one Facilities Management Group walk out and another Facilities Management Group walk in, because there is going to be a time period when they are going to have to transfer over the programs that are existing now to the new computer hardware -- and we have several who need a specialized package. For instance, you cannot buy a non-moving violation package for parking tickets, etc. We have our own that has been written over the years and improved upon. The same is true with the County Treasurer. He has his software package that no one can duplicate. It has been written specifically for his needs, so those will all have to be transferred over to the new equipment -- and it will be time consuming. So at some point in time we will have two (1) Facilities Management groups on deck at the same time.

Commissioner McClintock asked, "But at this point, we haven't agreed upon anything except going to Council for the money?"

Mrs. Jarboe confirmed that this is correct. It will have to come before the Board of Public Works, who lets the contracts for the City -- and the Commission lets contracts for the County. And, of course, there will have to be a contract for the Facilities Management.

Commissioner McClintock said someone had mentioned this to her that the Commissioners agreed to commit to part of that. She said the Commission agreed to get the money rolling, but they did not agree on any vendor for anything.

Mrs. Jarboe agreed.

Mr. Borries said that Mr. Willner will tell you time and time again that you can't sign a contract unless you have the money -- so we first have to get the money.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the amendment was approved. So ordered. (In response to request from President Willner, Mrs. Jarboe said she will provide the Secretary, Joanne Matthews, with a copy of the recorded document.)

RE: GRANT AGREEMENT BETWEEN VANDERBURGH COUNTY AND THE CHAMBER OF COMMERCE

President Willner said the next item is a Grant Agreement between the County and the Chamber of Commerce, which calls for \$75,000 in County tax money.

Ms. McClintock asked if this money was appropriated last year and received an affirmative response. She then asked what the City matches?

Mr. Borries said maybe \$100,000 or \$125,000.

Ms. McClintock asked, "So if we wanted to increase the amount we can't increase it until we go to this year's budget process for next year?"

Mr. Borries confirmed that this is correct.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the grant agreement for 1989 in the amount of \$75,000 was approved. So ordered.

RE: PRELIMINARY RESOLUTION - CARANZA DRIVE SEWER

Commissioner Borries said the Board earlier approved the advertising on the Caranza Drive Sewer Project. However, they did not approve the Preliminary Resolution to impose Barrett Law Assessments.

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

RE: BURDETTE PARK - MARK TULEY

Change Order/Burdette Pool Entry Complex: Mr. Tuley said Mr. Lehman could not be here today, but he has a Change Order to submit in Mr. Lehman's absence. This concerns the pool entry complex which is under contract with Deig Bros. There are two requests: The first is for \$1,468.00 for telephone sound cable, conduit, and installation. This was inadvertently omitted from the original plans and specs and, obviously, we had to correct that and proceed. Otherwise, we'd have had wires running all over the outside of the building, a quarter million dollar project -- and none of us wanted that. The second change order was a \$2,000 addition (cedar ceiling finish and trim and central entry area). This was intentionally dropped off the plans in the beginning. They were going to try to do this with the Burdette staff, since they were trying to cut building costs. With Deig running late on construction in some parts of the area, it never did work out where he could get his staff in there to do it and do all the other work they had to do as a result of the recent storm -- hence, the change order. The total amount for the change orders is \$3,468.00. There was an earlier change order for \$610.00. This should complete all the change orders and this project should now be finished. He believes the second phase of their payment will be coming through next week for approval. Everything looks fine and, basically, on a \$257,000 project that is not bad at all. Deig has worked with them on different things which they felt the building needed -- but they haven't charged us for same -- and Roger Lehman can give the Board a summary of those items. They changed the foundation plans (which the State approved) but did not charge for that. So they've been more than cooperative in working with us. There is money in the 412 Account to pay for these changes and he would appreciate approval.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the two change orders for \$3,468.00 were approved, as submitted. So ordered.

Day Camp: Mr. Tuley said the Day Camp rates were to be set by this Board this week, a determination made as to whether we were going to transport for this facility, and whether we were going to co-op the program with Deaconess. He believes these were the only areas of concern.

Rates: Basic price for the general public was to be set at \$55.00 per week or \$110.00 for a 2-week session. There would be six (6) sessions this summer.

Since we're trading resources (Deaconess is to furnish manpower and insurance for their part of the program) Deaconess will receive a discount and we'll charge them \$35.00 per week for their children up to twenty-three (23) children per session for the summer. They are providing an Assistant Director and various other personnel. He and Commissioner McClintock had a meeting with people from Deaconess and she can bring the Board up to date on that part of the program.

Discussion had also taken place concerning the possibility of offering a discount for City employees, County employees, and School Corporation employees -- people down here that we could transport to the park. Again, he thinks transportation is essential for the people who live out on the east side. We received a letter from our insurance agent last week which indicated this is not a problem. The bus is being inspected right now to make sure that it passes the State inspection.

Commissioner McClintock said she believes we should offer some kind of discount for County employees. Just as in any other business there are some benefits and when you can pass those on to your employees -- whether you're Bristol-Meyers, Channel 9, or the County -- we have an opportunity to do so here. She thinks \$20.00 is a pretty steep discount per session, so she would move that we approve the rate of \$35.00 per week per child up to 23 children per session for Deaconess, and \$45.00 per week per child for children of employees of Vanderburgh County and \$55.00 per child per week for the general public.

Commissioner Borries asked if the the motion could be amended to include children of City employees and School Corporation employees.

Ms. McClintock said she is willing to include this in her motion.

Mr. Tuley said the only thing we need to be cautious about is that the bus will only transport so many.

Ms. McClintock said this doesn't mean that all these children will be transported and that can be discussed later.

Commissioner Willner said he doesn't believe the County should be in the transporting business; there are many, many problems that he foresees with that and he disagrees very strongly that we should give a discount to City or County employees. It just shows that there is a difference in class and he disagrees with that. But he will certainly go along with the wishes of the Board. A motion was entertained.

Ms. McClintock said she made a motion and Mr. Borries said he seconded the motion. So ordered.

Mr. Tuley asked if a motion is needed (since we've already set the rates) to co-op the program with Deaconess, since this is a Pilot Program.

Ms. McClintock asked if we weren't going to try to develop a small agreement with Deaconess as to what they are going to provide and what the County is going to provide? Even if it is a letter of understanding? Mr. Tuley could write it and Attorney Miller could review same to make certain we are not agreeing to anything we shouldn't agree to.

Mr. Tuley responded in the affirmative.

Attorney Miller said this all needs to be written down -- our responsibilities and theirs.

Mr. Tuley said we basically came to terms -- we just haven't put it in writing yet -- but he will do this and have it back to the Board next Monday or as soon as possible.

Day Camp Transportation:..Mr. Tuley asked what the Board wants to do with regard to transportation to the Day Camp.

Mr. Borries asked if Mr. Tuley said he had communicated with Dennis Feldhaus (our agent of record), the bus is being adequately checked, and the liability, etc. -- and Mr. Feldhaus said it is okay.

Mr. Tuley said the Commissioners got a letter from Mr. Feldhaus last week.

Commissioner Willner asked who is checking the bus?

Mr. Tuley said that Elliott's Service Center on the west side is checking the bus.

Mr. Willner said there is only one unit that can provide the inspection and that is the State Police.

Mr. Tuley said that is correct. There was some kind of problem and they would not inspect that bus for us.

Mr. Willner said, "I would imagine they wouldn't -- I can understand that."

Mr. Tuley said, "It is a County-owned bus."

Ms. McClintock said she is confused -- what is the deal.

Mr. Tuley said he didn't check into it. We tried to get it inspected by the State Police. They do certify buses, but they can't do it for the County or something -- he doesn't know what the problem is. They recommended that any garage could do it for us by the testing they do. But regardless of whether we had a new bus or whatever, that would not be the question. We were just told that the State Police would not do it. He doesn't know whether they certify City buses or not.

Ms. McClintock asked if the Board can make a decision on this next week, after we know whether or not the bus is certified?

Mr. Tuley agreed -- saying we should know something by next week. The bus has been at Elliott's for a week.

Ms. McClintock said she doesn't want to approve the transportation aspect and then find we can't use the bus.

Mr. Tuley asked if it could be approved subject to the bus passing inspection? He's had quite a few inquiries from City and County employees who do live on the east side -- and indication they will sign up for the program if transportation is provided. If not, they can't. The problem is that we're getting closer and closer to school being out and parents are going to have to make a decision real fast as to what they are going to do for the summer -- whether they are going to get a baby sitter, go with the Burdette Day Camp or whatever.

Commissioner Borries said he wants to make sure we cover all legal bases on this. But there are a number of churches that transport children on Sundays, etc., and it's always a concern as how well inspected those buses are. As conscientious as Mr. Tuley is, he is sure he would make sure that everything is taken care of. Thus, subject to the bus being certified, etc., he would be in favor of making the motion.

Mr. Tuley said, "Right; and I assure you that the drivers we would be using do have the Public Passenger Chauffeur's License. I sat down with Dennis Feldhaus and discussed the requirements."

Mr. Borries said that from where he lives on the east side (which, even at his weight, it's within jogging distance to Warrick County) it's a good ten (10) miles plus to get to Burdette Park. When you ask an employee to make that trip, you're talking about a

good jaunt -- particularly if you run into a train and you want to go to Ohio Street. So it would be a 20 minute or 30 minute drive to get there.

Ms. McClintock said it is her understanding from the meeting with Deaconess representatives that there will be Counselors on the bus (not just a bus driver with a bunch of kids in the back). There will be one (1) Counselor per ten (10) children to ride out there with them. So it won't be a matter of 35 kids just jumping around in the back of the bus.

Mr. Tuley said that if everything goes well, there is adequate staff to increase the numbers up to 100 children. The staffing is already in place. If the need is there from the community they can handle 100 children. If we have 70 children for the first two sessions and then go to 100 children for the last four sessions. This program can still generate close to \$20,000 profit -- that is, if we run at full capacity. Obviously, they don't want to have run at full capacity to break even on this program. This year it is a pilot program. Commissioner McClintock is going to be the liaison and there will be a meeting once a month.

Memorial Day Weekend: Saturday is the beginning of Memorial Day weekend and the pool will be open.

RE: READING OF BID RE ST. JOE-ALLEN LANE INTERSECTION

The meeting proceeded with Attorney Miller saying there was only one (1) bid to be opened on the St. Joe-Allen lane intersection. That bid is from J. H. Rudolph & Company (and it appears to be in order) in the amount of \$53,961.00 with a provision that \$600.00 can be taken off if a fire hydrant is relocated by others.

Commissioner Willner asked County Engineer Greg Curtis about the engineer's estimate.

Mr. Curtis said it is considerably lower than that; he would like to take the bid under advisement. He has a few questions to be answered.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the bid is to be taken under advisement by the County Engineer. So ordered.

RE: ACCEPTANCE OF CHECKS - ALEXANDER AMBULANCE LAWSUIT COLLECTIONS

Attorney Miller submitted the following checks in connection with the Alexander Ambulance Lawsuit collections:

Thomas Jarvis	\$5.00
Thomas Yeates	\$10.00
Daniel McFarland	\$30.00
Total	\$45.00

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

RE: CONTRACTS WITH THE STATE OF INDIANA

Attorney Miller said something has come to his attention with regard to contracts with the State of Indiana regarding road improvements that is disturbing to him and he thinks it calls for some action. We have recently run through the Commissioners Meeting (not in his presence, but that is not to say it would not

have happened the same way had he been here -- because he may not have noticed it either) a standard agreement with the State of Indiana. The State has revised an indemnification paragraph in its standard agreement and instead of requiring the County only to indemnify the State and the Federal Highway Administration from all liability caused by any agent of the County, in the last three contracts which we've approved (none of which have been sent in yet) there is a new paragraph which he is sure none of the Commissioners were aware of and he certainly wasn't aware of -- and although he tried to reach Curt John, he doesn't think he was aware of it either -- these contracts all contain a provision which says that the County agrees to indemnify, defend, exculpate, and hold harmless the State and its officials and employees from any loss, damage, or injury resulting from the work covered by this agreement, whether due in whole or in part to the negligent actions of the State, or the Federal Highway Administration, or the County, or any of us acting together. So now all of a sudden we become an insurer for all of the employees of the Federal Highway Administration and the State of Indiana -- and, frankly, he thinks that is unreasonable and unacceptable -- and he intends to advise the Commissioners to withhold the delivery of these contracts until we straighten that out. It is just not a reasonable request.

Commissioner Willner asked which contracts Attorney Miller is speaking of.

Attorney Miller said the three he has in front of him are contracts having to do with rail crossing improvements on Burkhardt Rd., St. George Rd., and Oak Hill Road.

Commissioner Willner asked if Attorney Miller thinks those provisions are in the rail crossing agreements alone and not in the rest of them?

Attorney Miller said he doesn't know that at this point. He just learned about this problem today. When he learned about it, what he said to Rose Zigenfus was, "Do not mail those until I have cleared this up." He wants the Commissioners to know that he has given that instruction. He wants the Commissioners' blessings for that instruction -- if they feel free to give it to him and then he will look further into this -- because he does not think we should be acting as an insurance company for the State of Indiana.

Commissioner Willner asked, "Don't you think though that is strictly for the type of design -- they don't construct these, the railroad does the construction -- so the State does nothing to these that I know of. The Commissioners approve them, the County pays 90% -- and we might get 10% back from the State and I don't believe they do anything."

Attorney Miller said, "If that's the case then, I don't know why they want to be indemnified. If they don't do anything, they don't need an indemnity."

Commissioner Willner said, "If we make the choice to only put up lights and not the gate and an accident happens, they want that to be our decision."

Attorney Miller, "If you make the choice, that's fine. I don't have any problem with that. But that is not what this says."

Commissioner Willner said, "We do make the choice."

Commissioner Borries said, "That doesn't say that."

Attorney Miller continued, "What this says is that we indemnify them from their actions."

Mr. Willner said, "They don't have any action that I know of."

Commissioner Borries said, "They're asking to be held harmless in something here that is in our County."

Attorney Miller continued, "I can tell you that the City Attorney's office I've learned has made immediate protest to the Indiana Department of Highways about this very same thing."

Commissioner Willner said, "We probably should, too."

County Engineer Greg Curtis interjected, "We do make those decisions, for instance, as to whether to put up lights or gates -- but many times those decisions are made by the State saying they think it should be this way and they won't give us the funds unless we do it this way. It's much the same as our other bridge designs and road designs -- they have their standards and we are the ones who actually pay the Consultant and tell the Consultant to design it that way; but for us to get the funds, the Consultant has to design it like the State wants."

Attorney Miller requested that the Board give him a couple of weeks to find out about it.

A motion was entertained. Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the contracts are to be withheld from the mail until further word from Attorney Miller. So ordered.

RE: NATIONAL MAIL BOX WEEK

While waiting for Mr. Muensterman to reach the podium, Commissioner Willner announced that this week is "National Mail Box Week".

Commissioner McClintock asked if we're supposed to do anything to our mail boxes?

Mr. Willner said you're supposed to upgrade, paint, scrape and otherwise do a reconstruction job on your mail box this week.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports & Absentee Reports: Mr. Muensterman said he has submitted copies of the Weekly Work Reports and Absentee Reports for employees at the County Garage and the Bridge Crew. He briefly read highlights from the work reports.

South Weinbach Avenue: With regard to South Weinbach Avenue, he called Ron Smith and he said they will be doing some heavy hauling until fall. They will run approximately 62,000 tons of blacktop across it and about 50,000 yards of concrete. They have torn the road up in different places and the County has re-rocked it and run a roller across it and it looks real good right now. He knows it is going to be dusty and we're going to have to do something to keep the dust down while the races are going on.

Commissioner Borries asked if it is going to be passable?

Mr. Muensterman said he believes it will; they are going to have it open. The only thing, the way it looks to him, there will be a lot of truck traffic.

Mr. Muensterman asked if Commissioner Willner wants him to find out about the material to go out on South Weinbach?

Mr. Willner said, "Let's give that a couple of weeks -- that might change. When does the racing season start?"

Ms. McClintock said it starts June 29th.

Commissioner Willner said to give it a couple of weeks and see what happens.

Mr. Muensterman said the State has paved down to the bridge; but from the bridge on out to River Road....

Mr. Willner asked how much they put on the road -- 7 inches to 8 inches?

Mr. Muensterman said they did.

Mr. Willner asked if that will hold up for the traffic?

Mr. Muensterman said it should. We put 4 inches or 5 inches on River Road and that held up real good. It's only had two patches put on it in two years -- so that's not too bad.

Coordination re Road Closings: Commissioner McClintock asked whether we do anything with the City on coordinating closing of roads? Right now the City has Southlane closed; then they closed Riverside Drive this morning to do some utility work back in there (she doesn't know whether this is an emergency or not); Waterworks Road is closed; and now if South Weinbach is not in that great a shape we really have a serious problem. Nobody can get east to west downtown except on Second Street -- and you should try to get from anywhere down town -- it's a mess down there. (People coming from Kentucky can use the Lloyd Expressway.) Why are they closing Riverside after they were closing Southlane?

Mr. Muensterman said he has no idea.

Ms. McClintock asked, "If they are going to close a road, do they call you...."

Mr. Muensterman interrupted, "The City never calls us if they are going to close anything; but we always call them."

Ms. McClintock, "We call them? Like when you closed Waterworks Road, they knew Waterworks Road was closed and they obviously knew they had the big hole in Southlane, and they closed Riverside?"

Mr. Muensterman said, "Yes."

Mr. Borries said, "The State closed Riverside."

Mr. Willner said Waterworks Rd. can be opened. The gate is open, but as of yesterday morning the dirt had not been removed.

Ms. McClintock again cited roads closed: Veteran's Parkway, Southlane is closed; Waterworks may be open now -- but Southeast Riverside Drive (where she lives) is also closed. They say it is going to be closed for some 4 to 6 weeks for some utility work. But it seems to her that we should send a letter to the City and the Utility Department requested that they let the Commissioners know about road closings, because the closings should be a little better coordinated.

Commissioner Borries said he agrees and thinks we can certainly ask for their cooperation.

Commissioner Willner said he can't answer for the City. "But let's get the dirt off the road and open Waterworks Road open as soon as possible."

Commissioner McClintock asked if the Commissioners can please send a letter to Tom Williams, City Engineer, with a copy to Gil Dieckmann of the Utility Department.

In response to query from Commissioner Willner, Mrs. Meeks said the County receives two (2) days' notice from the Utility Department on closing of County roads.

Commissioner Willner suggested that County Engineer Greg Curtis get with Tom Williams, City Engineer, regarding this matter.

RE: COUNTY ENGINEER - GREG CURTIS

Supplemental Agreement/Green River Rd. South: Mr. Curtis said he has another engineering change on Green River Road South. The agreement is going to incorporate two changes, the first being because we've changed this from a Federal Aid Project to a Local Project. We have a decrease in the amount of \$1,265.00 for the design study report and \$702.98 for the sign and signal portion of the original agreement. However, one of the things that was not included in the agreement when it was originally signed was right-of-way engineering, and that includes researching the deeds, field surveys of 45 properties, some drafting work, and the associated right-of-way plans for that work. The City is handling this project insofar as when it comes time for construction; however, the agreement for the design is with us. The amount of the right-of-way engineering will be \$11,538.00. The City Engineer's Office had originally intended to handle this; however, he said he was as busy as Mr. Curtis. If that is the case, Mr. Curtis said he would recommend the Commissioners approve the agreement.

Commissioner Willner entertained questions.

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

Claims/Bernardin-Lochmueller: Mr. Curtis said he has four (4) claims from Bernardin, Lochmueller & Associates as follows: Bridge Inspection - \$1,507.50; Lynch Road - \$1,680.14; Boonville-New Harmony Rd. Extension - \$47,500.00; Boonville-New Harmony Rd. Bridge - \$1,775.14.

Veach, Nicholson, Griggs Associates: Claim on Orchard Rd. - \$558.42; Fulton-5th Avenue Bridge - \$8,460.00; and Green River Rd. South (soils portion) - \$6,871.70.

Indiana Department of Highways: Claim for aerial photo milar for B Street-Barker Avenue-Nurrenbern controversy to look those locations over - \$15.48.

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

Relinquishments of Roads: Mr. Curtis said he has in his office a set of Relinquishments of a number of roads that the State wants to give us and wants us to take care of. At some point in time, he would like for each of the Commissioners to come to his office to review those, rather than taking up a substantial amount of meeting time trying to go through those.

Bridge #1-C/Columbia-Delaware Expressway and Bridge #4/Fanklin Street Bridge: Mr. Curtis said we had a meeting on Thursday with some Federal and State people. In regards to a rehabilitation project, they recommended that we have a field check to determine the scope of work by them prior to our hiring a Consultant. Mr. Curtis said he is trying to get this scheduled as soon as possible.

Heckel Rd. Bridge #76: Commissioner Borries queried Mr. Curtis re Heckel Rd. Bridge #76.

Mr. Curtis said he doesn't have anything on this yet.

USI Design: Commissioner McClintock queried Mr. Curtis about the USI design.

Mr. Curtis said he, Rose Zigenfus, and a Commissioner (or all Commissioners) need to sit down and have a scope meeting to determine the scope of that project -- insofar as their getting started and bringing us an agreement so they can be assured they will be paid if they do start. That is set up at the present time, but not confirmed, for 1:30 p.m. tomorrow. Mr. Lochmueller was out of the office today and he is supposed to call Mr. Curtis at home this evening if that time is not satisfactory. In response to comment by Commissioner McClintock, Mr. Curtis said he would like to have at least one (1) Commissioner present at the meeting simply from the point of view of having one (1) Commissioner there (not because he only wants one or he thinks he should have two) -- but we need to confirm what he is to do. It is a lot of work for him to work up the agreement if we are going to have him do it three or four times because we can't decide what we'd like for him to do. And we will bring the agreement back to the meeting and he (Curtis) will report to the Commission as to what we are planning on doing. It could be changed at that time -- that's no problem. It's just that before they work up the agreement we'd like to sit down and give them an idea of what we want.

Ms. McClintock asked, "The County Council has not voted on this yet, have they? We're safe? My opinion on it is to do it as simply and as cheaply as possible that will work."

Commissioner Willner said that is sort of what we've had in mind. Mr. Curtis has come on with some other ideas and wants other than those laid out by our engineer, and we should afford him that courtesy.

Mr. Curtis said one of the things the Commissioners did approve when we selected Lochmueller as our Consultant was a diamond-type interchange that avoided the historic house that tied into Eickhoff as well as into the University. He thought this was tied down enough.

Ms. McClintock said that if Commissioners Willner or Borries cannot attend the meeting, she can go -- if someone will just call her in the morning.

Waterworks Road: County Highway Superintendent Cletus Muensterman re-entered the meeting and announced that Waterworks Road is now officially open.

RE: COUNTY APPOINTMENTS

Auditorium Advisory Board: The Commissioners would like another week to consider the appointment to the Auditorium Advisory Board.

Burdette Park Advisory Board: Commissioner Willner said we do have an appointment to make to the Burdette Park Advisory Board (requested by other members of that Advisory Board) and the Commissioners are ready to make that appointment.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the appointment of Mr. Edward Deutsch of 8240 Whetstone Road, Evansville, IN 47711 was approved. So ordered.

Levee Authority Board: Mr. Borries said he wasn't sure whether or not Mr. VanDusen was appointed to the Levee Authority Board at the last meeting. However, he would like to do so.

Mr. Willner said he will hold this one more week and make certain, if agreeable to the Board.

RE: TRAVEL REQUEST- PERRY TOWNSHIP ASSESSOR

The meeting continued with Mr. Willner submitting a travel request from Mr. Harry Tornatta, Perry Township Assessor, requesting permission for him and Glen Koob, his Chief Deputy, to travel to the Indiana Assessor's Association Seminar on July 10-12, 1989 in Ft. Wayne, Indiana.

Mr. Willner said they can travel to Ft. Wayne, without the Commissioners' permission, as long as they have sufficient funds in their travel account.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

President Willner asked if anyone is present who would like to buy any County-owned surplus real estate? There was no response from the audience. We've sold two (2) of eight (8) properties. He asked if either of the other Commissioners have any words of wisdom.

Commissioner McClintock asked if we can turn these over to Hugh Miller to conduct an auction?

Mr. Willner said the Commissioners have an auction at their meeting weekly. They have advertised and continue to conduct the sale on a weekly basis.

Ms. McClintock said the Commissioners don't do this all the time. It is possible Mr. Miller could do the necessary marketing that would get the properties sold.

President Willner said he doesn't think that is possible, since the County is willing to give it away anyhow.

Ms. McClintock asked, "You mean sell it for \$1.00 or something?"

Mr. Willner said, "Yes, anything to get rid of it. The title search has already been performed and that is \$185.00; they'd have to pay for that. Other than that, we could give them the property. Legally, we've done everything we could do to get rid of the property and we still have six (6) parcels."

Attorney Miller said, "Possibly the only other thing to do other than giving it to adjoining property owners is to hold it until next year's sale."

President Willner said he believes the State Statute says we have to offer the property every week -- it's a continuous sale. We've gotten rid of the surplus property for the last twenty (20) years, but for some reason we can't rid of it this year.

Mr. Jeffers said it is because fo the \$185.00 additional cost. He has a man who wants to buy two of the propereties, but he won't pay \$185.00 for them.

Ms. McClintock asked, "So if we drop that requirement we can get rid of them?"

Mr. Willner said you can't do that now, by law.

Attorney Miller said there was a Supreme Court case that required a title search -- and it becomes a lien on the property, by statute.

Mr. Willner said the sale of County-owned surplus real estate will continue next week.

RE: HOLIDAY CLOSING

President Willner announced that all County office will be closed on Monday, May 29, 1989, in observance of Memorial Day, and the next County Commissioners Meeting will be held at 2:30 p.m. on Tuesday, May 30, 1989.

RE: OLD BUSINESS

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

Caranza Drive Sewer: Mr. Bill Jeffers identified himself and said he lives at 6608 Kembell Drive. He asked if he understands the Commissioners repealed or revoked the previous Barrett Law Preliminary Resolution?

Attorney Miller said, "I haven't. But by the adoption of a new Preliminary Resolution on the same project, the other Resolution goes by the wayside and really the first Preliminary Resolution became a nullity at the point at which bids were received that were in excess of the engineer's estimate that was given to the Commission prior to that particular Preliminary Resolution. So although it is not fair to say that we are back at Square One, it is fair to say that we are starting the formal process over. The formal process only takes a very short time. It's really been the engineering and getting all of the residents in agreement where there was going to be an intrusion on private land, etc., and those kinds of things have taken a long time. But the formalized process should only take 45 days."

Mr. Jeffers asked, "So do you start at Square One on all the..."

Attorney Miller interjected, "Letting the time run for remonstrances and things like that? Yes, you, do -- but those are short time periods in this statute."

Mr. Jeffers asked, "How about the cost that will go onto the new bond now that this is a all new resolution? Do the costs start at zero dollars again? All of the costs that will be apportioned out over all the residences?"

Attorney Miller responded, "This is the same project, so all of the costs that have been incurred in getting this project from Day 1 to Completion will be included. But there won't be any additional costs."

Mr. Jeffers noted, "The re-bids, the re-notifications, the re-mailings, etc."

Attorney Miller said, "There will be those; but I was thinking in terms of contractors' costs and professional costs and those kinds of things."

Mr. Jeffers said, "The cost of the County Attorney, the cost of Veach, Nicholson, etc., that hasn't been nullified even though the original resolution has been?"

Attorney Miller said, "No, no."

Mr. Jeffers asked, "Do you see my point there?"

Attorney Miller responded in the negative.

Mr. Jeffers said, "Well, somebody screwed up -- and now the residents are going to have to bear the cost."

Attorney Miller said, "Well, I don't think it's fair -- and Mr. Shively alluded to that -- and I don't think it was fair for Mr. Shively to indicate that somebody screwed up, because I don't believe anybody screwed up. I believe that the best estimate that was given at the time was given."

Mr. Jeffers asked, "If there were something improper about the way the estimate was given, would you see my point then?"

Attorney Miller, "If there were something improper about it; but I certainly don't have any evidence that there was anything improper about it."

Mr. Jeffers said, "I wouldn't even suggest that you did. I just wondered."

Attorney Miller said, "No; if there were something improper about it, then that might have to be pursued -- but I don't know of anything in that vein. I just think that, based upon what the County Engineer knew at that time he gave his best estimate of what he thought it would cost and put it in the envelope -- and that is what he gave the Board."

Mr. Jeffers asked, "It wasn't a sealed envelope?"

Attorney Miller responded, "It was reported to us prior to -- it's in the record someplace that it was \$120,000 -- and it just didn't turn out that way because of the engineering decisions that had to be made."

Commissioner Willner interrupted, "Have you read the record? I believe it said it was a guesstimate and not an estimate -- but I don't know."

Attorney Miller continued, "Whatever it was, it was required to be in there ten (10) days before that meeting and it was given."

Mr. Jeffers said, "I guess the reason I said that was there are some of those among us out there who would be happy to go with what you have and even make up the difference for you between the \$120,000 and the \$160,000 -- knowing you might absorb that legally, but if there is a way to give to the Board a reimbursement of that \$40,000, I'm sure that 40 people would come up with that -- because we knew all along it was going to be \$3,200 to \$3,600 per house. And we knew the original estimate was entirely too low."

Attorney Miller said, "I don't question the intentions of the residents at all to pay their fair share. All I'm saying is that we are under an obligation to do this according to that Statute and we can't make the Statute bend -- that's all."

Mr. Jeffers said, "I don't want to take it any farther. I've already been asked these questions by one resident and I haven't even gotten home yet tonight. But, in all fairness to you, I have read every meeting that was ever held and I don't know of any statement that was ever made by David Miller that didn't exactly follow the Barrett Law provisions in the Statute, so I am not questioning you at all. Everything that you advised the Board to do was according to Statute to the best of my layman's interpretation."

Attorney Miller said, "I appreciate that. Had I given them some bad advice, it wouldn't have been the first time."

RE: SCHEDULED MEETINGS

Tues. May 23 5:30 p.m. Reassessent Meeting (Rm. 307)

Wed.	May 24	2:00 p.m. 2:30 p.m.	County Council Personnel Mtg. County Council Finance Mtg. (Room 303)
Sat.	June 10	9:00 a.m.	Sale of County-Owned Surplus Miscellaneous Property (County Highway Garage)

RE: CLAIMS

President Willner said there are no additional claims to be approved.

RE: EMPLOYMENT CHANGES

It was noted there are no employment changes to be approved today.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 5:10 p.m., with an announcement that the Drainage Board Meeting will begin immediately.

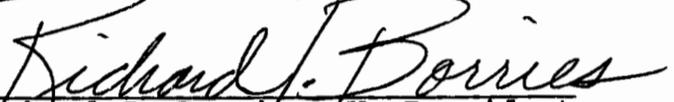
PRESENT:

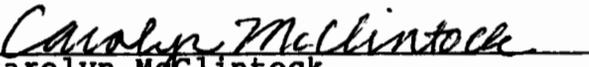
Robert L. Willner/President  
Richard J. Borries/Vice President  
Carolyn McClintock/Member  
David Miller/County Attorney  
Sam Humphrey/County Auditor  
Kurt Schuster/Kembell-Caranza Sewer  
Les Shively/Kembell-Caranza Sewer  
Betty Lou Jarboe/City Clerk  
Betty Knight Smith/County Clerk  
Leon Howell/Naegele Advertising  
Mick Murphy/Naegele Advertising  
Helen Alvey/Alvey's Sign Co., Inc.  
Ken Alvey/Alvey's Sign Co., Inc.  
Earl Kramer/Rosenberger Avenue  
Michael Siebeking/Ad-Craft, Inc.  
James Marchand/Fine & Hatfield for Ad-Craft  
David Mounts/Taxpayer, Businessman, Commercial Property Owner  
Julie Worthington/Alvey's Sign Co., Inc.  
Marcia Greenwell/Alvey's Sign Co., Inc.  
Angie Miller/Alvey's Sign Co., Inc.  
Cheryl Martin/Alvey's Sign Co., Inc.  
David Fulton/Alvey's Sign Co., Inc.  
Arthur Sherman/Alvey's Sign Co., Inc.  
Timothy White/Alvey's Sign Co., Inc.  
Karin Cole/Alvey's Sign Co., Inc.  
Kevin Godsey/Alvey's Sign Co., Inc.  
Dorris Martin/Alvey's Sign Co., Inc.  
James W. Wittgen/Alvey's Sign Co., Inc.  
Dan Peters/J. H. Rudolph & Co.  
Jim Kamp./Sign Crafters  
Steve Campbell/Alvey's Sign Co., Inc.  
Clem Penmore/Alvey's Sign Co., Inc.  
Darrell A. Veach/Veach, Nicholson, Griggs Assoc.  
Jerry Scheller/Middle America Enterprises, Inc.  
Jerry Bowling/Middle America Enterprises, Inc.  
Jim Geaves/Naegele Advertising  
John Beyers/Beyers Motor World, Inc.  
M. Janet Davis/APC  
B. J. Gilles/APC  
Dennis Vowells/Atty. for APC  
Royce A. Sutton/APC

Joe Ballard/APC  
Barbara Cunningham/APC  
Beverly Behme/APC  
William R. Martin/Alvey's Sign Co., Inc.  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

  
Robert L. Willner, President

  
Richard J. Borries, V. President

  
Carolyn McClintock

MINUTES  
COUNTY COMMISSIONERS MEETING  
MAY 30, 1989

I N D E X

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Presentation of Proposed Precinct Maps, Etc. - Bill Jeffers. Literature re Voting Machines should be here for next week per Commissioner Willner	4
County Highway - Cletus Muensterman..... Weekly Work Reports & Absentee Reports Paving of Crowley Avenue South Weinbach Avenue (See pp. 11 and 12)	11
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Meeting Recessed at 4:30 p.m.	

MINUTES  
VANDERBURGH COUNTY COMMISSIONERS  
MAY 30, 1989

The Vanderburgh County Board of Commissioners met in session this 30th day of May, 1989, at 2:30 p.m. in the Commissioners Hearing Room with President Robert Willner presiding.

RE: APPROVAL OF MINUTES

President Willner stated that there were no minutes to be approved today.

RE: SALE OF COUNTY-OWNED SURPLUS PROPERTY

President Willner asked if there was anyone there to bid on County-Owned Surplus Property. There were two (2) people in the audience to bid.

President Willner then asked if there was anyone there to bid on 208 S. Bedford Avenue, Tax Code 11-300-24-62-7.

A gentleman from the audience asked if they knew what the yearly City Taxes would be on this property.

President Willner responded negatively.

The unidentified person stated that he had called to see if he could get information on these lots and kept getting different phone numbers who said they didn't know and referred him to someone else, and he called about five different places and could not get any information at all.

President Willner asked if he went to see the property.

The gentleman responded affirmatively, but said he did not know anything about the building restrictions or how they are zoned, or what the taxes are and he is having a problem getting this information. Where would I go to get this?

President Willner told him that he should be able to get this information from the County Assessor's Office. Mr. Willner stated he did not believe that there were any buildings on either of these lots and the assessment will probably change at the end of this year. So, he is not sure what that would do for you.

The unidentified gentleman asked, "But they are lots that can have houses built on them?"

President Willner stated that he had the size of the lots there, and one (1) of them is 110 x 25 and the other is 129 x 50, which is the biggest one. This is 925 Judson Street. It is a lot.

The man said it wasn't in the paper and he wasn't aware of that lot and he did not know the sizes of the lots.

Commissioner Borries asked the gentleman to come forward and give his name in the microphone so that it could be recorded.

Commissioner Borries explained to the gentleman that his name and address should be on the record and the problems that he had so that the secretary could hear what he was saying and thus be able to transcribe the meeting and get his statements, comments and questions in the minutes.

The gentleman came forward and stated that his name was Rodney Riecken and he lives at 9400 N. St. Joe Avenue. He further stated, "I was interested in lots and I went and looked at them. When I called on the phone down here to try to get information on what the taxes were and etc., I got different phone numbers and I called different areas and they would say they didn't know that and I would have to call....I don't remember where all I called. I called here I guess, the City/County Commissioners and they sent me to the Treasurer and they said they didn't know, to call somebody else. I called about four (4) different people. I didn't know the size of the lots, I don't know if there are any building restrictions on them. Nobody wants to buy a lot that you can't do anything with. I didn't know what the taxes were going to be every year. I don't want to pay high taxes on a lot that I can't build a house on or do anything with. I would like to bid on the lots if I can use them, but I don't know enough about the lots to know whether to bid on them. These are the problems that I ran into."

President Willner said, "I can tell you the size of the lots."

Mr. Riecken stated, "I was interested in the one on Bedford and the one on Governor. Those are the two (2) that I am mainly interested in."

President Willner responded, "The size of the lot at 208 South Bedford Avenue is 35 x 134 and the appraised value is \$1,170.00. The size of the lot on Governor is 50 x 125 and the appraised value is \$1,560.00. Those two (2) have not been sold."

Mr. Riecken asked, "Are you aware of any reason why a person could not build a house or something on a lot like that?"

Commissioner McClintock said, "Mr. Riney is going to call somebody down from Area Plan so that we can note the zoning. We can look them up."

Mr. Riecken said, "You understand what I am saying, you can't buy a lot and then go out there and they tell you that you can't build anything on here or do anything with it and you are stuck with a lot that you are paying taxes on for years. I can't understand anyone letting a lot like this just go when you could do something with it."

President Willner told Mr. Riecken if he would just have a seat, someone will be down and they will try to get the information on zoning.

Attorney John said, "What you really would want to know is what the assessed value is and I believe that probably both of those addresses are located in Pigeon Township. On the second floor, you have the Pigeon Township Assessor's Office. They can tell you what the assessments are if you get the code number or give them the legal address."

Mr. Riecken stated that the Assessor's Office gave him the code number and told him to call somebody else.

Attorney John said, "They probably told you to call the Treasurer's Office and find out what the taxes are and they can tell you what they are this year."

Mr. Riecken said the number she gave him turned out to be the Whirlpool Credit Union and after that.....

Attorney John said, "They could tell you what the current taxes are, but as far as any taxes in the future, it is unknown. They will remain approximately the same or maybe increase slightly over the years."

President Willner asked, "Sir, which lot are you interested in?"

Watez Phelps responded that he was interested in 1702 S. Governor and 808 Line Street. A couple of other lots I looked for, but I can't find the lot at 1105 Cherry Street. I am looking for some investment property. As far as the taxes and what have you on the lots, what I really wanted to find out was if it is feasible, especially on an address such as Line Street, which is a low income area, is it feasible to go through these channels, coming down here, to get these zoned commercially and the group I am working with, we are looking to create some jobs. That is why we are going to buy the lots, so we just wanted to know if it is feasible to come down here to find out the same problems he has basically. Everyone I called, they can't tell you whether you can have it zoned for business, small business, etc.

President Willner stated, "In the maze of government, Mr. Phelps, what happens is that the County sells them because they are on a County Tax Rate. All taxes are collected really by the county. That is how we get involved in it, but the property is located inside the City of Evansville. So, what would happen if it is zoned 'residential,' you would have to request a 're-zoning' from the Area Plan Commission and then the Evansville City Council would have to hear that to act on that rezoning."

Mr. Phelps said, "So, we are looking at a lot of red tape to have....."

President Willner responded, "Not necessarily, it might be zoned for what you want to use it for."

Mr. Phelps said, "Most likely not, since there are no businesses located in the area though."

President Willner said, "Most likely not, but they should be able to tell you what the zoning is on it, or the taxes. No, they wouldn't be able to tell you the taxes."

Attorney John said, "Area Plan Commission should be able to tell them something. It is on the third floor here about half way down the hall. They could tell you how it is currently zoned as well as what the "master plan" projects it should be in ten or twenty years from now. If they are surrounded by houses, in all likelihood, the "master plan" will show that it should be residential in the future as well. That doesn't mean that the Council is bound by that recommendation by the Area Plan."

Mr. Phelps said, "Well, if we are providing jobs for the City, it shouldn't be too hard to get it rezoned."

Attorney John said, "That I can't answer."

President Willner said while they are waiting from someone from Area Plan to arrive to continue with the sale, Commission will continue with the agenda.

RE: CONTRACT TO BE AWARDED FOR ST. JOE AVENUE IMPROVEMENT AT ALLENS LANE

Greg Curtis, County Highway Engineer recommended that they reject the bid that was received on St. Joe and Allens Lane and proceed to re-advertise segments of this work individually and possibly for Traffic Engineering and the County Highway to do portions of that work to bring the cost down significantly. There was only \$25,000.00 asked for in the appropriation and the bid is \$53,000.00, so they need to do something and he feels that this is a little outrageous.

The Chair entertained a motion.

Commissioner McClintock made a motion to reject the bid that was received for the St. Joe Avenue Improvement at Allens Lane and that we authorize the County Engineer to scale the project down including some work to be completed by County Crews and to advertise that portion remaining. Motion was seconded by Commissioner Borries. So ordered.

RE: BILL JEFFERS/DEPUTY COUNTY SURVEYOR  
PRESENTATION OF PROPOSED PRECINCT MAPS, ETC.

The Chair recognized Bill Jeffers, for County Surveyor, to present the proposal of the precinct maps.

Mr. Jeffers said he was ready to present the proposed precinct maps on behalf of the County Surveyor's Office. He said that he had two (2) copies of each ward with all of the new proposed precincts and two (2) copies of each legal description and two (2) copies of what the State Election Office calls 'Precinct Summary Statements', which shows the name of the precinct, what Congressional District, House District, Senate District, and a lot of other information that they vote by punch card and how many voters are in each precinct and which precincts were affected by the change. That should take care of you for now.

Mr. Jeffers continued, "The only thing I will say is that this cover map is a worksheet. This is not an official map. We are just trying to show how all of the new precincts fit together into a ward. These are along the Ward Lines established by the City of Evansville. The question keeps coming up, and we are now proposing 188 precincts, which is an increase of 31."

Commissioner Borries asked, "Bill, just to refresh for the public meeting, why is there such an increase?"

Mr. Jeffers responded, "This is the registered voters per precinct per ward published by the Voter Registration Office in 1988. In other words, this is what Paul Bitz and Susie Kirk say voted per precinct in Vanderburgh County in 1988, and out of the 157 precincts that voted in 1988, there were thirty (30) precincts which were greater than 800. By Statute, 'The County Executive shall establish precincts so that a precinct contains no more than eight hundred (800) voters.' So, the first thing that we did was identify each precinct that was over 800 and there were thirty (30) of them and the total number of voters in those 30 precincts was thirty-one thousand one hundred and fifty (31,150). So, you can see there was an average of approximately one thousand (1,000) voters per those 30 precincts that were in violation of the statute, or, exceeded the limits set by statute. I don't think an increase of thirty-one (31) is too far out of line when you are trying to split precincts into units of five hundred (500) voters. In addition to those thirty (30) precincts, there were numerous precincts that were 'bumping' the limit; for example: Ward 3, Precinct 1, had seven hundred and eighty-nine (789); Ward 6, Precinct 8, had seven hundred and sixty-six (766); and etc. German 2 had seven hundred seventy-one (771); German 3 had seven hundred sixty-six (766) and we are still experiencing growth in those areas. When we found a precinct that was too small, we tried to add to it and when we found a precinct that was too large, we tried to take some off, so we ended up with one hundred eighty-eight (188) precincts."

Mr. Jeffers continued, "Our most simple rationality was that you had thirty (30) precincts with one thousand (1,000) voters each in them and we ended up with thirty-one (31) new ones, so I don't think that is too bad. Some of the other problems we had, like out in Knight Township, every precinct out there was over. You had one with 1,876 and one with 1,744. Those were pretty difficult to just split in half. We had to split them in three (3) and four (4) parts. With the annexation that occurred on the

Eastside, the City was dodging in and out of populated areas to try to incorporate just populated areas and leave agricultural areas unincorporated. They created some geographic areas that were hard to do anything with but make one (1) precinct out of them, like Sugar Mill Creek or the Timbers Apartments. They went out and got the Timbers and came back over to Keenland Court and there is no way to do anything but make that one (1) precinct."

Mr. Jeffers stated, "I hope we have done a good job for you. We are proud of it and we feel it is acceptable and I was in contact with the State Election Board as recently as this morning."

Commissioner Borries thanked Mr. Jeffers for their work and asked him to explain to them if there are any other (we will want to examine these and you have two sets)....What are the guidelines, as you know, or the deadlines, in terms of submitting all of this and does the Auditor now have to do anything else before these are submitted to the State Election Board?

Mr. Jeffers responded, "I made some brief statements on that the last time we were up here and it has changed slightly since then. The last time I was in contact with the Election Board was in late March and in April some legislation occurred and was passed that changed the deadline somewhat. There is still a deadline of July 1, 1989 to submit proposed precincts correcting situations where there are over eight hundred (800) voters. Then they extended the deadline for any non-conforming precinct to October 1, 1989. When I say 'any' non-conforming, we have had precincts in Vanderburgh County for decades that used section lines as the precinct line in some cases or other lines that were not geographically visible on the ground and the Election Board prefers, and the Statute dictates, geographic features visible on the ground, such as roadways, creeks, railroads, etc. Some of the legislators took issue with that and said those were 'granddaddy' lines and should be accepted and other legislators don't agree with that and the State Election Board prefers to follow the Statute, so, we may be discussing some of these lines with them between now and October 1, 1989. Some of the precincts that we have presented to you, I don't want to tell you they are not, some of the precincts have lines that are formed by old lines that have been accepted for decades and now, all of a sudden, may have to be re-examined. Mr. Maddis at the State Election Board said if there is any visible feature along that line, please note it, so I noted all fence lines, tree lines, drainage ditches or anything that was on that line and I hope that makes his job easier. It will surely make his easier if it makes ours easier. What we did was go ahead and give you all 188 right now. Let him have the summer to look at them and if he finds any problem at all, we can discuss it on this other thing, this non-conforming thing."

Mr. Jeffers continued, "You can go ahead and look at these (the way his assistant explained it to me this morning, he was out of town) maps, if you feel like these are the precincts that you would like to forward to the State, do so, and send them a cover letter sayings that these are the precincts as we wish them to be. You don't have to take any other action than that. That letter has to be signed by at least one (1) Commissioner. They will review them and suggest changes if necessary and when they send them back to you okayed by the State Election Board, you have to pass an Ordinance establishing these precincts. This has to be in Ordinance form and establish a book, like any other Ordinance you have, and that becomes your permanent record and then the Auditor certifies to the State, and signs each map, that this is a record accurately reflecting the record of the Vanderburgh County Commissioners and it doesn't require your signature because the Ordinance is passed by you and the Auditor certifies to that. There did not seem to be any other deadlines set. They set a deadline on us and then I guess they review them

as they can get to them. I understand they are reviewing quite a bit and that other counties are having the same discussion with them that we are having."

Mr. Jeffers said, "Another note of interest, "Legislators appropriated money to hire some fellow named Dr. Robert Beck. If you would like to call him, his number is 317-274-8889. Apparently he is developing a program with some software and has studied various counties. I understand that ours has been completed. I have never been in contact with him and just found out about him this morning. It updates the 1980 census tract data similar to what some discussion went on around here about acquiring that hardware and software and doing that in-house. It has already been done for us and paid for by the State of Indiana. For the record, I was talking to Mike Maddis and I believe Laura Melloy is either his direct subordinate or supervisor and I have talked to her too. The way I understand it is if they come up with some lines that they don't like and we are looking for an alternative that this Dr. Robert Beck has developed a study that shows current census data. I believe that is what Paul Bitz was earlier discussing with you, a program that would do that. Those are the deadlines as I understand them."

Commissioner McClintock asked, "What would you estimate the total number of voters affected by the precinct changes would be?"

Mr. Jeffers responded, "Channel 25 asked me the same question. Thousands."

Commissioner McClintock asked, "How many thousands? Half of of the voters in Vanderburgh County? How many total precincts are changed?"

Mr. Jeffers said, "I don't know. I didn't keep track of that kind of data. There was no change in Armstrong, no change in Pigeon, because no one lives in Pigeon Out any longer. There are three (3) precincts there that no one lives in, unless someone is living at the Marina now. In Union there is no change. In Ward 1, with its incorporation into the City went to thirty-one (31) precincts. I am sure that will affect and ..... What do you mean by change? We changed numbers in Ward 1. Just started in one corner and re-numbered them because so many changes occurred."

Commissioner McClintock said, "That's one thing that I understand. Are there any precincts where numbers didn't change?"

Mr. Jeffers responded, "In the 6th Ward, no precinct change numbers."

Ms. McClintock asked, "In 1 through 5, would it be safe to say that 95% of the precincts changed?"

Mr. Jeffers said, "In Ward 5, 75% of the precincts changed numbers. This was at the suggestion of the Committee. Ward 2, probably 90% of them changed numbers. Ward 3, I wouldn't say they changed numbers, but 50% of them now have numbers that they didn't have before, because a lot of that was incorporated with the annexation. We left as many numbers as we could the same and tried to number around them, but when you have Precinct 1 over here on this side of the Ward and Precinct 2 over there, we got some complaints from the Committee. Ward 2 was probably 90% and Ward 3 was 50%, Ward 4 - 50% and Ward 5 - 75%, Ward 6 - nothing, no numbers changed. We changed some boundaries in Ward 6."

Ms. McClintock asked, "In Ward 1, all of them?"

Mr. Jeffers said, "Ninety-five (95%). Ward 1 was one of the hardest ones to do. I think Precinct 22 stayed the same in Ward 1."

Ms. McClintock said, "Then, it would be safe to say, probably, that over 50% of the voters in Vanderburgh County....."

Mr. Jeffers interrupted, "Will at least have a new precinct number, and probably have at least one (1) new line. I can show you precincts that did not change at all, but we would have to sit down and go ward by ward and I could show you precincts in every ward that did not change at all, except for the number, but any change will affect a voter. Right?"

Commissioner McClintock said, "Right. That is my concern, is that we are looking at new voting machines, we may or may not purchase those, and the next time that we have an election in Vanderburgh County, approximately a year from now, fifty (50%) per cent of the people that voted before are going to have brand new places to vote, numbers, machines...So, where do we go as far as once all of this is decided, in educating all of these people as to their numbers? What are we going to do to make sure that they are educated?"

Mr. Jeffers said, "Your first job is to find a polling place for all of these precincts. I left as many as I could the way they were."

Commissioner Borries stated, "As you have pointed out, it's going to involve thirty (30) new ones probably and the way the Statutes generally read, you are to select a public place, which normally is a school or church and that is going to present a problem for us and to follow up a little on what Ms. McClintock said, it is going to get worse because what is going to happen, if we follow this Statute the way the Statute is, and it is pretty matter-of-fact, and that is what you have said, this is cut and dried, it has to be eight hundred (800) votes and they are pretty well telling you how to follow your census tracts. How often do we have to do this?"

Mr. Jeffers responded that this must be done every time a precinct goes over eight hundred (800).

Commissioner Borries stated that technically we might have to do this every two (2) years.

Mr. Jeffers said, "There are other rules."

President Willner said, "Not if you cut it down to six hundred (600) the first year."

Commissioner Borries said, "There could be a possibility that they change every two (2) years and that is the problem."

Commissioner McClintock added, "I guess my primary point is that once these are approved and we do determine what the polling places are going to be, that we are going to have to work with the Voters Registration Board to notify these voters and I believe in some other manner than just printing the numbers and the precincts in the newspaper, because we are going to have a lot of confused voters; especially that first time, and then as you say, it will continue to change but we are not going to have the numbers that we are going to have this first time. We certainly don't want to discourage anyone from voting."

Mr. Jeffers stated, "Mr. Bitz was the first one on the Committee to suggest that I change the numbers so that they were numbered in sequence. He said that was one of the biggest problems that people had with locating precincts, is that they could not understand how 2-1 could be separated by five miles from 2-2."

Commissioner McClintock said, "I can understand what you did and what Mr. Bitz's concern is....."

Mr. Jeffers interrupted, "The reason I said that is because he is the guy that is going to have to notify the voters, so he knew that there was a lot of work involved when he made that suggestion."

Commissioner McClintock continued, "But, I seriously doubt that 'Joe Blow' voter cares whether he lives in 2-1 and 2-2 is five miles away. Whose problem is that? It's not the guy that is voting. Who are we trying to accommodate here, the Voters Registration or the people who are going to vote and how much more is it going to cost to get that word out to educate the voters?"

Mr. Jeffers responded, "So many of the precincts changed that I did not see any problem with re-numbering the precincts and the 2nd Ward changed and the 1st Ward got annexed, so I didn't see any reason why you couldn't change numbers in those. Like I said, Ward 6 was so stable I didn't see any reason why the numbers had to change at all. Some other areas were like that too and Ward 5 there were areas of this Ward that didn't change one width, so I left the numbers the same and tried to number around them, but, that was just one of the recommendations of the Committee, to try to number as close as possible in sequence to adjacent precincts. I think this is the least of your problems. This is outside of what you hired us to do, that is why I am not saying much about it, but you need to find your polling places and buy some voting machines and notify the voters where they are going to be voting and get to it. We tried our best to situate the precincts, even if they might not conform exactly to the Statute and I could give you all kinds of examples about that. For the ease of the voters, like the subdivisions on the Eastside, where Area Plan Commission has okayed the development of subdivisions that don't have connecting streets to the neighboring subdivision, Brookshire, Lakeside and all of those. They do not interconnect. Do you want me to go down the middle of Green Gate Court and use that for a visible boundary and split Green Gate Court in half and the neighbor over here, who has a privacy fence between him and Lakeside is talking to the neighbor across the fence who has a privacy fence between him and Brookshire, 'Where do you vote?' 'Well, I vote at the Garden Center.' 'I guess that's where I vote.' Then, they both go down there and one of them is voting over in Charter Oaks and the other is voting at Plaza School and they live across the street from each other. So, I used the boundary fences around the subdivision. I did that for the ease of the voter. We did that all over town and we tried to make this as easy a change as we could by using, not only census data and Area Plan Commission development records, but also traffic flow to make sure that the voters who leave in one neighborhood are all going in the same direction to arrive at the polls. We have said that these precincts are using 'punch cards'. If that is not going to be the case, we have to change that too."

The Chair entertained other questions and thanked Mr. Jeffers for his work.

President Willner stated that in order to complete the voting record, they have found the company that they normally order the voting machines from has been purchased by another company and Mr. Riney is in contact with them and the Commission will expect some literature which should have been here today but did not get here. They will try to have it for next week.

RE: CONTINUATION OF SALE OF COUNTY OWNED SURPLUS PROPERTY

Mr. Riney stated that Beverly Behme of Area Plan was in the meeting now to answer questions on the surplus property. He said that the lot at 208 S. Bedford Avenue which Mr. Riecken was inquiring about was zoned R-5 which you could build an apartment on and R-2 is a two (2) family dwelling only or a single. All of the properties are Zoned R-2 except the one (1) which is zoned R-5.

Someone in the audience asked how high the apartment could be.

Ms. Behme responded that it depended on the zoning, which this is R-5, so it would be 150 feet. The lot size depends on parking and what ever. She asked if they had legal descriptions with these properties. If they are zoned R-2, they can build a duplex, or a single family dwelling, but they cannot build an apartment building.

President Willner went through the properties that they had for sale:

- #1. 1105 Cherry Street...The lot size is 37 1/2 x 130. The Zoning is R-5 and you could build an apartment building 150 feet high on that one.
- #2. 808 Line Street...The lot size is 26 x 129. It is zoned R-2 and you can build on that one.
- #3. 114 Madison Avenue...The lot size is 25 x 110. It is zoned R-2 and you can build on this one.
- #4 109 Madison Avenue...The lot size is 40 x 135. It is zoned R-2 and you can build on it.
- #5 1702-04 S. Governor Street. The lot size is 50 x 125. It is zoned R-2 and you can build on it.
- #6 208 S. Bedford Avenue...The lot size is 35 x 134. It is zoned R-2 and you may build on it.

Ms. Behme explained, "If you were platting a lot today, it would have to be 60 x 100 and these old lots, you can, it is a little difficult, most of the time they combine two (2) lots. On a 26 foot lot, you would have to have a really narrow house. You would have to have a 25 foot front and a 25 foot back and there is a calculation that we use on lots smaller than 40 feet."

President Willner asked if all of the questions had been answered.

President Willner then said let's go down the list and see if anybody is interested:

#1 1105 Cherry Street..Is anybody interested in this?  
Being no interest, President Willner continued....

#2 808 Line Street...Is anybody interested in this?

Mr. Phelps said he did not think there was enough information on this. You mentioned 'red tape' about getting it rezoned. He would want it zoned Commercial.

President Willner stated, "Mr. Phelps, I would want to emphasize the terms of that. That is why these are on tax sale because someone has failed to pay his or her taxes on this and that is not necessarily all red tape. If you want to change any property in the City or County you have to go through a rezoning. Everybody has to go through the same red tape on that, and it is anybody's guess if it would pass. It would be up to the City Council at that point."

Commissioner McClintock said, "Mr. Phelps, if it is helpful at all, the representative from the Area Planning Commission is saying that this is an awfully small lot and if you were to go and try to get it zoned commercial, you are going to have to provide for off-street parking, in addition to the front set backs."

Mr. Phelps responded, "That depends on the business. The business wouldn't necessarily need parking."

President Willner stated that all businesses have to have parking. ALL OF THEM.

Mr. Phelps said, "I don't doubt that it is a law, but a lot of the businesses in the City don't have parking."

Ms. Behme responded, "Those businesses were probably already up and established."

President Willner said, "Yes, Grandfather clause."

Ms. Behme continued, "If you build new, you would have to build by today's standards as far as the requirements of parking."

#3 114 Madison Avenue, the lot is 25 x 110 and is zoned R-2.

President Willner asked if there was interest in this.

Brad Clark came forward and stated. "I own several pieces of real estate in Evansville and I am interested in a couple of these properties, but I got in on this a little late and I have not had time to look at them. If they don't sell at this time, will they be offered again?"

President Willner stated they are usually sold every Monday or Tuesday until they are all gone.

#4 109 Madison Avenue, the lot size is 40 x 135 and is zoned R-2. Is anybody wishing to bid on this one?

#4 1702-04 S. Governor Street, the lot is 50 x 125, zoned R-2. Anyone wishing to bid on this one?

The bidding on this property was a high bid of \$155.00 for 1702-04 S. Governor Street. The property was sold to: Watez Phelps of 746 E. Chandler St., Evansville, IN. 47713. The Tax Code on this property is: 11-160-62-78-14.

Mr. Phelps asked if he could just write a check because he had to go to work right away.

President Willner told him to go to the Auditor's Office first and then to the Treasurer's Office. Mr. Willner also asked Mr. Phelps if he was aware that there was \$185.00 also due on this property.

Mr. Phelps responded affirmatively.

#5 208 S. Bedford Avenue, lot size 35 x 134 zoned R-2. The Chair called for bidders on this lot.

This property at 208 S. Bedford Avenue was sold for \$110.00 to Bradley Clark of 7410 E. Blackford Avenue, Evansville, IN. 47715. Mr. Willner also asked Mr. Clark if he was aware that there was also \$185.00 due on this property. Mr. Clark responded affirmatively.

President Willner stated that the other properties would be on sale next Monday and if anyone would like to check in on them and return they were welcome.

RE: COUNTY HIGHWAY SUPERINTENDENT/CLETUS MUENSTERMAN

Weekly Work Reports & Absentee Reports: Mr. Muensterman said he has submitted copies of the Weekly Work Reports and Absentee Reports for employees at the County Garage and the Bridge Crew. He asked if there were any questions on his reports.

Paving of Crowley Ave., Buena Vista Drive & Allens Road: Mr. Muensterman said they had started to pave on Crowley Avenue, Buena Vista Drive and Allens Road and had to put surface on Buena Vista Drive and then they would be through with it.

South Weinbach Avenue: Mr. Muensterman said they were working on South Weinbach, getting the dirt off and getting drainage on it so that they could get it paved.

The Chair entertained questions of Mr. Muensterman.

RE: GREG CURTIS/COUNTY HIGHWAY ENGINEER

Request to go on Council Call for Boonville-New Harmony Rd. Bridge #13:

Mr. Curtis gave an explanation that when they began working on this project, as of late, he made a telephone call and tried to ascertain the balance on this account and was given the balance for the road. Whether the mistake was his or the people he was calling, he does not know. In any event, we need to ask for \$285,000 for Boonville-New Harmony Rd. Bridge #13.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the County Engineer is to be placed on the July Council Call. (Mr. Willner asked Margie Meeks to see that this was done.)

Plastic Pipe:

Mr. Curtis said he has had a number of people call his office asking to use plastic pipe in subdivisions for storm sewers and pipes underneath the road, etc., as well as the manufacturers-- not just the builders. He would like to recommend that the County give a 6-month trial period to try out a new plastic pipe product that is out. It is a plastic pipe corrugated on the outside with a smooth walled interior. The only brand name product available at this time is put out by a company calls A.D.S. and it is their N-12 product. If any other manufacturers come out with a similar product, he'd like to review that and approve that. But he would like to have a 6-month trial period to begin June 1st and run through November 30th of this year. And the pipe placed in the ground and covered during that period can be the A.D.S. N-12 plastic pipe or equivalent. As stated, he's receiving a lot of requests and a lot of people wanting the County to accept that -- and he'd like a 6-month period to evaluate it. Insofar as specifications of the product itself, he feels it is a sufficient product -- but he'd rather evaluate some of it in the field before the County says that is going to be a product that they're going to accept.

Commissioner Willner asked if we're going to let them use that as driveway tile?

Mr. Curtis said, "Yes; but here, again, there are two kinds of plastic pipe. And the plastic pipe that has been out in the past is very, very flexible. If one person picks up each end of that pipe, it will be shaped like a "U". And a 20 ft. section of this N-12 pipe would normally have a deflection of about 6 inches at the most -- and that's on a hot day. It is not nearly as flexible and is a much stronger pipe and it has a smooth interior. Therefore, in some cases you are able to use a smaller pipe because the water flows through it so much more quickly.

In response to query from Commissioner Willner concerning the ends, Mr. Curtis said it would have some advantage over a metal pipe in that it will have some recovery without any outside pressure -- whereas with the metal pipe you had to use a jack or something to bend that back out. But it would be similar to the metal pipe we allow.

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

South Weinbach:

With regard to South Weinbach Avenue, Mr. Curtis said we've had a number of requests and he believes it was brought up at a prior meeting -- that we do something about the condition of that road. He talked with Bob Willner, Cletus Muensterman, and J. H. Rudolph. He'd like to recommend that we pave that with three (3) inches of a No. 8 Base or a No. 5-D base, which is a desecrated material that won't allow quite so much water to flow through it and pave it with that this summer, prior to the racetrack opening, etc. If the water comes up and it gets soft because of that, we can repair that -- and then next spring we can pave over that with a surface mix after the trucks for I-164 are finished in the area.

Mr. Willner entertained a motion. Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Mr. Curtis' recommendation was approved. So ordered.

Coliseum Roof:

Industrial Contractors is working on the Coliseum roof. One of the things we initially discussed after they first started on it was that there are a number of areas where the existing roofing, while it was old, it was not in a condition such that we needed to completely remove it for the new roof to perform adequately. We had originally called for them to remove all the existing roof material and there are a number of items that the veterans had expressed to him subsequent to our accepting a bid that they would like to have done while they were in there. Next week he hopes to have a list of which things Industrial Contractors is willing to do for the reduction in work that they are going to have in the removal of the roof. He doesn't anticipate coming to ask for any additional money. But he will have the change order to request that that work be done in lieu of removing some of the material off the roof.

Commissioner McClintock said she is a little concerned about the same problem discussed previously and that is the veterans making a list of things they would like to have done at the Coliseum without -- since Mr. Curtis is going to be in this meeting, should we not have someone representing the Commission in this meeting?

Mr. Curtis said the items he asked them to list were things that needed to be repaired that were of the nature that would require someone such as Industrial Contractors to perform that work. There are some hoods up on the roof over ventilation areas, for instance, that they are going to clean and paint. And there are a couple of areas to be patched -- and that is the type of work that it would be best to have them do. One of the things that we're still arguing a little bit over is that there are lights that run underneath the top ledge of the Coliseum -- and re-lamping those -- putting new lamps on all of those. It takes a certain kind of equipment to get to that. But it's those types of items -- not just little improvement items. It's maintenance items that really need to be done and, quite honestly, if he'd had more time in preparing that contract -- probably would have been included in the contract to begin with.

Caranza Drive Sewer Project Estimate: Mr. Curtis says he also has the required Engineer's estimate in a sealed envelope for the Caranza Drive Sewer Project. It is not supposed to be opened until the bids are opened again. The sealed envelope was given to Joanne Matthews, Secretary.

RE: REQUEST TO GO ON COUNCIL CALL - SUPT./COUNTY BLDGS.

Mr. Willner said he has a request to go on Council Call from the Superintendent of County Buildings on the property behind the Coliseum. He is talking about the small parking area immediately behind the Coliseum belonging to Mr. McKinney. He has met with him and he is willing to take Hatfield & Company's (our appraiser) appraisal for \$25,000 -- and he is amenable to that price. Mr. Willner said if he can have the Board's approval, we can place this on Council call.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, permission was given to go on Council call for the \$25,000.

RE: LYNCH ROAD EXTENSION PROPERTY

Commissioner Willner said they also met with Mr. Folz's family (he is in Florida) and the realtor. They've had it listed through a realty company for over \$100,000, and we offered \$47,000 -- so you can understand there is a problem there. That is not to say he won't take it, but he needs to think about it. Also, he has a lot of big equipment in there and wants to know if there would be some remuneration to have that moved. Mr. Willner told him we were open to any proposal he might have -- or counterproposal -- and he has requested that we have a second appraiser. Mark Owen, Council President, has agreed to pick up the price of a second appraisal. In two weeks, it will come back before the Board.

Mr. Willner said they also met with Raben today and he said that five years ago he gave more than the appraisal price for the property -- he was amenable to help the County since it would be a beautification area - and he agreed to pick up the price. The price for the Raben building was \$42,700. There were three problems on that piece of property. One was that he is going to request twenty (20) parking spaces for daytime parking in our lot (after it is finished) for his business. He has two signs on the building. The signs are 20 ft. x 10 ft. They bring into the property \$500 per month and he certainly doesn't want to lose that -- so we have to find places for those two signs. He has requested some time to move. We tentatively have set a year -- or any time limit up to a year -- but not to exceed that -- and he is taking that back to his company. So we think we will be able to buy both of those pieces of property somewhere within the range of the estimate.

Mrs. Jarboe asked if Mr. Raben is requesting to rent twenty (20) spaces?

Mr. Willner said, "No. You've got to remember these are daytime spaces -- he will not use them at night. These spaces are for his personnel."

Mrs. Jarboe asked "Did anyone remind him of the money he got for his highway property in the redevelopment?"

Mr. Willner replied, "Yes; and if I am not mistaken, he said he lost \$310,000 on the highway deal when the Lloyd Expressway went through."

Mrs. Jarboe said we vacated a whole big section of property there adjacent to his building along the railroad tracks, etc. Never mind, but she was just curious about this free parking.

Ms. McClintock commented, "That is what he is requesting -- we're not giving him anything today."

Mr. Willner reiterated this is for personnel parking -- not equipment.

RE: REQUEST TO USE COUNTY ROADS FOR RIVER CITY BIATHLON

The meeting proceeded with Mr. Willner presenting a request to use County roads for the River City Biathlon, which is to take place at the Vanderburgh County Rural 4-H Center. This is to be a 3 mile run, followed by a 20 mile bike run, followed by another 3 mile run. The route is from the 4-H Center, Boonville-New Harmony Rd. to Darmstadt Rd., Old Princeton Rd. to Adler Rd. or Frontage Rd. (depending on which mileage you take) to Old Owensville Rd. back to St. Joe Avenue and back to the 4-H Center. A motion was entertained.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request was approved. So ordered. Commissioner Borries said he wishes them all the luck in the world.

RE: ACCEPTANCE OF CHECKS

Mr. Willner submitted two (2) checks from the County Clerk's Office for the Garnishment Fund (\$43.43 and \$84.57).

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

RE : APPOINTMENT TO LEVEE AUTHORITY DISTRICT BOARD

Mr. Willner submitted the name of Mr. Marsh VanDusen of 1310 Browning Road, Evansville, IN, to be reappointed to serve for a Three Year term on the Levee Authority District Board. A motion was entertained.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Mr. Van Dusen was re-appointed. So ordered.

RE: APPOINTMENT TO AUDITORIUM ADVISORY BOARD

With regard to the appointment to the Auditorium Advisory Board for a Two Year term, Mr. Willner said he needs another week.

Mr. Borries said he has contacted two (2) persons -- and one is out of town. The individual is supposed to be back by Monday of next week -- so we can get that done.

Commissioner Willner asked if there is any interest in combining the two to include the Coliseum? There was some talk of that. The Commissioners should try to make up their minds in this regard by next week and discussion will continue.

RE: OLD BUSINESS

Lynch Road Extension Appraisal: Mr. Willner said Mr. Riney tells him that Mr. Funke did get that appraisal back to the Commissioners. It is somewhat different from the one we had by about half. (It was \$117,000 and it is now \$69,000). He doesn't know anything about it except that it was on his desk Friday. It is on the agenda; but if the Commissioners wish to look at the appraisal and become more involved, it is on his desk. So he will not ask for approval on that today.

RE: SCHEDULED MEETINGS

Wed.	May 31	2:00 p.m.	County Council Personnel Mtg.
		2:30 p.m.	County Council Finance Mtg. (Room 303)
Sat.	June 10	9:00 a.m.	Sale of Miscellaneous County- Owned Property (County Highway Garage)

RE: BORROW PIT - FUQUAY RD.

Commissioner Borries said he has had several calls concerning the borrow pit bordering on Fuquay Road near where I-164 is being constructed. Greg Curtis has informed him that this is a State project, and he understands that. However, he has some concerns -- as do the residents. The pit is really deep. He doesn't know what kind of State standards are used for that kind of property in Vanderburgh County, but that thing looks double to him of what you normally think a borrow pit would be and he had some concern about it. He asked Greg to do some checking.

Mr. Curtis commented that subsequent to his discussion with Commissioner Borries he had a couple of other people get in touch with him. He talked with Barbara in Area Plan and they've looked into it and gained some additional information. Hopefully, at some point in the near future they can have an idea of what we can and can't do. It is not exactly the State's problem. The State approved it being the way it is. But it is not property owned by the State, nor is it property owned by the County. It is property owned by the Contractor. They are in the process of finding out exactly what can be done and, hopefully, they will have something next week.

Ms. McClintock asked if the Contractor has knowledge of these concerns? Who is the Contractor?

Mr. Curtis said Traylor Bros. is the contractor.

Ms. McClintock asked if they know there are individuals who are concerned?

Mr. Curtis said he is sure that there have been those who have discussed this with them. Whether they would acknowledge that or not would depend upon whom you talked to as to whether someone had called that individual or not. But he knows those concerns have been expressed to a number of people at the State level -- because, until the latter part of last week when we finally found out that Traylor Bros. was the owner of that property and really had control of it -- both the City and the County and everyone as referring that to the IDOH at Vincennes. So he is sure Traylor Bros. is aware of it.

Commissioner McClintock said she thinks the Commissioners probably ought to send them something in writing indicating the Commissioners feel this is a concern and something that should be dealt with shortly.

Mr. Curtis said what they have had approved by the State is a borrow pit with a 15:1 slope toward the Interstate and the other sides can be a 2:1 slope, which is rather steep. The picture he has in his own mind from the last time he drove by it is that the other three are substantially more than 2:1 now. The 15:1, he is not sure he recalls it being that flat -- but it may have been. And on the depth, the depth is required to be of a certain depth unless otherwise approved. He might say that the 2:1 was something the State had to approve that they approved as well as they approved the depth. But he's in the process of trying to find out what we really can do -- possibly through the

subdivision code, etc., because one of them is in a subdivision and it does drastically affect the drainage plan and some other things.

Commissioner Borries said he appreciates Mr. Curtis' work on this. Like Commissioner McClintock, he'd be happy to send letter to Traylor Bros. and the IDOH -- he just thinks it is unacceptable. He's never seen anything that deep. He and Bob were talking just before today's meeting. Have you ever seen a borrow pit that deep?

Mr. Willner said he guesses they are planning a lake there -- but if it ever does fill up in water -- you can drown in 10 ft as well as 60 ft.

Mr. Borries said he bets this one is 60 ft. deep.

Commissioner Willner agreed.

Mr. Curtis said that two of the borrow pits along that stretch are in such sandy soil that they will never hold much water.

RE: TRAVEL REQUEST - COUNTY CLERK

Commissioner Willner said he has a letter from Betty Knight Smith, County Clerk, advising that the State Board of Accounts is calling a Conference for all Clerks in the State of Indiana pursuant to the Statute for June 20, 21 and 22 at the Sheraton Hotel in Indianapolis. Betty would like to go with three (3) other persons from her office. The only problem is that she does not have a travel account and this would have to come out of the Commissioners' budget. A motion was entertained.

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

Commissioner Willner said Council President Owen said the County Clerk will have a travel account in the next budget.

RE: CLAIMS

It was noted there are no claims for approval.

RE: EMPLOYMENT CHANGES

County Assessor (Appointments)

Kristie Joest	Secy. BR	\$35.00/Day	Eff: 5/22/89
Maria Leggett	Secy. BR	\$35.00/Day	Eff: 5/22/89

Prosecutor (Appointments)

Laura Lee Miller	PL Secy.	\$14,000/Yr.	Eff: 5/22/89
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Knight Township Assessor (Appointments)

Mary Margaret Lloyd	Deputy	\$35.00/Day	Eff: 5/22/89
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Burdette Park (Appointments)

Michael Powless	PTGC	\$4.00/Hr.	Eff: 5/9/89
John Bippus	PTGC	\$4.00/Hr.	Eff: 5/8/89
Timothy Bell	PTGC	\$4.35/Hr.	Eff: 4/26/89
Matt Caton	PTGC	\$4.00/Hr.	Eff: 5/8/89
Barb Bain	PTGC	\$4.00/Hr.	Eff: 5/8/89

Burdette Park (Releases)

Timothy Bell	PTGC	\$4.00/Hr.	Eff: 4/26/89
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Circuit Court (Appointments)

Andrew Hancock	Intern	\$3.35/Hr.	Eff: 5/19/89
Keith Haas	Intern	\$4.50/Hr.	Eff: 5/15/89
Michael Pagano	Intern	\$3.35/Hr.	Eff: 5/15/89
Joab Schultheis	Intern	\$3.35/Hr.	Eff: 5/15/89
Deana M. Dunkel	PT Clerk	\$5.00/Hr.	Eff: 5/22/89
Michael J. Cox	Intern	\$5.50/Hr.	Eff: 5/22/89
Kelli Ulrich	Intern	\$5.00/Hr.	Eff: 5/8/89
Derek Stahl	Intern	\$3.35/Hr.	Eff: 5/15/89

Circuit Court (Releases)

Deana M. Dunkel	PT Clerk	\$4.50/Hr.	Eff: 5/19/89
Anthony Sullivan	Intern	\$3.35/Hr.	Eff: 5/5/89
Michael J. Cox	Intern	\$5.50/Hr.	Eff: 5/19/89
Bill G. Davis	Part Time	\$5.00/Hr.	Eff: 5/5/89
Karen Altman	Intern	\$3.35/Hr.	Eff: 5/22/89
James D. George	Intern	\$3.35/Hr.	Eff: 5/5/89
Sidney Jordan	Intern	\$3.35/Hr.	Eff: 5/5/89
Derek Devine	Intern	\$3.35/Hr.	Eff: 5/5/89
Michael Lotz	Part Time	\$5.00/Hr.	Eff: 4/18/89

Scott Township Assessor (Releases)

Doris E. Bailey	Deputy	\$35.00/Day	Eff: 5/19/89
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Center Assessor (Appointments)

Kim A. Burch	Office Deputy	\$35.00/Day	Eff: 5/26/89
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County Clerk (Appointments)

Robert Blesch	Bond & Fine	\$16,380/Yr.	Eff: 5/22/89
Mabel Winkler	Deputy Clerk	\$12,028/Yr.	Eff: 6/5/89
Eunice Heacock	Deputy Clerk	\$12,028/Yr.	Eff: 6/5/89
Sharon Stevens	Commit./Clerk	\$13,848/Yr.	Eff: 6/5/89

County Clerk (Releases)

Mabel Winkler	Part Time	\$6.00/Hr.	Eff: 6/5/89
Eunice Heacock	Part Time	\$6.00/Hr.	Eff: 6/5/89
Sharon Stevens	Cashier	\$13,848/Yr.	Eff: 6/5/89
Ruth Porter	Commit./Clerk	\$14,345/Yr.	Eff: 6/2/89
Betty Burton	Misd./Traffic	\$14,618/Yr.	Eff: 6/2/89

Treasurer (Releases)

Deborah Mosby	Cashier	\$15,547/Yr.	Eff: 5/31/89
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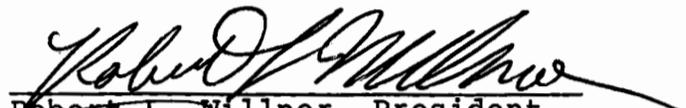
The Chair entertained further matters of business to come before the Board. There being none, President Willner declared the meeting recessed at 4:30 p.m.

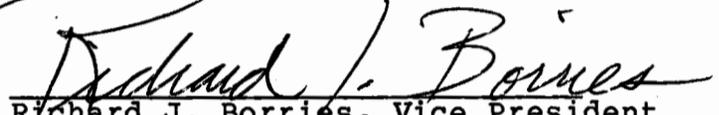
PRESENT:

Robert L. Willner/President  
Richard J. Borries/Vice President  
Carolyn McClintock/Member  
Curt John/County Attorney  
Greg Curtis/County Engineer  
Cletus Muensterman/County Highway Supt.  
Jerry Riney/Commissioners' Office  
Margie Meeks/Commissioners' Office  
Bill Jeffers/Deputy County Surveyor

Watez Phelps  
Bradley Clark  
Bev Behme  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

  
Robert L. Willner, President

  
Richard J. Borries, Vice President

\_\_\_\_\_  
Carolyn McClintock, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
JUNE 5, 1989

I N D E X

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MINUTES  
COUNTY COMMISSIONERS MEETING  
JUNE 5, 1989

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, June 5, 1989 in the Commissioners Hearing Room, with President Robert Willner presiding.

The meeting was called to order by President Willner and subsequently opened by Sheriff Shepard, since it was the first meeting of the month.

RE: APPROVAL OF MINUTES

President Willner said he has minutes from May 15 and May 22 for approval.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the minutes of May 15, 1989 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of May 22, 1989 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: AUTHORIZATION TO OPEN BIDS ON OTHER CULVERTS & BRIDGE MATERIALS

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, County Attorney David Miller was authorized to open the bids received on other culverts and bridge materials. So ordered.

RE: AUTHORIZATION TO OPEN PROPOSALS FOR ENGINEERING SERVICES AND ENGINEERING DESIGN SERVICES FOR THE EXTENSION OF EICKHOFF-KORESSSEL ROAD

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, County Attorney David Miller was authorized to open the proposals for engineering services and engineering design services for the extension of Eickhoff-Koresssel Road. So ordered.

RE: SALE OF COUNTY-OWNED REAL ESTATE

1105 Cherry Street (Tax Code 21-44-3): Commissioner Willner said the meeting will continue with sale of County-owned real estate and the first parcel is 1105 Cherry Street. Lot size is 37-1/2' x 130' and the appraisal on that lot was \$1,220. He asked for a bid.

The sole bid came from Charles LaGrone of 1107 Cherry Street in the amount of \$1.00.

Commissioner Willner asked Mr. LaGrone if he is aware that he also has to pay \$185.00 for the title search, and Mr. LaGrone responded in the affirmative. Mr. Willner declared the property at 1105 Cherry Street sold to Charles LaGrone.

808 Line Street (Tax Code 21-74-5): Lot size is 26' x 129' and the appraised value is \$840. He asked for a bid. There were none.

114 Madison Avenue Tax Code 22-19-9): Lot size is 25' x 110' and the appraised value is \$690.00. Mr. Willner asked for a bid.

Mr. Watez Phelps of 746 E. Chandler Avenue bid \$1.00. Mr. Willner advised Mr. Phelps there is an additional \$185.00 fee for the title search, etc., and Mr. Phelps acknowledged that he is aware of this. There being no further bids, the property at 114 Madison Avenue was sold to Mr. Watez Phelps for \$1.00.

109 Madison Avenue (Tax Code 22-31-11): Lot size is 40' x 135' and the appraised value is \$1,350. He asked for a bid.

Mr. Steve Barnhardt of 603 S.E. 3rd Street bid \$1.00. Again, Mr. Willner reminded the bidder there is an additional \$185.00 fee for the title search, and Mr. Barnhardt acknowledged that he is aware of this fact. There being no further bids, Mr. Willner declared the property at 109 Madison Avenue sold for \$1.00.

Mr. Willner said one (1) piece of property remains -- 808 Line Street, a 26 ft. x 129 ft. parcel. There were no bids.

Commissioner Willner said the sale will continue next week.

RE: BOONVILLE-HIGHWAY 41 NORTH INTERSECTION

President Willner said there is a delegation present to comment regarding the Boonville-New Harmony and U. S. Highway 41 Intersection. He recognized Mr. Marlin Grossman, Trustee for the Town Board of Darmstadt, said he resides at 2340 W. Boonville-New Harmony Rd. Also present today concerning this matter is Debbie Ward, Executive Director of the 4-H Center, as well as ten or twelve others. They are here because some appointed or elected official will not listen or communicate with them concerning a very dangerous intersection at U. S. Highway 41 and Boonville-New Harmony Rd. That is the issue they are here to discuss. This all happened Saturday as a result of what they read in the newspaper on Friday -- like almost everybody in Evansville did -- and they were alarmed by the fact that this is how they get this kind of news. The first thing he did to start this rolling was at the Town Board Meeting he asked if anyone had anything to say about the stoplight at Highway 41 and Boonville-New Harmony Rd. There were about four (4) individuals who wanted to come to the podium to tell them they definitely did not want a stoplight there. He obtained information from Commissioner Willner and wrote to the Vincennes District office and received replies in a couple of days. They told them they would get back with them and discuss the matter (like a person should do) to get it settled. Nobody ever heard anything until they saw the article in the newspaper. This is what set him off. He called Bob Willner and was told he heard just like he did -- via the newspaper. He then wanted to call Christine Letts, Director of the IDOH in Indianapolis. He couldn't in touch with her over the weekend. He called her twice this morning (8:00 a.m. and 11:00 a.m.). The second time, her secretary told him she had handed to Ms. Letts the letter he had written her and she said she would try to get back to him, but she had other meetings to go to. At 12:30 p.m. she called him and apologized because they had jumped on this so quickly and were going to put a light there. He asked her if she was familiar with the intersection and she said she was not. She said this is done by studies and if it merits a light, that is what goes there. He said the IDOH had told him they were going to get input from the people and they were on the Town Board of Darmstadt and heard nothing about it, except via the newspaper -- and it seemed the Vanderburgh County Commissioners and everyone got the same information. He told her he didn't like what was being done. Ms. Letts told him she was sorry this all happened and they are going to re-evaluate the back-up and wait until other information comes into them. So this is where we are with that project. Mr. Grossman said their question is, why spend \$80,000 to \$100,000 to make a now dangerous situation into a more

dangerous situation with a light -- and the semi trucks not being able to stop at this light -- and that is the opinion of almost everyone he has ever talked to. He's never heard anybody say anything else. So it doesn't make sense that we spend \$80,000 to \$100,000 and put a light out there.

They've had several suggestions and there are a number of ways to go, in their opinion. The best suggestion he has heard (if we're going to spend a lot of money) is to tunnel the Boonville-New Harmony Rd. under Highway 41 and have longer lead lines in and off Highway 41, plus noise ribs, and a warning light. He might also add, at the same time, that Frank McCloskey and Dennis Avery have been in on this. This has been a serious thing, which he didn't know. He just threw it out at the meeting and it has developed into quite a serious thing.

As an alternative and a cheap way of getting out of it, he would think they wouldn't have to do the tunneling under the Boonville-New Harmony Rd., but make longer lead lines in and off Highway 41, plus the noise ribs, and some warning lights. If that was a temporary thing and it worked and we didn't have any accidents, then he would say that might do until they get some more of this further along development we're going about in the area. This would be his opinion. But, again, he thinks it is up to the Commissioners to make the decisions.

Debbie Ward will tell the Board about the traffic they get at the 4-H Center, which he thinks is the major thing at this intersection. They have been checking and between 3:00 p.m. and 5:00 p.m. there are between 30 and 50 cars all at the intersection trying to jump somewhere -- and, naturally, it is a dangerous place -- as dangerous as those the Commissioners are talking about for the bond issue. So he thinks we're in worse condition at Boonville-New Harmony/U.S. Highway 41 than we are anywhere -- and it is going to get worse as time goes on. And he believes what Debbie has to say about what they do at the 4-H Center will bear this out.

Commissioner Willner then recognized Ms. Ward.

Ms. Debbie Ward introduced herself and said she resides at 3115 Muensterman Avenue, Evansville, Indiana and her work address is Vanderburgh County 4-H Club Association, 404 W. Boonville-New Harmony Road, Evansville, IN. She said she received a phone call this morning from Mr. Grossman and it was sort of news to her about the meeting. He asked if she would be interested in being present today.

Earlier this year she was approached by the Engineer's office in Vincennes as to the traffic at the Boonville-New Harmony and U. S. Highway 41 intersection, asking dates for major events at the 4-H Center, etc. She provided them with a list, timetables, etc., so they could come down and conduct a study. They have been there on numerous occasions. It is a tragedy that five (5) people have lost their lives there since she has been at the 4-H Center (and that has been 2-1/2 years). In her opinion, they have approximately 200,000 using the 4-H Center each year. Events range from trade shows to wedding receptions to the Vanderburgh County Fair to horse shows, charities for different organizations, etc. She hardly knows of one charity in Evansville that does not benefit from events at the 4-H Center -- so it is not therefore only for the 4-H Youth and the Agricultural Community, but for every organization and the entire community of Evansville as a whole.

They certainly don't want to see anymore lives lost there. In their opinion, a traffic light would present somewhat of a danger until the whole community and traffic coming off Highway 64 is oriented to it, because the traffic tops the hill out there --

this is especially for the semi-tractors and trailers. A turn lane certainly would benefit the traffic coming off of Highway 41 onto Boonville-New Harmony Rd., but would not necessarily benefit traffic crossing the highway. She is sure that the expenditures for a cloverleaf and tunneling under would be great. However, do we put a value on human lives? With the future expansion of Evansville and the economic growth, she certainly sees Highway 41 North as becoming more and more business oriented. That will increase the traffic flow. So, if in the long range plans to benefit everyone concerned, she herself would like to see studies done as to either tunneling under and doing a cloverleaf or something of that nature. She thinks the whole community of Darmstadt deserves a further look into this. She knows studies are expensive. A study has already been done. We should just look at the optional long range plan and how money spent would benefit Evansville and Darmstadt as a whole.

Commissioner Willner asked approximately how many cars are at the 4-H Center in the 4 to 5 days of Fair week?

Ms. Ward said her guess would be 30,000 to 40,000 in and out.

Mr. Willner said that in regards to the Highway 41 intersection, we do have a railroad track and we have had a death there? Has that been five or six years ago?

Ms. Ward said she doesn't know -- she's only been there two and a half years.

Commissioner Willner asked if anyone else wishes to speak on the Boonville-New Harmony-Highway 41 intersection?

Commissioner McClintock said she has a question for Mr. Grossman. When he was referring to one of the solutions -- lead lines in off Highway 41, the rubs, and the warning lights -- was he suggesting that warning lights be placed approaching the intersection -- or actually a flashing light in the intersection? Not a stoplight.

Mr. Grossman said that in his opinion, the cost difference is not that much -- he would say both places himself, if he were doing the job.

Ms. McClintock then asked, "When you refer to lead lines, are you referring to the acceleration/deceleration lanes?"

Mr. Grossman said, "Both ways -- because you have these horse trailers coming in and one horse trailer takes up the inner median, so you have to have something to line up there. When you get 25 to 30 cars and ten (10) horse trailers -- why you're down a half a mile already."

Mr. Willner asked, "One horse trailer blocks all of Boonville-New Harmony Road, both directions."

Mr. Grossman continued, "So, it's a mess. I know when they conducted the study they didn't consider all these facts. They didn't ask the facts and he guesses that is the reason they didn't get them. Now they've made their decision and he and others in Darmstadt feel it is wrong."

Commissioner Borries said, "Well, I commend you for that. We had a meeting (in May, I think) where one of the points I made to Ms. Letts of the IDOH was to please let us know when we could be aware of some decisions. And you read as much as we did -- that is just not going to be the case. I think they have such a huge area of responsibility on all of these State highways -- that I suppose they are going ahead and do what they say they are going to do. And even though there are many local agencies and a lot

of local folks affected, sometimes it just doesn't seem to ring true. Again, I am not putting any blame there. But this was the exact comment that was raised to Ms. Letts in a meeting in May -- no, it probably was February."

Mr. Grossman said, "She said she was sorry it happened the way it did, but she can see how it did."

Mr. Borries said, "I just want to add one thing. I think it is a very dangerous intersection. I know there have been fatalities there and I am very sympathetic. But I think also there is one thing that is very key (very important) and that is to reduce the speed. It seems to me that for southbound trucks and vehicles there is a gradual slope or incline. You get some of those trucks rolling down there and what is the posted speed, 55 mph? No way -- I mean they're rolling 65 mph (some of them) and maybe higher than that -- and I am strongly suggesting we reduce the speed. Frankly, if you put 40 mph, people are going to go 50 mph. And I really think a thorough speed study needs to be done in that particular area. And another option is to reduce the speed. Because it is a serious intersection and it is hard to determine what is going to happen ahead. I-164 is going to take some of that truck traffic off, but there will be other traffic that will use U. S. Highway 44. And I think it important that they look at that speed -- because it is an incline or a decline, depending on which way you're going."

Mr. Grossman said he's lived there 31 years and when he comes from his brother-in-law's house on Highway 41, he has a hard time finding Boonville-New Harmony Rd. to turn to his right. So that shows you what a trucker is going to do coming down that hill doing 60 mph or more -- he's going right on through. So it's just dangerous and we don't want it. Another thing, he's heard they haven't been policing that area at all insofar as speed. He's been told you don't see anybody through that area at all insofar as police. He can't vouch for that, but that is what they say.

Mr. Borries said a trucker is not going to know that the 4-H Fair is in session -- and they will fly through there -- fast.

Commissioner Willner said he would hope that the Board takes into consideration what Mr. Grossman has brought them today. One comment he might have is that he would certainly like to see a grade separation at this intersection. At the last accident they had at the intersection, he saw the young lady laying out in the northbound inside lane and cars were almost running over her -- even with him there.

One other thing that comes to mind is that if they are going to put a stoplight in, then surely they ought to go down to the entrance to the old Airport and take that light out -- which hasn't been there for two years. They could take the light from there -- and at least we'd get rid of it, we wouldn't be adding anymore.

Commissioner Willner said he guesses the Commissioners need to write another letter to the State, asking them for a grade separation. Rather than spending the \$100,000 for the light, he'd like to see us do that.

Mr. Grossman said this sounds good.

RE: APPROVAL OF SPECS FOR PRISONER VEHICLE - SHERIFF'S DEPT.

Susan Jeffries of the Purchasing Department submitted the specs for a 25 passenger prisoner transportation vehicle for the Sheriff's Department. She said they'd like to set the bid opening date for June 26, 1989. Officer Moser of the Sheriff's Department has researched this and developed the specs based upon their needs.

Commissioner Willner asked if at least three (3) of the major truck manufacturers can bid on this?

The reply was affirmative.

There being no questions, upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the specs were approved for advertising.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Purchasing Department was authorized to advertise the specs with bid opening to be held on June 26, 1989. So ordered.

RE: READING OF BIDS ON OTHER CULVERTS & BRIDGE MATERIALS

Attorney Miller reported that only one (1) bid was received on other culverts and bridge materials. The bid was from American Timber Bridge & Culvert, Inc. of Indianapolis and is properly executed. A bid bond is included and the bid is in order and may be considered by this Board. . The bids are as follows:

- a) Treated bridge planking \$996.96/1,000 b.f.
- b) Timber box culverts \$1,739.33/1,000 b.f.
- c) Panel laminated decks \$1,739.33/1,000 b.f.
- d) Creosote pressure treated bridge and soft storage building components \$1,768.30/1,000 b.f.
- e) Longitudinal creosote pressure treated super structure deck
- f) replacement components \$1,794.54/1,000 b.f.

Commissioner Willner entertained a motion to refer the bid to County Engineer Greg Curtis for his expertise and report back to the Commissioners next week.

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

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports & Absentee Reports: Mr. Muensterman said he submitted his weekly reports last Friday. He then entertained questions.

South Weinbach Avenue: In response to query from Commissioner McClintock, Mr. Muensterman said he was out there this morning and we're still getting more water -- they really must have had a rain out there. They are going to take the Gradall out this afternoon and try to ditch it out a bit more. They're draining a couple of those fields alongside the road and it is coming out of there pretty fast. They are not going to have the mix plant ready on River Road until Wednesday. That would only give them about a mile drive back and forth. When they pave, they can pick up from there.

Culverts: Mr. Muensterman reported they have all their big culverts installed, but someone tells him they have one now on Volkman Rd. again. When you put these 6 footers in 40 ft. long, that's a pretty good job.

Road Paving Program: In response to query from Commissioner Willner re the road paving program, Mr. Muensterman said they are starting it; he's waiting for Greg to get going.

RE: COUNTY HIGHWAY ENGINEER - GREG CURTIS

Bridge #13 (Boonville-New Harmony Rd.): Mr. Curtis said the first item on his agenda is a re-advertising of Bridge No. 13 over Barr's Creek on Boonville-New Harmony Rd. They previously were authorized to advertise for that. However, they needed to negotiate right-of-way and we don't yet have the funds available. That won't go before Council until later this month. The date we would be receiving bids would be Monday, July 3rd. The plans and specifications for the replacement bridge were approved by the Board and they authorized advertising.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, authorization was given to re-advertise, with bid opening on July 3, 1989. So ordered.

Road Paving Project VC-89-06-01: Mr. Curtis said he does not have the entire bid package ready, so all he has today is the advertisement -- with regard to the first group of roads to contract pave. Again, bids would be received July 3, 1989 at the regular Commissioners meeting. The contract embraces approximately 13.8 miles of roads on the west side. He is requesting permission to advertise. The roads are as follows:

1) Creamery Road	0.6 mi.
2) Peerless Road	1.0 mi.
3) Rosser Drive	0.3 mi.
4) Broadway Avenue	3.7 mi.
5) Pleasant Road	1.1 mi.
6) Selzer Road	0.9 mi.
7) Graff Road	1.1 mi.
8) Seminary Road	2.8 mi.
9) Smith-Diamond Rd.	1.2 mi.
10) County Line Rd. (W.)	1.1 mi.
	<hr/>
Total	13.8 mi.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the County Engineer was authorized to advertise, with bid opening date scheduled for July 3, 1989. So ordered.

Commissioner Willner asked if Mr. Curtis told him one of the asphalt contractors had lost their State license -- but now has it back?

Mr. Curtis said that is correct. Jerry David's State Certification had been revoked pending his correcting a problem, and that has now been corrected and his license subsequently reinstated.

Mr. Willner asked if Mr. Curtis also told him there might be a new company that might wish to bid on our paving program?

Mr. Curtis said that Sam Oxley & Co., Inc. out of the Jasper area that got the Boonville-New Harmony Rd. Extension is planning on moving a plant down in this area. He is sure they will also be interested in bidding, as well. As stated this group of roads is on the west side, south of S. R. 66.

RE: APPOINTMENT TO AUDITORIUM ADVISORY BOARD

Commissioner Borries said he just received a notice during the meeting from one person who said that he could not serve on the Board -- and he needs to confirm with the other person. Upon request, the Board gave Mr. Borries one more week to resolve this appointment.

RE: COUNTY SURPLUS PROPERTY AUCTION

Commissioner Willner announced that on Saturday, June 10, 1989 at 9:00 a.m., an auction of County surplus property will be held at the Vanderburgh County Highway Garage by Curran Miller, Auctioneer. If any of the officeholders have any items they wish to dispose of, they should call the Commissioners office and said items can be included in the auction. For the general public, there are some real bargains -- about like the surplus real estate sale.

RE: TRAVEL REQUESTS

The meeting continued with Commissioner Willner saying he has travel requests from the Knight Township Assessor, Pigeon Township Assessor, and Center Township Assessor regarding travel to the Indiana Assessor's Annual Conference to be held in Ft. Wayne, IN on July 10, 11, and 12, 1989. The Assessors have all asked for expenses. The Commissioners do not have enough funds in the budget for even one Assessor. Therefore, he needs a motion to go on Council Call for additional travel funds. Following discussion, Commissioner Willner said Council took the funds out of the Commissioners budget and put them in the individual office accounts. When they run out of money, they come to the Commissioners anyway. He wishes they would make up their minds. And, some of the County offices didn't get their travel funds -- so it's just a bad situation.

Ms. McClintock said if Council didn't appropriate the money, is Council telling the Commissioners they don't want these people to go to these meetings?

Mr. Willner said he doubts that. He thinks maybe they use their money for some other purpose and then when there is an important meeting they don't enough money to go. We're just starting the sixth month and everybody is already out of money.

Commissioner Willner entertained a motion that all the foregoing be allowed to travel subject to available funds.

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

Attorney Miller commented that if Council chose in their own deliberations to separate the Township Assessors and to remove that from the Commissioners budget, he wonders why the Commissioners should be compelled to carry that ball now and let those Township Assessors go. The Commissioners would go to Council now only for authorization for the county-wide offices (such as the County Assessor, County Treasurer, County Clerk, etc.)

Commissioner Borries said Attorney Miller frequently mentions that County Government is an entirely different animal. If the Township Assessors need to go to the County Council, he supposes it would be appropriate for them to do so.

Commissioner Willner said the travel ordinance now says that they can travel within the State of Indiana without the Commissioners' permission.

Mr. Borries said that if it is a State-called meeting, it seems to him they have reason to do that.

Attorney Miller said the question is not whether or not these are legitimate meetings for them to attend. The question is whether or not it is this Board's responsibility to worry about the finances.

Following further discussion concerning travel funds, a motion was entertained that the Commissioners be placed on Council Call for travel funds in the amount of \$3,000.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Willner. Commissioner Willner said the Commissioners have a meeting with Council on Wednesday and he will take the problem to them.

RE: BOND ISSUE

Commissioner Borries said that Mr. Humphrey, Mr. Tuley, Mr. Owen and himself met last month with two nationally-known bonding agencies regarding the projects that have been often discussed -- the Union Township project, as well as the USI project. The County Council will have the major authority in relation to preparing for any kind of a bond issue. It is necessary for this Board, as the Executive Body, to authorize the Council to proceed forward on that. Although there are some differences of opinion between this Board and the County Council as to the exact location for at least one of the projects, he believes it is important to move this process forward, since he doesn't think anything can happen nor can we proceed even with the rating for our County (which we've not had any) after a rather exhaustive process until permission has been given by this Board to go forward. At this time, he would ask for the Board to consider authorizing Council to move forward with regard to the bonding process.

Commissioner Willner asked if Commissioner Borries has a dollar limit?

Commissioner Borries said he would say a maximum of \$10 million.

Commissioner Willner asked if a contract has been let with certain persons to help the bonding situation through the maize of material that needs to be furnished, etc.

Commissioner Borries said the County Council, with their authority in this process, has worked with the services of one firm to begin to prepare the County's financial position. As he understands it, that is allowable under the Council terms of the financial powers of the Council.

Commissioner Willner asked if that is a contract? What is the remuneration for that service?

Commissioner Borries said he can't answer those questions at this time. With regard to the terms of the contract, it is not his understanding that this Board would be concerned with that particular aspect.

Commissioner McClintock said she doesn't know exactly what Bob is getting at, but she doesn't have any problems with going ahead today and ordering Council to proceed with this bond issue so we can get the bond rating. But she does have some concerns who the Council has "selected" or decided to "work with" or whatever we're calling this in this whole process. Years ago when she was involved in bonding in the parks, there was only one company that the City used and the primary reason for that was because there wasn't any company with any kind of local connections that could provide that bonding service to the City (or to the County -- although the County wasn't involved at that time) and they have therefore developed this relationship with the City of Evansville -- and she can understand why the City Controller may want to continue to work with this firm. They are an excellent firm -- she doesn't have any problem with that. But now there are at least two (2) companies that she knows of that can do this exact same work locally. And she thinks they should be given the opportunity to at least sit down and talk to the County and have

an opportunity to provide this service -- because it is expensive and there is a lot of money in it -- and she is a firm believer in trying to do things locally and she thinks they should be given an opportunity. Certainly there will be some kind of contract awarded and she is not as familiar as the County Attorney would be as to what Council can or cannot do with regards to contracts. But she thinks certainly at some point that this body would have to act on whom we're going to use for this kind of professional services -- whether it has to do with finances or not.

Attorney Miller commented that the power of the Council to enter into contracts is severely limited, because its function in County government is limited to the approval of expenditures and the budgeting process. There are, however, some very limited portions of County government in which the Council does have the power to pass ordinances and to contract on behalf of the County. He has not been asked, nor has he been given factual background with respect to a firm that would provide services regarding the bonding rating of Vanderburgh County. Therefore, he does not know if a contract has been entered into, if one has been proposed, or if the Council believes one has been entered into and maybe it hasn't. He doesn't know the status of that. He does know that when it comes to the issuance of the bonds themselves, it is this Board that will have the contractual capacity and that will have the final authority on entering into the agreements leading up to the actual issuance of the bonds themselves. Now with respect to the bond rating and how that relates to the County's financial affairs and what firms there are available to assist in achieving that bond rating, he simply is not informed at this point. If the Commissioners want him to get into that, all they need to do is say so and he will let them know what he thinks in two weeks.

Commissioner Willner said that certainly that question needs to be answered -- and he understands that Mary-Margaret Cross has been doing that service. She is with a company out of Memphis and he understands her fee for this is \$20,000. Is that correct?

Commissioner Borries said he cannot answer that question.

Commissioner McClintock said she knows that Rick has been more involved that she and Commissioner Willner have in this process, but not involved in the selection process or any of that. But she needs to be able to answer those questions not only in her own mind, but when she has local firms calling her saying they can do this work and asking why they were not given the opportunity or will they be given the opportunity -- or is what you are doing now very preliminary and then we're going to be getting into more work -- and where in the process are we going to have an opportunity to put our name in...

Attorney Miller interrupted asking, "Are you talking now about Legal Counsel?"

Ms. McClintock said she is talking strictly about the financial -- these are both financial institutions.

Attorney Miller said when you say "Bond Counsel", you're talking about "Legal Counsel".

Ms. McClintock said she is talking about the financial end.

Attorney Miller asked if she is talking about a Financial Consultant to assist in posturing the County for the issuance of bonds? Two Commissioners are saying yes and one is saying no.

Commissioner Willner said Mary-Margaret Cross is not an attorney.

Commissioner Borries explained that Mary-Margaret Cross has worked with the City. The City is preparing to issue bonds and he is not going to debate at this time her qualifications -- because they are outstanding. He will also say that he thinks it is certainly a valid question in relation to saying that if there are other firms that wish to share their expertise -- that is fine. But the County Council does have their own attorney. They proceeded in this (and, again, he is not going to speak for the County Council) in what they considered to be within the realm of their authority to put the County into a position to prepare to issue bonds -- and that is the whole thing. But if we're going to debate at this point whether or not the projects are necessary, he thinks we're doing a disservice to many citizens in the community in terms of moving the projects forward. That is the only reason at this point that he brings this up -- so it can be discussed at the County Council and then perhaps maybe the questions Commissioner McClintock has raised here can be answered.

Commissioner McClintock said she doesn't want to debate whether these projects should be done. She wants -- if it is not possible at this point -- and he is the one who is working with the Council on the bonding. She wants them to get the message somehow that there is some interest on the part of at least one (1) Commissioner of having local financial institutions considered -- either now or in the future.

Commissioner Borries said that is certainly a valid point.

Commissioner Borries said he is asking for some decision from this body to bring this up for discussion to the County Council.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the Board authorized the County Council to proceed in the issuance of bonds not to exceed \$10 million for two improvement projects: One, an intersection improvement at the University of Southern Indiana and Highway 62; and the other an access to Union Township. So ordered.

RE: READING OF EICKHOFF-KORESSEL ENGINEERING PROPOSALS

Attorney Miller reported there are numerous engineering proposals to be considered for Eickhoff-Koressel. He will merely read the names of the engineering and consulting firms that have made the proposals and he will say that all the proposals appear to be in satisfactory order for consideration and he recommends these proposals be taken under advisement. The proposals are as follows:

- 1) Veach, Nicholson, Griggs & Associates (Evansville, IN)
- 2) Floyd E. Burroughs & Associates, Inc. (Indianapolis, IN)
- 3) Fink, Roberts & Petrie, Inc. (Indianapolis, IN)
- 4) Three I Engineering, Inc. (Evansville, IN)
- 5) Aecon, Inc. Engineers & Architects (Nashville, IN)
- 6) Hazelet & Erdal, Inc. (Jeffersonville, IN)
- 7) Bernardin, Lochmueller & Assoc. (Evansville, IN)
- 8) United Consulting Engineers, Inc. (Indianapolis, IN)

In response to query from Commissioner Willner, Mr. Curtis said he will review the proposals and come back with a recommendation as to three (3) firms to be interviewed.

RE: ACCEPTANCE OF CHECKS/ALEXANDER AMBULANCE COLLECTIONS

Attorney Miller submitted the following checks in connection with the Alexander Ambulance lawsuit collections:

Justin Krutzsinger	\$160.56
Daniel McFarland	40.00
	<hr/>
	200.56

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

RE: LYNCH ROAD EXTENSION/GUTHRIE MAY LAND

Attorney Miller reported that since he was at the last Commissioners meeting, he has had an opportunity to meet with Mr. Vic Funke on the matter of the Lynch Road Extension and the Guthrie May land. Mr. Funke has finalized his appraisal in a manner which Attorney Miller feels is appropriate to the situation. He would ask that the Commissioners appoint a buyer at this time who can make the required offer to Guthrie May on the subject real estate so that in the event the offer is not accepted action can be commenced. He will tell the Commissioners -- and he wishes the record to reflect -- that he has been approached by the Attorney for Guthrie May, who advises him that it is their desire to sit down with us prior to the re-commencement of this litigation in an attempt to reach a satisfactory figure that will avoid the expense and delay that the litigation would bring about. Therefore, he encourages the Commissioners to appoint the buyers as quickly as possible so that that preliminary offer can be made so that we know when we sit down with them if we don't agree -- we can proceed. That will give us a little more leverage to negotiate.

Commissioner Willner asked whether Attorney Miller remembers the figure off the top of his head, because he does need that figure for approval by this Board. If not, Jerry Riney is getting it.

Attorney Miller said he would say something around \$67,000...

Commissioner Willner interrupted, "Which is about half what it was previous to that."

Attorney Miller said there was an expense that the appraiser had placed in the appraisal that he mistakenly believed there would be entitlement to reimbursement for -- and that has now been removed. There was also a duplicate reimbursement.

Mr. Riney returned with documents and Commissioner Willner said the appraisal is now \$69,000. Initially it was something like \$117,000.

Attorney Miller said he believes the difference is something like \$55,000.

Commissioner Willner asked for permission from the Board to make an offer to Guthrie May for \$69,000.

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

Commissioner Willner asked if the Board wishes to name a right-of-way buyer -- Citizen's Realty & Insurance?

Commissioner Borries said that will be fine -- Mr. Ken Hansen is who we usually use.

Commissioner McClintock said that is fine.

Commissioner Willner entertained a motion.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Mr. Ken Hansen of Citizen's Realty & Insurance was appointed as the buyer for the property. So ordered.

Commissioner Willner said he also needs approval for \$750.00 to be paid to Victor L. Funke for the appraisal of said property and that also comes out of the Local Roads & Streets Fund.

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

RE: OLD BUSINESS

Commissioner Willner entertained matters of Old Business for discussion.

JoAnn Reed Trial: Attorney Miller commented that the JoAnn Reed trial is over. The Judge has not yet made a ruling on the second portion; that is under advisement.

Evansville Courier Trial: Attorney Miller announced that there is a trial scheduled in the Evansville Courier vs. The Board of Commissioners next week. It will require the attendance of the Commissioners. The trial is a week from Tuesday (June 13, 1989) at 9:00 a.m. in Superior Court (Judge Dietsch).

Campaign Spending Ordinance: Commissioner McClintock asked Attorney Miller if he recalls the campaign ordinance the Commissioners discussed back in January or February. She knows he has been real busy; and the last time he was going to look at it and before the Commissioners spent a lot of time and effort doing anything with it, he was going to bring it back to this body so that they could discuss it and decide what they wanted to do.

Attorney Miller said it is recollection that he sent the Commissioners something on that. Is that not correct?

Commissioner McClintock said she has never seen anything -- nothing since the last discussion.

Attorney Miller said he thought the Commissioners had been sent a summary.

Commissioner McClintock said, "No, I have not been sent a thing."

Attorney Miller said, "Well, I apologize for that."

Ms. McClintock said, "That's okay; I know you have been busy and that is why I've been waiting to bring it up."

Attorney Miller said he has been busy, but he really thought the Commissioners did have something.

RE: BORROW PITS/FUQUAY ROAD & POLLACK AVENUE

Commissioner Borries said he will simply read the following letter which he is sending to Mr. Michael Jaspers, the Project Manager of the Highway Division of Traylor Bros. expressing his concern about several aspects relating to the borrow pits near Fuquay Road and Pollack Avenue on the I-264 Project:

June 5, 1989

Mr. Michael Jaspers  
Project Manager - Highway Division  
I-164 Project - Fuquay Rd. & Pollack Ave.  
Traylor Brothers  
835 N. Congress Avenue  
Evansville, Indiana 47715

Dear Mr. Jaspers:

I want to express my concern about several aspects relating to the "borrow pits" near Fuquay Road and Pollack

Avenue on the I-164 Project. Both "pits" are extremely deep and pose potential hazards to the safety of the surrounding neighbors, to the water table which serves many residential water wells in the area and to adjoining Vanderburgh County roads. The soil slopes seem very severe for sandy soil -- if erosion occurs, both Pollack Avenue and Fuquay Road could be adversely affected.

Many residents are concerned about the safety of children in this area because these "pits" are extremely deep and frequently contain some standing water. Also, the impact to the water table was mentioned because the "pits" are deep enough to reach the water level and possibly affect nearby residential water wells.

I realize that highway projects do change surrounding areas but I hope that these concerns will be addressed before the I-164 project is completed in this area. Thank you very much for your consideration.

Sincerely,

/s/ Richard J. Borries,  
Vanderburgh County Commissioner

cc: Lee Gallivan  
Christine Letts  
Greg Curtis  
Rose Zigenfus

Mr. Borries said copies will also be provided to Commissioners Willner and McClintock.

RE: SCHEDULED MEETINGS

Wed.	June 7	2:30	County Council Meeting (Room 301) *Three (3) Commissioners to attend meeting
		6:00 p.m.	Area Plan Commission (Room 301)
Thurs.	June 8	4:00 p.m.	EUTS Policy Committee (Room 307)
Sat.	June 10	9:00 a.m.	Auction of County-Owned Surplus Property (County Highway Garage)
Tues.	June 13	9:00 a.m.	Evansville Courier Trial (Superior Court/Judge Dietsch))

RE: CLAIMS†

Building Authority: Claim for Fixed Rental in the amount of \$555,000. Claim for Additional Rental in the amount of \$1,164,750.

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

RE: EMPLOYMENT CHANGES

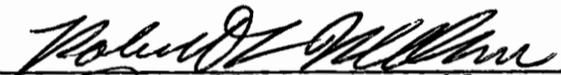
Commissioner Willner said there are no employment changes to come before the Board at this time.

There being no further business to come before the Board,  
Commissioner Willner declared the meeting recessed at 4:30 p.m.

PRESENT:

Robert L. Willner/President  
Richard J. Borries/Vice President  
Carolyn McClintock/Member  
David V. Miller/County Attorney  
Greg Curtis/County Engineer  
Cletus Muensterman/County Highway Supt.  
Marlin Grossman/Town Board of Darmstadt  
Debbie Ward/4-H Center Club Organization  
Charles LaGrone  
Watez Phelps  
Steve Barnhardt  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

  
Robert L. Willner, President

  
Richard J. Borries, V. President

  
Carolyn McClintock, Member

MINUTES  
COUNTY COMMISSIONERS MINUTES  
JUNE 12, 1989

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MINUTES  
COUNTY COMMISSIONERS MEETING  
JUNE 12, 1989

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, June 12, 1989, in the Commissioners Hearing Room, with President Robert Willner presiding. Commissioner McClintock was absent.

RE: APPROVAL OF MINUTES

*Willner* Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the minutes of May 30, 1989 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: AUTHORIZATION TO OPEN BIDS FOR COMPUTER HARDWARE/  
SOFTWARE FOR THE COUNTY HIGHWAY ENGINEER'S OFFICE

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, County Attorney Curt John was authorized to open the three (3) bids received for computer hardware/software for the County Highway Engineer's office. So ordered.

RE: POOR RELIEF APPEAL - CENTER TOWNSHIP

Commissioner Willner said the next item of business is a poor relief appeal in Center Township. He asked if the applicant, Mrs. Barbara Maxis of 726-D Fairway Drive, is present.

Mrs. Maxis was seated in the audience and raised her hand.

President Willner requested that Mrs. Maxis approach the podium, identify herself, state her address and the nature of her request.

Mrs. Barbara Maxis introduced herself and stated she lives at 726-D Fairway Drive.

Mr. Willner asked if Center Township Trustee's office says they are unable to determine residency?

Mrs. Maxis said that is what they claim.

Mr. Willner asked how long Mrs. Maxis has lived at this address, and she said since May 20, 1989.

Mr. Willner asked where she lived prior to that time and Mrs. Maxis said she did live at 1243 E. Indiana Street.

Mr. Willner asked her what township that is in, and Mrs. Maxis said she really doesn't know.

Commissioner Borries said that would be Pigeon Township.

Commissioner Willner asked with whom Mrs. Maxis lives at 726-D Fairway Drive, and she stated she lives alone.

In response to query from Mr. Willner as to whether this is an apartment, Mrs. Maxis said it is.

Mr. Willner asked, "You are not married?"

Mrs. Maxis said, "I am married, but I have a divorce pending."

Mr. Willner asked, "Have you worked prior to the divorce somewhere? Or, are you working now?"

Mrs. Maxis responded, "No sir; I am not able to work. I am not supposed to work at all."

Mr. Willner asked, "Do you have a doctor's certificate to that effect?"

Mrs. Maxis said, "Yes; well, I don't have one with me -- it is with the Welfare Department."

Commissioner Willner asked, "Has the Center Township Trustee seen this statement from the doctor?"

Mrs. Maxis responded, "I assume they did; they said they had heard from the Welfare Department."

Mr. Willner said the appeal states she is not at 726-D Fairway all the time -- where is she?

Mrs. Maxis responded, "Well sir, I can't just stay in my apartment day and night simply because I cannot work."

Mr. Willner continued, "But you do sleep there of an evening all the time?"

Mrs. Maxis replied, "No, not all the time; I go to my Mother's. My Mother is ill quite often. I just recently lost my son-in-law and I'm out at my daughter's."

Mr. Willner asked, "Where does your mother-in-law live?"

Mrs. Maxis replied, "In Oakland City, Indiana. My son-in-law died on May 24th and I've been out there quite often."

Mr. Willner asked if the Commissioners have any questions to ask Mrs. Maxis?

Commissioner Borries asked, "Mrs. Maxis, what is your request?"

Mrs. Maxis replied, "I need some way to get my medication until my Medicaid comes through. I have no income -- and I really don't think a 76 year old Mother should have to take care of a 57 year old daughter."

Commissioner Borries asked, "If I might ask, how have you been able to get your medical care before?"

Mrs. Maxis said, "Well, the Trustee helped me for quite a while -- they were very kind."

Mr. Borries asked, "In Pigeon Township?"

Mrs. Maxis replied, "No sir, only in Center Township."

Mr. Borries asked, "Only in Center Township?"

Mrs. Maxis said, "It's only since they got a phone call that I was no longer a resident at 726 that they cut me off."

Mr. Borries said, "You mentioned something in regard to the Welfare Department. Are you eligible for other aid?"

Mrs. Maxis replied, "They recommend that I go for disability. I've been receiving food stamps as of the June 8th -- but disability takes a long time. They did, however, inform me that disability pays back the Trustee for any help given."

Mr. Borries asked, "Who informed you of that -- the Welfare Department?"

Mrs. Maxis responded, "No sir, the disability person down at the Social Security (office)."

Mr. Willner then asked, "Do you owe any hospital or doctor bills at this time?"

Mrs. Maxis replied, "I do. I had to go see Dr. Meyers and Medicaid was kind enough to pay \$35.00 of the \$85.00, and he told me to come back the next week. I had no funds to go back -- and I need to go."

Mr. Willner asked, "You owe for one office call and \$50.00 in medicine?"

Mrs. Maxis replied, "I own \$50.00 to him; he gave me no medication -- only a prescription."

Mr. Willner asked, "\$50.00 then is the doctor bill?"

Mrs. Maxis responded, "Yes sir."

Mr. Willner asked, "Do you owe for any medication at this time?"

Mrs. Maxis said, "No, my Mother has been kind enough to keep me in my blood pressure pills."

Mr. Willner said, "Okay; is that the only medication you are taking now?"

Mrs. Maxis said, "No, I have stomach medicine to take -- which I've been without for over a month and they are not giving me anything for the..."

Mr. Willner asked, "Do you know approximately how much your medication is a month?"

Mrs. Maxis responded, "About \$104.00 per month."

Mr. Willner asked, "Have you any income in the household at all?"

Mrs. Maxis responded, "No sir; I am behind in my rent and I don't know if I'm going..."

Mr. Willner interrupted, "How are you paying your rent?"

Mrs. Maxis said, "I'm not paying it; the first month it was paid by C.A.P.E., the Catholic Charities, and St. Vincent's (I believe it was)."

Mr. Willner asked, "You are not divorced yet?"

Mrs. Maxis replied, "No -- but it is pending."

Mr. Willner asked, "Is he able to help?"

Mrs. Maxis responded, "He is able -- he wouldn't."

Mr. Willner asked, "Have you asked the Courts for any relief?"

Mrs. Maxis asked, "Relief, sir? What do you mean?"

Mr. Willner, "Well, he has some responsibility, I guess, even after the divorce. Have you tried to...?"

Mrs. Maxis answered, "I doubt that I will even see him after the divorce."

Mr. Willner asked, "Is he a resident of Indiana?"

Mrs. Maxis responded, "Yes."

Mr. Willner asked, "Does he have a job?"

Mrs. Maxis said, "No."

Mr. Willner asked, "He does not have a job?"

Mrs. Maxis responded, "No."

Mr. Willner said, "You may be right then."

President Willner then asked if Mr. Borries has further questions. There being none, Mr. Willner asked that Mrs. Maxis have a seat until the Board can hear from the Center Trustee's office.

Commissioner Willner asked the representative from the Center Trustee's office to come to the microphone, give her name and address, and comments.

Ms. Donna Fritz introduced herself and said she is from the Center Trustee's office at 3620 N. Fulton Avenue.

"I think Mrs. Maxis said that she moved into her apartment May 20th. We have an application from her dated April 19th, where she claimed to be living in our township -- and I assume she was at that time and may have just gotten her dates mixed up. The month of April is the only month that we have helped Mrs. Maxis with her medicine. We bought medicine three (3) times in April for her (April 19th, April 21st, and April 28th). It came to a total of \$33.50.

She came in on May 17th and asked for a food order, because she had not received her food stamps -- and we gave her that. At that time I called the landlady to verify some information, because her husband brought her over (he was in the car) -- and she had told us she couldn't ever be with him -- personal things. At that time, she had not yet filed for divorce -- she hadn't had the time to go to Legal Services to obtain the divorce. Whether she has now or not, I have no way of knowing -- she hasn't been back to the office since.

She called on the 28th of May and asked for medicine. I told her what the landlady had told us -- that she was spending -- at the most -- one or two days a week at the apartment. I have a letter signed by the landlady stating that as of today, she is still only spending one or two days a week at the apartment. The landlady knows this because the apartment adjoins the apartment manager's office -- it is part of the office. She can hear her when she is there. She can overlook the parking lot to see when her car is there. The maintenance men who are there on weekends have not seen her at the apartment more than one or two days a week. I don't think staying at an apartment one or two days a week constitutes living in that apartment -- when you're in Oakland City five (5) days a week.

And she called me on the 19th of May and asked for medicine again. I told her no, that we first had to clear this up with the landlady saying she wasn't staying there. In Monday, May 22nd, she called and said she wanted a denial. So I mailed her a denial -- and she was in Oakland City at that time. Now, we cannot establish where this lady lives -- in Oakland City or in Evansville. Her rent is not paid on the apartment. Her deposit is not paid on the apartment. Her utility bill is \$10.25 for 30 days -- so you know how much time she spent there. And I verified that with Joe at SIGECO today. So that is all we have

to go on -- what the landlady tells us and SIGECO. It doesn't indicate to us that she is spending a lot of time in this apartment-- and we did only help her one (1) month; it hasn't been a long time.

Mr. Willner asked Ms. Fritz if she knows where Mr. Maxis resides?

Ms. Fritz said, "We were told (and this is just from the apartment complex manager) that he is in Pike County -- the same place she is. Or -- in Pike County - I'm not saying he is staying with her. But, in Pike County -- I don't know where."

Mr. Willner asked, "Do you know if they are on the welfare rolls in Pike County?"

Ms. Fritz responded, "I have no idea."

Mr. Willner said, "You certainly need to check that out first thing."

Ms. Fritz said, "I was going to -- but I was busy checking out other things today."

Mr. Willner said, "Should we ask the Trustee's office to return one week or two weeks from today?"

Mr. Borries suggested two weeks -- until the Board can obtain information as to the residency status.

Commissioner Willner entertained a motion.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the matter was referred to the Trustee for a two (2) week period to obtain additional information. If the matter is not settled, the Trustee's office is to report back to the Commissioners (either by phone or by appearing at the meeting). He asked that Mrs. Maxis cooperate fully with the Trustee. He said Mrs. Maxis needs to make up her mind where she is living and where she is going to live tomorrow and the next day -- and the Commissioners want a copy of the doctor's report given to the Trustee, as well as a copy of her divorce, a copy of her husband's income information -- everything pertinent to this case -- before the Commissioners make a decision.

Mrs. Maxis said she has made three (3) appointments to see about her divorce -- but she hasn't had a way to get there. It is hard for her to ask favors when she can't offer to buy gas. (Further comments were inaudible, because Mrs. Maxis was speaking from where she was seated in the audience.)

Commissioner Willner said the Commissioners will take care of this for her. He requested that Ms. Fritz ask the Township Attorney to see if Mrs. Maxis has filed suit in Court and provide Ms. Fritz with those papers. Ms. Fritz said she will do this. Mr. Willner then advised Mrs. Maxis that Ms. Fritz will take care of this.

Mrs. Maxis further commented, "Just because my car is not there does not mean I am not there; I have a grandson who uses my car. I do not use the air conditioner because of the light bill. I was there during the weekend and the landlady was not there."

Commissioner Willner said, "Mrs. Maxis, let me try to explain that the Township's poor relief role is for an emergency short term solution -- okay? We need to get a long term solution for you -- and we need to know what it is now. So you be thinking about what you plan to do in the future, where you plan to live, etc., because we will want to know that. If your husband is able (I don't know where he is living; how he has gas money or whether

he has an automobile -- I don't know that -- but I want to know those things, because he has some responsibility to you -- even though there is a divorce pending." Mr. Willner then asked if Commissioner Borries wished to add anything?

Commissioner Borries said only that he would amend his motion. He had said the Board would refer this to the Trustee for purposes of obtaining additional information -- and he will add to that -- for a period of two weeks.

Mr. Willner advised Ms. Fritz that if this case is resolved within those two weeks, the Board still wants to know how and why. She doesn't necessarily have to come back before the Board -- she can just call the Commissioners' secretary.

RE: NEW PRECINCTS - PAUL BITZ

Commissioner Willner then recognized Mr. Paul Bitz of Voter's Registration, who is present to address the matter of new precincts.

Mr. Bitz said, "Mr. President and Fellow Commissioners, my name is Paul Bitz, Democrat member of the Board of Voter's Registration. I am here to ask that the County Commissioners consider sending in the new district lines for the new precincts. There will be a total of 188, which is 31 additional precincts. The County Surveyor's Office representative, Bill Jeffers, is here and we've both been working together and have all the problems resolved and we think it is time the date be forwarded -- since all 92 counties have to do that. The Surveyor and our office have everything in order."

Commissioner Willner entertained questions of Mr. Bitz or Mr. Jeffers. He said he understands Area Plan Commission was also involved in helping.

Mr. Bitz said the Area Plan Commission was a big help.

Mr. Willner continued by saying that the Commissioners gave the new precincts to Voter's Registration and with the help of Area Plan, they made some changes. He guesses Mr. Jeffers then re-did the maps and Voters Registration, Area Plan, and Mr. Jeffers all concur that this is now ready for the State of Indiana. A motion was entertained.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the new precincts (as described by Mr. Bitz) are to be forwarded to the Indiana State Election Board for approval. So ordered.

RE: VOTING EQUIPMENT

Mr. Willner asked if Mr. Riney has any information on the voting machines for the thirty-one (31) new precincts.

Mr. Bitz said that with regard to the voting machines, as everyone knows, he has been trying to push to get new machines for all of the precincts. However, what is done is up to the Commissioners. But there is a total of 525 voting machines on hand as of today. He doesn't know whether the new County Clerk has counted them or not, but that is his understanding from the Republican member of the Board of Registration, Susan Kirk. And of that 525 machines, about 510 are operating. So, in the Primary, we can get by in the precincts with two (2) voting machines. A Primary is a light vote. What he is trying to advise the Commissioners is that they have a little time until the fall to decide. He believes we can get by with the machines we have for the Primary.

Mr. Riney said he called the voting machine representative last Tuesday and he still hadn't sent any information whatsoever.

Mr. Willner asked that Mr. Riney stay on top of this.

RE: NATIONAL LABORATORIES - DR. SHULTZ

President Willner said Dr. Shultz from National Laboratories is present and would like to address the Commissioners.

Dr. Shultz said, "My name is Clifford Shultz and I am the President of National Laboratories in Evansville. I have given you a letter which describes the information that we've gleaned from this box of correspondence between the State Department of Environmental Management and the County Highway Department -- and it has been sort of a mix-up ever since the chemicals were set outside and the drums were allowed to rust and leak. As a result of all of that, there has been a long hiatus between the times that anything gets done -- and the most recent thing that happened is that we were asked to take some samples and analyze for PCBs in the soil out there. We did -- but it really was a waste of time and money to do it, because that was not what the State had asked for. I have listed in the letter the steps that I think are necessary in order to get this thing cleaned up and get it cleaned up finally -- so you don't have to bother with it anymore. It has been going on since the Consent Decree of June 15, 1984 -- and after the Fifth Anniversary, I wonder how long the Department of Environmental Management is going to sit back and let it continue. I was just offering these suggestions. You can have us do it or you can have someone else do it. But all I am trying to do is get the thing terminated in some fashion. I can't tell you what it is going to cost. We can do any part of it with the exception of the physical removal and disposal of the materials. But it has to be turned over to somebody who has to be given the authority and the responsibility for getting it done. "

Mr. Willner said, "If I am not mistaken, we've already spent over \$10,000 on this project -- and I don't know where it is going to end."

Dr. Shultz said, "I think it would have been cheaper at the outset had you simply gone ahead and used the chemicals and paid for them -- and used them up, rather than having them stacked up outside and allowed to deteriorate."

Mr. Willner interjected, "You must remember that probably seven (7) years of that time -- they were under Court order to be there -- and we couldn't touch them within that time. From the time that we knew we had a problem, they were under Court order until three or four years ago -- and at that time, we had no control over what the Court said. We tried several times."

Dr. Shultz said, "It would have been helpful had they been stored inside."

Mr. Willner said, "Well, some were inside -- others were outside."

Dr. Shultz said, "A few years ago I offered Shirley Jean Cox a few years ago to go out and take a look at the things and tell you which were likely to be hazardous and which were not -- and told her I would do it for nothing -- just to get the thing taken care -- and I received no response."

Mr. Willner asked, "No grandfather clause then to that?"

Dr. Shultz said, "If you're asking me to clean up that dirt now, no sir."

Commissioner Borries asked, "What would you suggest, Dr. Shultz, to be the quickest way for us to get this thing behind us?"

Dr. Shultz said, "I think the biggest problem has been that one person has communicated with the State and then the State sends a letter to Mr. Willner -- then something else happens or nothing happens. The last instance we know of, there was a letter that was just dropped into a file somewhere and nobody noticed it until about six (6) months later -- and it was after the former Highway Superintendent had died. All of a sudden this letter turned up -- after the County had gone ahead and spent the money to have us analyze these things for PCBs -- and it just seems to be a real waste to continue to look for one thing and then another. I think we need to go to the State, find out exactly what they want, get it spelled out, give them a sampling plan that they can live with and that we can live with -- and go through the nine yards getting the State satisfied -- or they are going to continue to be on you."

Mr. Willner asked, "Do we have an approximate cost?"

Dr. Shultz said he has no idea what it is going to cost.

Mr. Willner said, "Therein lies the problem."

Dr. Shultz said, "Quite frankly I'll tell you, if you use my time it is going to cost you \$1,000 per day, plus expenses. And I've got some other people who are only \$600 per day. But if you're going to do it, it could possibly be done by correspondence -- but it is going to slow it down."

Commissioner Borries commented, "We could surely write a letter. What you're saying is that we should write to the Department of Environmental Management and get an exact clarification as to what needs to be done out there?"

Dr. Shultz responded, "Right. Now there are about two or three different sampling plans that are in this pile of stuff that I've got in the bracket there."

Mr. Borries said, "Surely we can generate the letter from our office and get that part done. Then, if it involves what I would see like an updated sampling, analysis plan, or that sort of thing -- as I would see it, we might have to employ...."

Dr. Shultz interjected, "I can write that for your group. Once it is approved, then it is a matter of doing the sampling and the analysis. At that time we can give you a cost as to what the sampling and analysis is going to cost. Once that is done, we send the analysis in with a clean-up plan. Once they approve the analysis and clean-up plan, we have to go do the physical clean-up, then we have to go back and sample and analyze yet again to demonstrate that the clean-up has been completed. Once that is done, we can send them a Certificate of Closure and the game is over."

Mr. Borries said, "A lot of this is confusing, too, though; I don't think we've ever heard from them as to exactly what they want us to do out there."

Mr. Willner asked, "Cletus, did we have a sampling taken? By whom?"

Dr. Shultz said, "Only from the original drums."

Mr. Willner said, "I'm talking about the soil. Did we actually take a sampling of the soil?"

Dr. Shultz responded, "We have samples of the soil."

Mr. Willner asked, "And that determined what?"

Dr. Shultz responded, "We determined there were PCBs in it, which was an exercise in futility. If we still have the samples, once we have the plan approved --"

Mr. Willner asked, "If we didn't have the plan approved, why did we take the samples in the first place?"

Dr. Shultz said, "I don't know."

Mr. Willner said, "I don't either. Something has been..."

Dr. Shultz said, "It defies reason; the whole thing has been handled irrationally because of the difference, I think, in the people who were being communicated with. The State would write a letter to one person and it would be given to someone else - or it might be dropped into a file. So it has really been a mess."

Commissioner Willner asked Commissioner Borries if the Board wants to appoint Greg Curtis to follow through on this?

Mr. Borries responded, "I guess -- or we could ask Jerry Riney to do this. I think we can do Step No. 1, and I appreciate Dr. Shultz letting us know -- but as I see it, nothing can be done until we get some kind of clarification here as to what the next step is. We ought to be able to handle Step No. 1."

Dr. Shultz said, "That's right; up until now, it is free."

Commissioner Borries asked Dr. Shultz if there is any particular person to whom they should write to get through this maze? Is there any particular person he has been corresponding with?

Dr. Shultz said a new Commissioner has just been appointed.

Mr. Borries asked if the letter should still be directed to the Department of Environmental Management at 105 S. Meridian?

Dr. Shultz said that is good.

Commissioners Willner and Borries expressed appreciation to Dr. Shultz for his advice concerning this matter.

RE: PUBLIC HEARING RE CARANZA DRIVE SEWER PROJECT

Commissioner Willner asked if anyone wishes to speak to the Cranza Drive-Kembell Drive Sanitary Sewer?

Attorney Les Shively said he is representing groups of residents who would be affected, who would be assessed for this sanitary sewer project. As has been noted in several other meetings, they are very much in favor of this project. The cost of the project, they believe, certainly is in line with the benefits to be derived and it, more particularly, was brought to the Board's attention in June, 1987 that many of the properties out there with their own private sewer or septic system did not meet the current State and local health regulations and there was actually raw sewage emerging on properties. Not being on a sanitary sewer system or not having the proper system to comply with the State law will render a lot of these properties unmarketable in the future and it is a major necessity that this project go forth for general health reasons and to allow these people to retain the value of their homes. As you know, this is a very nice residential area. So they do believe that those people who will be assessed and the benefits derived by them will certainly exceed in the long term what costs are associated with that, assuming we do it under the Barrett law basis. He believes Attorney John has indicated that the County Engineer, pursuant to

the Statute, has filed within ten days of today's hearing his projected costs. Mr. Curtis confirmed that a while ago.

Attorney John said it is his understanding that it was turned in June 1st. Mr. Jeff Harlan is also here.

Mr. Harlan confirmed that the estimate has been submitted.

Commissioner Willner said he has the estimate.

Mr. Harlan said he thinks there has already been sufficient discussion concerning the merits and the benefits of this proposed sewer project. Unless there is someone here today who has some disagreement with that, he would suggest that the Commissioners approve a Resolution authorizing the construction for the sewer project, so that we can advertise for bids and get this project moving along and get finished by the end of this construction season.

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

In response to query from Commissioner Borries, Attorney John asked that the Commissioners hold the sealed engineer's estimate until such time as bids are received.

Attorney Shively said that as the Commissioners know, there were some bids that were presented earlier that were rejected because of a problem with technical aspects. He hopes those same folks will re-bid on the project. But those earlier bids are technically no longer alive and he understands from Mr. Harlan that the Commissioners need to give him the authority to go ahead and advertise for bids again.

Commissioner Willner said that is correct and the Board will do that here yet today. He asked Attorney John if there is any other action required at this time other than to authorize the advertisement for bids.

Commissioner Borries asked Secretary Joanne Matthews if she has dates bids can be advertised, so the Board can move forward.

Ms. Matthews responded the advertisements could be run on Thursday, June 15th and Thursday, June 22nd, with the bids being opened not prior to ten (10) days after the last advertisement.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the ad is to be run on the aforementioned dates, with bid opening scheduled July 10, 1989. So ordered.

Mr. Harlan said he will get the legal copy to the secretary in the morning.

RE: AWARDING OF CONTRACT FOR OTHER CULVERT & BRIDGE MATERIALS

Commissioner Willner asked if Mr. Curtis is ready to give the Board his recommendation concerning the only bid received on other culvert and bridge materials.

Mr. Curtis said that after reviewing the material bid, he would recommend that we accept the annual bid of American Bridge & Timber, Inc.

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

RE: TRANSIENT MERCHANT'S ORDINANCE

President Willner continued the meeting by recognizing Lynda O'Neill, Executive Director of the Better Business Bureau.

Ms. O'Neill said she is here with a few representatives from the business community and her Board of Directors to ask the Commissioners to pass a Transient Merchant's Ordinance for Vanderburgh County. Prior to 1986, the State had an ordinance that was enforced by the local police. Transient Merchants had to be licensed in the Auditor's office. They re-wrote that State law and now a Transient Merchant only has to have a Retail Merchant's Certificate, which means they come into town -- it's hard to find out if they have a Retail Merchant's Certificate, they cause problems and disappear -- and they can't find them again. Thus, they are asking that the Commissioners put into position an ordinance that can be enforced and, hopefully, will give them some means to find transient merchants after they have left the area and leave us with problems.

Commissioner Borries said, "Lynda, before when we did this -- and I think we just need to bring it out to where we can -- because I certainly think this Board should support local businesses, and we do. But we had some questions regarding temporary vendors or people who set up in shopping malls and that sort of thing. Do you have some comments on that? Have we resolved that issue?"

Ms. O'Neil responded, "Yes, if you will recall, this was on the agenda approximately a year ago and I came and asked that you pull it off. Since that time the Board of Directors of the Better Business Bureau have met with Pattie Davis (Washington Square Mall) and, at the time, David Hogue of Eastland Mall and requested their assistance in wording this so we wouldn't be causing trouble in the community. That is not what we are trying to do. We are trying to find people who are causing problems. In other words, if there is a problem at Washington Square, Pattie says, "I take care of it". If somebody says they have a broken lamp and they bought it from a merchant who had a kiosk -- she will find the merchant and get the problem corrected. So we solved that by putting a section in there about licensed facilities and also licensed events. They wouldn't have to license each separate transient merchant. Our main goal is to get the ones where a bunch of teenage kids are driven into down and dumped into neighborhoods -- and they go door-to-door selling cleaner, magazines, perfume -- they are in town as we speak selling this junk -- and they even come to the Better Business Bureau (which shows you how intelligent they are). Ms. O'Neill then showed signs saying "Ooops, the factory goofed!" Four weeks ago there was a similar flyer -- one guy is from Bloomington and the other one is from St. Louis -- they are just selling \$20.00 worth of microwave cookware saying it is worth \$89.95. Now, my problem is, if this explodes in someone's microwave, how are we going to find them again? I also have several representatives from the community who will speak to you very briefly, I promise."

Mr. Jim McCarty of Colonial Garden Center introduced himself. He said they've been interested for several reasons in transient merchants. He worked with Loretta Townsend and some others several years ago and they caused some of the problems that were in the first issues of what they were attempting to do. Now, with Lynda's persistence, he believe she has ironed out some of the problems that were going to happen to non-profit organizations and to the malls on temporary things, to the Art Council, etc. The purpose of these things is several-fold. It is going to bring some additional revenues to the County. It will protect people who are taxpayers, who support the county (of which he professes to be one) and, most of all, it will protect consumers from purchasing things where price is the first thing in their mind, and availability in some of the shows that go on with those temporary merchants. They see them selling imported tools and they see mattress sales, furniture close-outs, oriental rugs, etc., and, of course, plant material, of which he is very aware. They think it will be good to keep the county and the

communities that are in the County clean and wholesome and in the interest of the consumers -- the people who live here. He hopes the Commissioners will consider this very seriously.

Mr. Dave Reuger was next recognized. He introduced himself and said he is President of DAVCO, Inc. He said he's been doing business in Evansville for thirty-three (33) years. Amongst other things, they sell sewing machines. In the Sunday, April 19, 1989 issue there was an ad for a motel sale of school machines -- regular \$599 for \$188. The Board knows this has to be a bargain. But, as a local merchant, the biggest gripe or complaint he has against this type of thing is that every year he pays inventory tax (which is sizable); they pay taxes on their real estate, which are sizable. He thinks that the Auditor or someone should go out and assess these peoples' merchandise. Because it might help to pay for burying the chemicals that we have out at the County Highway Garage. "We need some help. Let's play this ball game on a level field. I mean you expect the local people to abide by the rules. Let's bring these itinerant merchants -- let's assess their merchandise; let's tax them. Let's put something on them. They come into town. This particular ad was April 19, 1989 from 11:00 a.m. - 6:00 p.m. That gives you a real short time to catch anybody. But I don't have any idea how much merchandise they sold or how much they had with them. But I think someone -- and somehow in your ordinance someone should assess them something for doing business in Evansville, Indiana like the rest of us are."

Commissioner Borries asked, "Does the proposed ordinance address these concerns?"

Mr. Reuger replied, "Well, not totally; but I think it's a step in the right direction. I do feel that these people should pay the same price for doing business in Evansville, Indiana that the rest of us do. I think you really agree with that."

Commissioner Willner said he certainly agrees with that, but he is not sure that you can assess them accordingly. He requested that Attorney John give the Board a review of the past ordinance and advise as to what they might do in the future.

Mr. Alan Chamberlain of 700 W. Boonville-New Harmony Road was next recognized. He said he is here as Past President of the Better Business Bureau and as Chief Operating Officer of Therapy Associates, Inc. here in Evansville. He said, "Basically, my company and the company I represent has no interest -- or we don't benefit financially from this particular ordinance, where a medical service is a type of corporation. So I am here because of the Better Business Bureau. We have been working on this for the last couple of years. We started some of this work while I was President back in 1988. We had the concerns of the mall -- and we invited the mall representatives to our Board meeting and said, 'We want to work with you; we want to hammer out a Transient Merchant's Ordinance that you all can live with and one that will benefit the community. Basically, our intent is to keep the money within the community to help our local businesses who are also members out and, quite frankly, I think this particular ordinance and the way it has been drafted accomplishes that. The gentleman says it doesn't accomplish everything he wants, but we've been through that -- and a small first needs to be taken. We attempted to have it all-encompassing, but it had so many competing viewpoints that we decided to narrow it down to this issue, address this issue and start from there and do a better job for Vanderburgh County.

The other thing is the feeling of community pride that I'd like to see. Vincennes and Princeton have addressed this issue and have had ordinances in effect for the last three or four years. It astounds me that these smaller communities can address these types of things while Vanderburgh County gets all caught up and

just can't quite seem to pull something like this off that is going to benefit the community. And, quite frankly, it makes me a little bit jealous of the smaller communities. And I'd like to see Evansville get with it, take some action, and protect our merchants that reside here -- and I think this does.

Loretta Townsend asked to speak. She said, "I mostly came here to listen to see what might happen, because we have to deal with the transient merchants -- and the problem is that it is usually after the fact -- after they have been here, or at least on weekends or at nighttime when they are usually making their runs. We do try to enforce it. Over a period of nine and a half years we have had everything from produce, fish, meat, -- everything that is sold here in this town in a business that we know will be there tomorrow. If there is a problem, if they have broken the law -- whether it is Federal, State, or local law -- we know they are going to be there tomorrow and we can take care of it. But these people are not -- and we have yet to find one that we have caught -- our problem is having someplace that is a starting point that we can check these people before they hit the streets -- and there isn't now. If they choose not to apply, that is it and they hit the streets. We want to be able to regulate those people as well as we regulate Jim McCarty, Earl Harp, C. L. Frank -- all of those. It is no more than right to our own businesses and our own taxpayers to have the same kind of protection. So I mean I've always been for a Transient Merchant's ordinance -- because I think although we have enough to do as it is, it still is part of our job -- then we need to regulate them the same as we do our own people. So whatever can be worked out -- I'm definitely in favor of."

Commissioner Willner then called on Attorney Curt John. Attorney John said, "First of all, the biggest problem we've had in the past -- and there have been rules and regulations that could have been enforced -- first of all, there is a kind of lack of education and a lack of bite to the current law regarding Transient Merchants. This particular ordinance was drafted by Mr. Miller's office and apparently (according to what he has to say) addresses the major concerns of the local enforcement agencies as well as the local merchants. It has a bite to it and it defines what "Transient Merchant" is and not in unclear terms. It is pretty evident whether you are or aren't a Transient Merchant. I can't say that it would prevent them from hitting the streets like Loretta said, because there may be many who come into this community (especially now, since we've allowed them so long). They may come in and set up -- but now you have the tool to enforce -- if it is adopted by this Board -- this ordinance. I think the big thing if it is adopted will be education. Education of those attempting to do business here and what is required. Mr. Miller said he not only drafted the ordinance, but reviewed it -- and he finds everything to be in order. I, also, have reviewed it. If you have any questions (I think you've had an opportunity to look at it as well) I'll be happy to try to answer them."

Commissioner Willner said, "I think I personally need to sit down and go through it with you and get your expertise before I wish to pass it -- but I will do that very quickly. Maybe the rest of the Commissioners will want to do that, too. I have no problem. I think we'll have some problems -- but I'm willing to give it a try."

Commissioner Borries said, "I think I will certainly echo that and strongly urge that we consider this. If we could take this under advisement for one week -- we will consider it, Mr. President, at our next meeting."

Mr. Joe Coslett asked to speak. He said he is in the furniture business and the only thing he would add to what has been said is that he thinks it is sort of like putting up an alarm sign on

your home. That, if there is a choice, the guy next door is the one going to be it if you have an alarm. The same thing here. I understand there may be 500 furniture trucks leave the Highpoint, NC. area every Monday morning. Now, there are more than 500 cities in the country. And if the word goes out that Evansville has an ordinance and that it is a little bit of trouble to work there -- they will probably start missing us -- and I'm just giving furniture as an example. But I think that is the one point you ought to consider on this -- no matter what strength the ordinance."

Mr. Willner asked if one week is sufficient to take this under advisement.

Commissioner Borries said it is for him. He's for it today -- but if Commissioner Willner would like to examine it, that's fine. Commissioner McClintock is not here and perhaps she might have some comments on it.

Commissioner Willner said if the individuals would like to return next week, the Commissioners will definitely call for a vote on the ordinance at that time. He asked Mrs. Meeks to be certain this is on the agenda.

Commissioner Borries asked Mr. Joe Coslett is he is for or against the proposed ordinance?

Mr. Coslett said he is definitely for it.

Commissioner Willner said he thinks an ordinance has to be passed twice and advertised. So next week will be the First Reading and the first vote -- and then we'll have to advertise it prior to Final Reading. (Attorney John confirmed that it does not have to be advertised until after the 1st Reading.)

RE: CITY-COUNTY COMPUTER SYSTEM - TOM DORSEY

Mr. Tom Dorsey, Director of Purchasing, said he is coming to the Board again this afternoon concerning the hardware and software issues that we've been dealing with on the City-County computer purchase. Since the last meeting, they have had the Commissioners' request go to County Council and they have appropriated the funding for the system as requested by the Commissioners. The additional information received during the bid process has been reviewed and a recommendation made that the hardware be purchased from ATEK, after presentations by both ATEK and Pioneer. They discussed the configuration as presented by ATEK with representatives of Digital Equipment Corporation, as well as the two companies involved, and have talked with a number of representatives from the Data Processing Board -- all of which concur that the alterative that was presented as the second bid for ATEK (which consisted of one large machine and one smaller machine) be considered to be the configuration that is best for the City and the County. Today they would like to recommend that the Commissioners award the bids for the hardware and the software, with the hardware bid being to ATEK and the software bid being to ATEK, ISI, and Command Data in amounts not to exceed the amounts appropriated by County Council; and on the City's side, by City Council -- and, subject to our reaching a final contract with those vendors. The reason they are making the recommendation at this point is that in order to affirm to these vendors that they have been selected and that they are the primary vendors, we need to let them know that we are willing to make a formal statement that they are going to be awarded the bid. At that point, they will come down and negotiations will begin to look at the exact configurations we'll be using and the specific modules to determine the total cost. He will then be bringing this back to the Board in the form of an agreement with each of those vendors.

Commissioner Willner asked then if the motion should be that the Board approve ATEK for hardware and for software, ATEK, ISI, and Command Data, not to exceed our budget. He has no problems with that.

Commissioner Borries said he has no problems either. We've been going a long time with this one and we need to move forward, and he has faith in Mr. Dorsey to negotiate downward, hopefully, significantly.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the bid for hardware computer services is to be awarded to ATEK and the bid for software services is to be awarded to ATEK, ISI, and Command Data -- not to exceed the advertised limits approved by the County Council. So ordered.

RE: CITY-COUNTY REGIONAL MORGUE - CHARLES ALTHAUS

The meeting proceeded with Commissioner Willner recognizing County Coroner Charles Althaus.

Mr. Althaus said that for the last fourteen months, he, his Chief Deputy, and Charlie Davis in the Surveyor's office have been gathering information and preparing a drawing of the County Morgue that is much needed in Vanderburgh County. Vanderburgh County is the medical center for 300,000 people. Evansville is the third largest city in Indiana. But our medical facilities handle all the tri-state area, Western Kentucky, and Southern Illinois. He has talked to a number of pathologists. He's been to various morgues at the University of Ohio and Columbus, to the morgues in Indianapolis and St. Louis, and he's been in Veterans' morgues throughout his entire 34 years of professional life -- so he does know basically what is needed in a morgue. However, with forensic pathology you get into another climate of pathology and autopsy work.

Commissioner Borries asked if we now have a forensic pathologist on staff? Is that correct?

Mr. Althaus confirmed that this is correct -- on staff in the Coroner's office -- and he is not only serving Vanderburgh County, so far he has also served seven (7) counties in Southern Indiana and five (5) counties in Illinois. So he's well pleased with the patronage of our other counties. They are reimbursing him for his services; we are only paying our portion for what he does for us..

When we first talked about design of the morgue, we talked about it being a County Morgue. He would like to propose that this be a City-County Morgue, basically for this reason. Ninety percent (90%) of all of our Coroner cases involve City law enforcement -- because our County area is very small and we don't have that much insofar as the State Police are concerned. We spent thousands and thousands of dollars on CSTU and our detective service -- and we have one of the finest law enforcements in the State of Indiana or in the country -- he thinks. The same way with our Sheriff's Department and the Indiana State Police. That is the reason he would like to call this a City-County Morgue. He has spoken to the Mayor and tomorrow he has a meeting with Mariann Kolb to see if we cannot find a piece of property within the Walnut Street area. This gives us access to the railroad and is closest to the City Jail, City Law Enforcement and the Sheriff, and not too far from the State. He hopes it can be worked out where we can have the City pay for the property and the County pay for the building.

Insofar as the morgue, itself, is concerned. After talking with Dr. Pless, modifications were made in the plans for the building -- because now there is a change in the law where in forensic science they need to keep records for seven (7) years which was not heretofore necessary -- but specimens, etc., etc. The building they have is 38' x 109' which is 4,142 sq. ft. In this morgue we have refrigeration for decomposed bodies, office space, a pathology department, crime laboratory, the laboratory, itself. The criminal investigation laboratory is not only good for the Coroner's office but for the Prosecutor and all law enforcement, etc. Now the question was how big to build this morgue. They figured they should be able to handle sixty (60) people. In the event of any tragedy beyond that, we would be talking 48 to 72 hours before we could even get organized -- because we'd have to be calling in the National Guard, etc., just like you would with an earthquake or a tornado, where you'd have a great number of deaths. So this would be more than adequate for purposes other than that.

Mr. Althaus said he is not one who knows anything about building construction, but the 4,142 sq. ft. at \$75.00 per sq. ft. -- and he doesn't know whether that is high or low -- but he figures that at \$310,680 -- we'd need that plus \$100,000 for equipment, plus the property. What he needs is for the Commissioners to appoint an architect to do the drawings and tell him exactly what he does need in the way of monies, etc.

When Dr. John came here from Louisiana, there was a County adjacent to him that only had 130,000 residents and they built a morgue -- and he got the architectural drawings of it -- and he has a copy of it. From the combined ideas of Charlie Davis, himself and others -- this is almost identical to what our drawing calls for -- it's amazing how close they were. Mr. Althaus said he is now in the Commissioners' hands.

Mr. Borries said we might be able to do the same thing we did with the new pavillion out at Burdette Park -- we could design build, which would expedite the project and lower the cost considerably.

Following further brief comments, upon motion made by Commissioner Borries and seconded by Commissioner Willner, Mr. Althaus was authorized to go on Council Call for \$500,000 for the morgue. Mr. Borries said when Mr. Althaus goes before Council in July he may have further information. In the interim, he should check with Roger Lehman, Building Commissioner, and draw upon his expertise re the design-build aspects and DMD re property..

Mr. Tuley interjected that on the pavillion at Burdette they gave each of the bidders a copy of the plans; they designed the floor plan themselves and then came in with their bid.

RE: REQUEST TO GO ON COUNCIL CALL/BURDETTE PARK - MARK TULEY

Mr. Tuley said he has request to go on Council Call as follows: \$15,000 for repairs to equipment; \$15,000 for repairs to buildings; and \$15,000 for buildings and structures. To give the Commissioners an idea as to where some of this money is going to go, one of the four air conditioning units on the rink is completely shut down -- they have two compressors out. Obviously, they are going to spend \$4,000 to \$5,000 to get the unit going. And they have a variety of other repairs. They also had to replace and update the sound system for the swimming pool. The other system wasn't large enough to adequately cover the area. They now have a much nicer and safer system. As they've expanded during the past two years, that expansion didn't take into consideration the sound system. One of the other things is that Greg Curtis, County Engineer, was out a week or so ago and

they have some drainage problems. They have some culverts separating and causing some sunken spots in several of their parking lots. They have one they're afraid has a bad void underneath it -- and as many trucks as bring deliveries out there, they could have a little cave-in. This is not the solution (as Greg will attest), but basically it is a band-aid to get them through the summer. Some of the old culverts were installed back in the WPA days. At some point, Mr. Curtis probably needs to get the Commissioners and himself and take a look at these. Mr. Curtis says they have some serious drainage problems underneath the parking lot that they need to take a good look at.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, Mr. Tuley was authorized to go on Council Call in the amount of \$45,000.

WYNG Camp-out: Mr. Tuley said last week was the annual WYNG camp-out. It was amazingly successful; they had 365 campers and everybody had a blast. The park was packed all weekend.

RE: READING OF BIDS FOR COMPUTER HARDWARE & SOFTWARE  
FOR COUNTY ENGINEER'S OFFICE

President Willner requested that Attorney John read the bids received on the computer hardware and software for the County Engineer's office.

Attorney John said three (3) proposals were submitted. He doesn't think the figures are going to mean that much, because of the way the proposals were written; some were for just hardware; some were for just hardware and training; some were for software, software, and training, etc. He will read the figure he has -- but the bids should be taken under advisement and thoroughly reviewed. The bidders were as follows:

- 1) The Computery (Evansville, IN) - \$19,942.40 (mostly hardware)
- 2) VALCOM (Evansville, IN) - A number of figures were included, and he has no grand total for their proposal.
- 3) Automated Office Solutions - Hardware, software, training, and a number of other things and certain options -- Total bid amount was \$24,836.50. There are also a couple of other figures for options, if the County so desired.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the bids are to be given to County Engineer Greg Curtis for review, with a recommendation being made next week.

RE: REQUEST FOR LEAVE - COUNTY CLERK'S OFFICE

Attorney John said he talked to the Clerk's office re the request for June leave for one of the employees. He is not sure at this point whether there is going to be a problem -- but at this point in time she is just requesting leave for the month of June.

Commissioner Willner said that is Item #15 on the agenda.

RE: COUNTY ASSESSOR - PLAT BOOKS

Attorney John said that a couple of weeks ago the Commissioners referred to him a letter from the County Assessor regarding plat books. He has a little blurb from Senate Enrolled Act 427 which states, "Allows County Commissioners to adopt an ordinance permitting the Surveyor to maintain plat books; makes other changes in Surveyor's and Deputies' duties." Until he gets this full bill he won't be able to inform them as to whether or not it is required, or it is just an option that the Commissioners have.

From the way this sounds, it give the Commissioners the authority for them to keep copies of the plat books the same as the Assessors. So he doesn't know whether there is going to be any kind of problem arise there.

Commissioner Willner requested that Attorney John keep the Board informed.

Attorney John said he will be happy to discuss the ordinance with the Commissioners at any time.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports: Mr. Muensterman said he had submitted copies of his Weekly Reports on Friday, and entertained questions concerning same.

Heckel Rd. Bridge (Closed): Mr. Muensterman said that on Tuesday, June 6th, County Engineer Greg Curtis called regarding the Heckel Road Bridge and said it had to be closed immediately. They installed barricades, lights, bridge out signs, etc. They kept getting calls asking which way to go to get to Heckel Rd. There is no way, so they told them to go Millersburg Rd. They then installed a sign "To Millersburg Rd." -- and he thinks everyone pretty well knows where to go.

Commissioner Borries asked if they can't use Heerdink? Mr. Muensterman said they can.

Mr. Muensterman said one man was very interested in knowing how long the road was going to be closed and he referred him to Greg Curtis.

Open Cistern/St. Joe Avenue: On Thursday at 10:30 a.m., he received a call from the Sheriff's Department concerning an open cistern on St. Joe Avenue (on private property). He knew we weren't allowed to get on it, so he called Commissioner Willner. Commissioner Willner advised him to call Roger Lehman. Mr. Lehman wasn't in, so he talked with Jim Nunning. They finally met with the property owner and he installed a 55 gal. drum over the top of this cistern opening.

South Weinbach: Mr. Muensterman said they are paving out on South Weinbach. He'd like to get it done -- but we need some good hot weather.

RE: COUNTY SURPLUS PROPERTY AUCTION

Commissioner Willner called upon Jerry Riney, Superintendent of County Buildings, for a report concerning the County Surplus Property Auction conducted at the County Highway Garage on June 10th.

Mr. Riney said he just received a report a few minutes ago on what he considers a very successful auction of surplus property. He didn't dream we'd get this much out of it. After Cindy Mayo, Chief Deputy Auditor, approved the procedure, he just signed the paper with the Auctioneer (10% for their employees, etc.) for \$695.60 out of a total of \$2,675.00. We received \$1,911.15 -- and he didn't think we'd get \$500 out of it. Mr. Riney said the people in the building were very cooperative, as was Mr. Muensterman's crew at the garage. Most of all -- Benny Gossar; this man did a tremendous amount of work. He's been gathering this stuff for two and a half months. Anytime Mr. Riney received a call, Mr. Gossar would gather it, store it here and transfer it there. He's done a tremendous job and when the Commissioners see them, he wishes they'd thank him personally. If the Commissioners will accept the \$1,911.15, he will turn it over to Cindy, who will give the Commissioners a quietus for same.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the money was accepted and given to Cindy Mayo. So ordered.

RE: COUNTY ENGINEER - GREG CURTIS

Change Orders/Coliseum Roof Project: Mr. Curtis said he has a change order with regard to the Coliseum Roof Project. It is to delete the requirement to completely remove the existing roofing material. Instead, the contractor is to remove the bad areas of roofing, repair downspouts, repair guttering, clean and paint ventilation hoods, replace walkboards to the flag poles and re-lamp the perimeter lighting. After we began working on the project, there were some areas of the existing roofing material that were very solid and there were some other items (which is the in lieu of) he listed they felt needed to be done -- and Industrial Contractors was willing to do that in lieu of the requirement of moving all the roofing material. He would recommend this change at zero dollars.

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

Eickhoff-Koressel Corridor Design: Mr. Curtis recommended we interview the following consultants for the Eickhoff-Koressel Corridor Design: Bernardin-Lochmueller & Associates of Evansville, Veach, Nicholson, Griggs & Associates of Evansville, and Hazelet-Erdal of Jeffersonville, IN. He will get with each of the Commissioners prior to scheduling the interviews.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, Mr. Curtis was authorized to interview the three aforementioned consultants and to work out an interview schedule.

Shoshoni Drive: Mr. Curtis said he has a recommendation from EUTS regarding Eastland Estates. They'd had a few complaints on Shoshoni Drive and, after appropriate investigation and study, they are recommending that we add a 25 mph speed limit to the ordinance -- or whatever we need to do.

Commissioner Borries said that is in Indian Woods -- not Eastland Estates. Eastland Estates is now in the City of Evansville and Shoshoni Drive may also be. He thinks it is.

Commissioner Willner said if it is in the County, to give it to Rose Zigenfus and the Sheriff for their expertise.

U. S. Highway 41 & Boonville-New Harmony Rd. Intersection/Letter to IDOH: Mr. Curtis noted that last week the Commissioners had asked him to draft a letter to the Indiana Department of Highways in regard to Boonville-New Harmony Rd. He drafted the letter and he believes Mr. Willner signed same, and it was forwarded to the IDOH, to Ms. Letts, the Director.

Commissioner Willner said while Mr. Curtis is on the subject, the 4-H Center had an old time swap meet yesterday (Sunday). Probably around 3:30 p.m. to 4:00 p.m. he was there. The intersection was completely jammed. He commented to his wife that there's going to be another one today" -- and at 5:00 p.m., there was another bad accident -- no fatalities. But instead of turning there, he went on down to the next intersection. They had Boonville-New Harmony west stacked up with eight (8) vehicles. They had the interchange between the two lanes on Highway 41 stacked up -- nobody could move. So it is bad.

Heckel Rd. Bridge: As reported by Cletus Muensterman, we closed the Heckel Rd. Bridge last Tuesday. We received the letter from Bernardin-Lochmueller & Associates stating they were going to

recommend in their bridge report (and wanted to give us forewarning at this time that they found that bridge by ASHTO standards -- that they were going to recommend closing it with a zero ton limit until a repair could be made). After discussing with each of the Commissioners, he went ahead and discussed with Bernardin-Lochmueller & Associates (because Mr. Hartman is working on the Outer Darmstadt Road Bridge and he also was out of town Tuesday and Wednesday) that they would design that repair so we could have quotes. We anticipate those to be approximately \$20,000 and we will have those next Monday evening. In regards to this, he's had numerous calls as to whether the bridge should be fixed or should not be fixed. If he is incorrectly approaching this, the \$30,000 was in the budget for this bridge for this year --so he has been operating under the assumption that the Council and the Commissioners had decided that the bridge would be repaired, with Heerdink Lane being built. If that is incorrect, we can cease on that. But there has been some discussion as to whether the bridge was to be repaired.

Commissioner Borries said it is his feeling that it was to be repaired. It is a long span bridge though. At this point, he would not want to speculate beyond repair.

Mr. Curtis said it is 151 ft. long. From what he was able to find in investigating, he found a number of discussions and a number of memoranda in his office regarding the bridge -- but never anything that said a decision had been made not to repair it at such time as repairs were necessary.

Mr. Willner asked if he thinks the repairs will run around \$25,000?

Mr. Curtis said he thinks it will be around \$20,000. If the repairs are properly made, he would say they should last around 7-10 years.

Commissioner Willner said he agrees.

Ruffian Way: Attorney John asked Mr. Curtis if he has heard anything from the State regarding Ruffian Way.

Mr. Curtis said he has not heard back from them. We do have a set of relinquishments from the State -- but Ruffian Way is not included on the list. He thinks that is what part of the hold-up is. He thinks they may be waiting on some information from us in regard to those relinquishments before they revise those and send them back to us.

Attorney John asked that Mr. Curtis keep him posted.

RE: APPOINTMENT TO AUDITORIUM ADVISORY BOARD

Commissioner Borries submitted the name of Mr. Bob Plummer of 500 Audubon Drive, Evansville, IN. Mr. Plummer is a recently retired CPA, and indicated interest and time to work on that particular Board as it is reactivated.

Upon motion made by Commissioner Borries and seconded by Commissioner Willenr, Mr. Plummer was so appointed.

RE: COUNTY TREASURER - MONTHLY REPORT

Mr. Willner presented the monthly report for period ending April 30, 1989 from the County Treasurer's office.....report received and filed.

RE: CLERK OF THE CIRCUIT COURT - MONTHLY REPORT

Also submitted was the monthly report from the Clerk of the Circuit Court for period of May 1989.....report received and filed.

RE: LEAVE OF ABSENCE - COUNTY CLERK'S OFFICE

Mr. Willner then submitted a letter from County Clerk Betty Knight Smith, as follows:

Dear Comissioners,

Dorothy Buente, an employee of the County Clerk's office since January 1, 1973, needs a 30-day leave of absence because of surgery on her wrist. I wish to have her retained on the County's insurance during this priod.

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

RE: ACCEPTANCE OF CHECK

A check in the amount of \$100.00 from the Evansville Dance Theater as payment on promissory note was submitted.

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

RE: OLD BUSINESS

Borrow Pits/Fuquay Rd.: Commissioner Borries said he has nothing to report with regard to the Borrow pits on Fuquay Road at this time. Mr. Muensterman commented that they are still digging out on Fuquay Rd -- he was out there Friday. Commissioner Willner said he is not sure the Commissioners can do anything about it, but they have made their complaint to the proper authorities and will have to see whether that takes effect.

Borrow Pit/Baseline & Highway 57: Mr. Willner said he added on to Mr. Borries' letter, with regard to a borrow pit at Baseline Rd. and Highway 57 -- right adjacent to the I-164 project. They said children had been playing there and one of the slopes in that particular pit is absolutely straight up and down -- and it is not fenced.

RE: SCHEDULED MEETINGS

Tues.	June 13	9:30 a.m.	Zoning Subdivision Review (Room 303)
Thurs.	June 15	4:00 p.m.	Board of Zoning Appeals (Room 301)
Friday	June 16	2:00 p.m.	County Council Personnel Mtg.
		2:30 p.m.	County Council Finance Mtg. (Room 303)

RE: CLAIMS

Charlie Davis: Claim in the amount of \$6,670 for drawing of plat maps for Knight Township Assessors. He doesn't know what this is for.

Joanne Matthews said there is a contract attached to the claim, as well as a Disclosure Statement. It concerns the reassessment.

Mr. Willner said he has some questions regarding this claim. The Commissioners need to know whether there is money there and whether the contract is good, etc. The claim will be referred to Attorney John, and he can wait until next week to make his recommendations, etc.

RE: EMPLOYMENT CHANGES

Knight Township Assessor (Appointments)

Steven R. Folz	Deputy	\$35.00/Day	Eff: 6/7/89
Hurshel B. Cobb	Deputy	\$537.62/Pay	Eff: 6/17/89

Knight Township Assessor (Releases)

Tonya Ann Kolley	In. Deputy	\$547.26/Pay	Eff: 6/15/89
(Maternity Leave w/Insurance)			
Hurshel B. Cobb	Deputy	\$537.62/Pay	Eff: 6/17/89

County Clerk (Releases)

Dortha Buente	Dep. Clerk	\$15,348/Yr.	Eff: 6/1/89
(Sick leave with insurance)			

Circuit Court (Appointments)

Christopher Carl	Law Clerk	\$484.38/Pay	Eff: 6/5/89
Sara Jo Vessels	PTWR	\$ 5.00/Hr.	Eff: 6/5/89
Scott Graves	PTCS	\$ 5.00/Hr.	Eff: 6/5/89

Circuit Court (Releases)

Christopher Carl	Law Clerk	\$782.00/Pay	Eff: 6/5/89
James W. Worley II	PTWR	\$ 5.00/Hr.	Eff: 5/7/89
Robert C. Blesch	PTWR	\$ 5.00/Hr.	Eff: 5/19/89
Sara Jo Vessels	PTWR	\$ 5.00/Hr.	Eff: 6/2/89

Superior Court (Appointments)

Mildred Morgan	Ass. Dep.	\$18,378/Yr.	Eff: 6/5/89
Brenda R. Glenn	Sec./Clk.	\$18,455/Yr.	Eff: 6/5/89
Jeri L. Warner	Asst. Secy.	\$17,508/Yr.	Eff: 6/5/89
Teresa Wargel	S.C. Sec'y.	\$17,265/Yr.	Eff: 6/5/89
Devonna K. Brown	Riding Bailiff	\$18,455/Yr.	Eff: 6/5/89
Rebecca Ledbetter	Riding Bailiff	\$19,378/Yr.	Eff: 6/5/89
Richard Jewell	Riding Bailiff	\$17,576/Yr.	Eff: 6/5/89
Arletta Turpin	C.A./Probation	\$18,198/Yr.	Eff: 6/5/89
Nina Lockyear	Riding Bailiff	\$19,960/Yr.	Eff: 6/5/89
Marilyn Hess	Riding Bailiff	\$18,455/Yr.	Eff: 6/5/89
Jane Schmuck	Riding Bailiff	\$19,378/Yr.	Eff: 6/5/89
Debbie Wallace	Riding Bailiff	\$18,455/Yr.	Eff: 6/5/89

Superior Court (Releases)

Mildred Morgan	Ass. Dep.	\$17,210/Yr.	Eff: 6/5/89
Brenda R. Glenn	Sec./Clk.	\$17,130/Yr.	Eff: 6/5/89
Jeri L. Warner	C.A./Sec'y.	\$17,210/Yr.	Eff: 6/5/89
Teresa Wargel	S.C. Sec'y.	\$17,129/Yr.	Eff: 6/5/89
Devonna K. Brown	Riding Bailiff	\$17,508/Yr.	Eff: 6/5/89
Rebecca Ledbetter	Riding Bailiff	\$18,384/Yr.	Eff: 6/5/89
Richard Jewell	Riding Bailiff	\$17,384/Yr.	Eff: 6/5/89
Arletta Turpin	C.A./Probation	\$17,210/Yr.	Eff: 6/5/89
Nina Lockyear	Riding Bailiff	\$19,829/Yr.	Eff: 6/5/89
Marilyn Hess	Riding Bailiff	\$17,508/Yr.	Eff: 6/5/89
Jane Schmuck	Riding Bailiff	\$18,384/Yr.	Eff: 6/5/89
Debbie Wallace	Riding Bailiff	\$17,508/Yr.	Eff: 6/5/89
Russel Morse	Misd. Intern	\$5.00/Hr.	Eff: 6/2/89

Burdette Park (Appointments)

Shawn Stanley	PTGC	\$4.00/Hr.	Eff: 5/15/89
James Gerard	PTGC	\$4.00/Hr.	Eff: 5/13/89
Amy Helfrich	PTGC	\$4.00/Hr.	Eff: 5/13/89
Jason Young	PTGC	\$3.50/Hr.	Eff: 5/13/89
Shawntrece Crider	PTGC	\$5.00/Hr.	Eff: 5/13/89
Elizabeth Borries	PTGC	\$4.00/Hr.	Eff: 5/16/89
Jill McNaughton	PTGC	\$5.00/Hr.	Eff: 5/13/89
Cliff Harth	PTGC	\$5.00/Hr.	Eff: 5/13/89
Matt Singer	PT Guard	\$3.40/Hr.	Eff: 5/25/89
Kristi Howard	PT Guard	\$3.45/Hr.	Eff: 5/25/89
Sheila Leistner	PT Guard	\$3.35/Hr.	Eff: 5/25/89
Blake Fulton	PT Guard	\$3.40/Hr.	Eff: 5/25/89
Mark Mantel	PT Guard	\$3.90/Hr.	Eff: 5/25/89
Greg Topper	PT Guard	\$3.90/Hr.	Eff: 5/25/89
Andrew Lewis	PT Guard	\$3.40/Hr.	Eff: 5/25/89
Lisa Stuckey	D. Director	\$6.00/Hr.	Eff: 5/30/89
Tiffany Clawson	Cashier	\$3.35/Hr.	Eff: 5/25/89
Amy Pangburn	Cashier	\$3.35/Hr.	Eff: 5/25/89
Holly Hurl	Slide	\$3.35/Hr.	Eff: 5/25/89
Virginia Parson	Slide	\$3.35/Hr.	Eff: 5/25/89
Christina Hank	Slide	\$3.35/Hr.	Eff: 5/25/89
Courtney Bennett	Slide	\$3.35/Hr.	Eff: 5/25/89
Gabriel Reising	Slide	\$3.35/Hr.	Eff: 5/25/89
Heather Wainman	Slide	\$3.35/Hr.	Eff: 5/25/89
John Bippus	A.P. Mgr.	\$40.00/Day	Eff: 5/25/89
Jill McNaughton	F.T. Guard	\$3.75/Hr.	Eff: 5/25/89
Matt Caton	P.T. Guard	\$3.35/Hr.	Eff: 5/25/89
Shawntrece Crider	PTGC	\$4.00/Hr.	Eff: 5/25/89
Elizabeth Borries	Asst. H.G.	\$35.00/Day	Eff: 5/25/89
Joeli Staley	Head Guard	\$38.00/Day	Eff: 5/25/89
Joeli Staley	PTGC	\$4.00/Hr.	Eff: 5/15/89
Ralph Pace	PTGC	\$3.50/Hr.	Eff: 5/16/89
Rodney Pavlichek	PTGC	\$3.50/Hr.	Eff: 5/20/89
Robin Temme	PTL	\$3.35/Hr.	Eff: 5/25/89
Larry Beard	PTL	\$3.35/Hr.	Eff: 5/25/89
Michael Pearson	PTGC	\$3.50/Hr.	Eff: 5/25/89
Karen Williams	Pool Cashier	\$3.75/Hr.	Eff: 5/25/89
Holly Wade	FT Guard	\$3.55/Hr.	Eff: 5/25/89
James Gerard	FT Guard	\$3.75/Hr.	Eff: 5/25/89
Shawn Stanley	FT Guard	\$3.75/Hr.	Eff: 5/25/89
Barbara Bain	Cashier	\$3.50/Hr.	Eff: 5/25/89
Robert Kirk	FT Guard	\$3.75/Hr.	Eff: 5/25/89
Jeremy Keiffner	PT Guard	\$3.35/Hr.	Eff: 5/25/89
Dan Kolb	PT Guard	\$3.35/Hr.	Eff: 5/25/89
Barbara Miller	PT Guard	\$3.40/Hr.	Eff: 5/25/89
Jeremy Jourdan	PT Guard	\$3.35/Hr.	Eff: 5/25/89
Amy Moore	PT Guard	\$3.340/Hr.	Eff: 5/25/89
Bob Hayes	FT Guard	\$3.55/Hr.	Eff: 5/25/89
Steve Becher	PT Guard	\$3.35/Hr.	Eff: 5/25/89
Dina Turpin	PT Guard	\$3.40/Hr.	Eff: 5/25/89
Kendra Stinson	FT Guard	\$3.80/Hr.	Eff: 5/25/89
Brooke Ranes	FT Guard	\$3.60/Hr.	Eff: 5/25/89
Chris LDuc	PT Guard	\$3.45/Hr.	Eff: 5/25/89
Shawn Helmer	PT Guard	\$3.45/Hr.	Eff: 5/25/89
Andrew Hancock	PT Guard	\$3.45/Hr.	Eff: 5/25/89
Eric Jamison	PT Guard	\$3.40/Hr.	Eff: 5/25/89
Bryce Mowbray	PT Guard	\$3.35/Hr.	Eff: 5/25/89
Ginny Allen	PT Guard	\$3.35/Hr.	Eff: 5/25/89
Roger Storms	FTL	\$3.55/Hr.	Eff: 6/1/89
Amanda Wolf	PTL	\$3.35/Hr.	Eff: 6/1/89
James Bengert	D. Asst.	\$5.50/Hr.	Eff: 6/7/89
Heather Wade	Cashier	\$3.35/Hr.	Eff: 5/25/89
Angela Burmeister	Slide	\$3.35/Hr.	Eff: 5/25/89
Ron London	Slide	\$3.35/Hr.	Eff: 5/25/89
Michael Brown	PTGC	\$3.50/Hr.	Eff: 5/25/89
Gregory Hallam	Rink DJ	\$3.50/Hr.	Eff: 6/1/89

Dionne Sloan	PTGC	\$3.50/Hr.	Eff: 6/1/89
Ronna Akrabawi	Slide	\$3.35/Hr.	Eff: 6/1/89
Josh Kinsler	PTL	\$3.35/Hr.	Eff: 6/1/89
Klint Willis	Slide	\$3.35/Hr.	Eff: 5/25/89
Philip Davis	Slide	\$3.35/Hr.	Eff: 5/25/89
Ruth Miller	Slide	\$3.35/Hr.	Eff: 5/25/89
Jeff Sapp	Slide	\$3.35/Hr.	Eff: 5/25/89
Larry Beard	Slide	\$3.35/Hr.	Eff: 5/25/89
William Calloway	Slide	\$3.35/Hr.	Eff: 5/25/89
Julie Singer	Slide	\$3.35/Hr.	Eff: 5/25/89
Staphanie Hlfrich	Slide	\$3.35/Hr.	Eff: 5/25/89
Susan Borries	PT Guard	\$3.35/Hr.	Eff: 5/25/89
Susan Patton	PT Guard	\$3.55/Hr.	Eff: 5/25/89
Alicia Minton	FT Guard	\$3.35/Hr.	Eff: 5/25/89
Jeff Ludwig	PT Guard	\$3.40/Hr.	Eff: 5/25/89
Nick Jankowski	PT Guard	\$3.35/Hr.	Eff: 5/25/89
Heidi Wallace	PT Guard	\$3.35/Hr.	Eff: 5/25/89
Doug Keiffner	FT Guard	\$3.55/Hr.	Eff: 5/25/89
Brandon Schumate	PT Guard	\$3.40/Hr.	Eff: 5/25/89
Amy Sundermeyer	PT Guard	\$3.40/Hr.	Eff: 5/25/89
Benjamin McCarthy	PT Guard	\$3.35/Hr.	Eff: 5/25/89
Angie Redmon	PT Guard	\$3.65/Hr.	Eff: 5/25/89
Darin Jackson	FT Guard	\$3.60/Hr.	Eff: 5/25/89
Sara Embry	FT Guard	\$3.55/Hr.	Eff: 5/25/89
Jana Staley	PT Guard	\$3.35/Hr.	Eff: 5/25/89
Ivy Meisberger	FT Guard	\$3.60/Hr.	Eff: 5/25/89
Brooke Turpin	FT Guard	\$3.60/Hr.	Eff: 5/25/89

Burdette Park (Releases)

James Bippus	P.T.G.C.	\$4.00/Hr.	Eff: 5/25/89
Jill McNaughton	P.T.G.C.	\$4.00/Hr.	Eff: 5/25/89
Matt Caton	P.T.G.C.	\$4.00/Hr.	Eff: 5/25/89
Clifford Harth	P.T.G.C.	\$4.00/Hr.	Eff: 5/25/89
Shawntrece Crider	P.T.G.C.	\$4.00/Hr.	Eff: 5/25/89
Elizabeth Borries	PTGC	\$4.00/Hr.	Eff: 5/25/89
Joeli Staley	PTGC	\$4.00/Hr.	Eff: 5/25/89
Ralph Pace	PTGC	\$3.50/Hr.	Eff: 5/25/89
James Gerard	PTGC	\$4.00/Hr.	Eff: 5/25/89
Barbara Bain	PTGC	\$4.00/Hr.	Eff: 5/18/89
Amy Helfrich	PTGC	\$4.00/Hr.	Eff: 5/18/89
Shawn Stanley	PTGC	\$4.00/Hr.	Eff: 5/25/89
James Bengert	Rink Guard	\$4.00/Hr.	Eff: 6/7/89

County Highway (Appointments)

Kevin M. Snyder	PT	\$3.50/Hr.	Eff: 6/5/89
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Prosecutor (VAP) - (Appointments)

Georgann Ludwig	Legal Clerk	\$6.00/Hr.	Eff: 5/30/89
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Scott Township Assessor (Releases)

Doris Bailey	Dep. Assessor	\$35.00/Day	Eff: 5/19/89
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Cooperative Extension Service (Appointments)

Carmen Blankenberger	PT	\$31.00/Day	Eff: 5/30/89
Jennifer Reininga	PT	\$27.00/Day	Eff: 5/30/89
Michael Karch	PT	\$27.00/Day	Eff: 5/30/89
David Dimitt	PT	\$27.00/Day	Eff: 5/31/89
Mary J. Hollingsworth	PT	\$31.00/Day	Eff: 5/30/89

Superior Court (Appointments)

Marjorie Meeks	Intern	\$5.00/Hr.	Eff: 6/5/89
Holly Habermel	Intern	\$5.00/Hr.	Eff: 6/5/89

There being no further business to come before the Board at this time, President Willner declared the meeting recessed at 4:30 p.m.

PRESENT:

Robert L. Willner/President  
Richard J. Borries/Vice President  
Sam Humphrey/Auditor  
Curt John/County Attorney  
Cletus Muensterman/County Highway Supt.  
Greg Curtis/County Engineer  
Mrs. Barbara Maxis  
Donna Fritz/Center Township Trustee's Office  
Paul Bitz/Voter's Registration  
Jerry Riney/Supt. of County Bldgs.  
Dr. Clifford Shultz/National Laboratories, Inc.  
Les Shively/Attorney  
Jeff Harlan  
Lynda O'Neill/Better Business Bureau  
Jim McCarty/Colonial Garden Center  
Dave Reuger/DAVCO, Inc.  
Alan Chamberlain/Past President, Better Business Bureau  
Joe Coslett/L. B. Jones, Inc.  
Loretta Townsend/Weights & Measures  
Tom Dorsey/City-County Purchasing  
Charles Althaus/County Coroner  
Mark Tuley/Burdette Park Manager  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

\_\_\_\_\_  
Robert L. Willner, President

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Richard J. Borries, V. President

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Carolyn McClintock

MINUTES  
COUNTY COMMISSIONERS MEETING  
JUNE 19, 1989

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MINUTES  
COUNTY COMMISSIONERS MEETING  
JUNE 19, 1989

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Monday, June 19, 1989 in the Commissioners Hearing Room with President Robert Willner presiding. Attorney Cedric Hustace was the Acting County Attorney for the session.

RE: APPROVAL OF MINUTES

President Willner entertained a motion concerning approval of the minutes of June 5th meeting.

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

RE: REQUEST FOR WAIVER OF RENT FOR USE OF AUDITORIUM  
FOR FREEDOM FESTIVAL EVENT - TOM HEATON

Commissioner Willner recognized Tom Heaton, Vice President of events for the Evansville Freedom Festival this year. He is here to request that the County Commissioners consider waiving the rental fee on Vanderburgh Auditorium for the Up With People Concert which was held there last Wednesday evening. They had scheduled that concert for Mesker Music Theater, where the City of Evansville and the Parks Department had waived the rental fee for the Freedom Foundation Festival Board. Due to inclement weather, however, they had to relocate that concert to the Auditorium. He said he might add that the staff there was very helpful, very amiable, and very cooperative on short notice in helping them to pull that event off.

In recent years, the City has been very supportive and waived fees for them so the community can enjoy the festival and take part in the event and, at the same time, keep the costs to a minimum and, hopefully, one year the Festival Board will make some money and not end up in a deficit. Again, in the spirit of the Festival, he would ask the Commissioners to waive that rental fee.

Commissioner Willner asked his fellow Commissioners if they want to discuss this now or take the matter under advisement for a week.

Commissioner McClintock said since this is the first the Commissioners have heard about this, if the Board wants to take a week -- she has no problem with that. But she will not be here next week.

Commissioner Willner said he is of the opinion the County has never done that before. He wouldn't say they never will -- but he doesn't believe they ever have. At one time he thinks the Boy Scouts and all the non-profit organizations wanted to use the Auditorium and the Commissioners put their foot down. He doesn't mind either one of two things; going out and raising the amount of money needed to pay -- that is one avenue. The second would be to outright say "no charge". He asked Mr. Heaton if he knows the exact cost in dollar and cents?

Mr. Heaton said he believes the rental fee was \$500 and there may have been some sales tax. If something could be done with that fee, that event would be a breakeven event for the festival and

it wouldn't have cost anything and the sponsorship which they obtained from Ameritech Publishing would underwrite all the rest of their cost involved with the event. Their goal this year is to try to break even on everything.

Mr. Willner said he understands there was a packed house for the event -- some 3,000?

Mr. Heaton said if they could have gotten all the people in -- he believes that is how many there would have been, which is one reason they were honestly looking to try to use Mesker Music Theater; they have 3,750 permanent seats there -- and he feels they could have had about 4,000 people for that event. There was well over 2,000 people and the Auditorium staff was very cooperative. In conclusion, Mr. Heaton said he would appreciate whatever the Commissioners can do. If not, they will find a way to get that bill paid and they will do it promptly.

Mr. Willner asked if the Board wants to wait two weeks?

Commissioner McClintock said there is some interest in seeing if we can generate that revenue through another source. Why doesn't the Board wait a couple of weeks and that will give them the time to do that. She doesn't mind making a couple of calls.

Commissioner Willner suggested the Board try to do this -- they can always do otherwise. He would really hate to set a precedent. He believes that the School Corporation pays when they use it.

Commissioner Borries said the only exceptions has been where the U.S. Postal Service gives exams, election instructions, or a public hearing scheduled (such as on the Lloyd Expressway one time).

Commissioner Willner advised Mr. Heaton that the Board will do their best to see that he gets enough money to pay the bill and Mr. Heaton expressed his appreciation.

RE: REZONING PETITIONS - FIRST READINGS

VC-9-89/W. C. Bussing, Jr.: There being no one present to speak either for or against this petition, upon motion made by Commissioner Borries and seconded by Commissioner McClintock, VC-9-89 was approved on 1st Reading for forwarding to the Area Plan Commission. So ordered.

VC-10-89/Jeffery Lantz: There being no one present to speak either for or against this petition, upon motion made by Commissioner McClintock and seconded by Commissioner Borries, VC-10-89 was approved on 1st Reading for forwarding to the Area Plan Commission. So ordered.

RE: REZONING PETITIONS - THIRD READINGS

VC-3-89/Thomas Baumgart: Property is located at 10100 Highway 41 North. Current zoning is agricultural and requested zoning is M-2. The existing land use is a pallet manufacturer and the proposed land use is a pallet manufacturer. He believes this land is probably a non-conforming use. The business has been there about 12 years.

In response to query from Commissioner Willner as to whether M-2 zoning is required for pallet manufacturing, Ms. Bev Behme of Area Plan Commission said it does, but she thinks the use is probably more storage than it is manufacturing -- and that will take a C-4. He may repair -- but she doesn't believe he manufactures.

Commissioner Willner said that is what he was told -- that Mr. Baumgart actually buys used pallets and repairs them there.

Mr. Ben Shepard, who identified himself and stated he resides in Indian Hills in Ft. Branch, Indiana, said he is here to represent Mr. Baumgart. He has been a personal friend of Mr. Baumgart for the past ten or twelve years. The situation came about by his being in the Area Plan office when they told him they were going to have to cite this property for being out of line. Being a friend of Tom Baumgart's, he went to him and told him of the situation. That is what really brought this about.

Mr. Willner asked how long Mr. Baumgart has owned this particular piece of land?

Mr. Shepard said he believes he's owned it since 1947 and he believes the old oil company gave up something seven or eight years ago (he's not sure of this) -- but whenever that oil company went out, he believes that is when Mr. Stanley asked to use the building for that purpose and he believes he's been there ever since. At first they requested that the 60 acres be rezoned, because they thought that was the most reasonable way to go without having the land surveyed. They found out the original deed was made up wrong, so they had to have the property surveyed. When they did, they just surveyed the one (1) acre they needed to have to comply with the zoning requirements.

Commissioner McClintock said President Willner will note that the APC defeated this petition 0 to 9, and the primary concern of the Commission was that this is an ineffective spot strip zoning. The Comprehensive Plan for the year 2000 designates the area as agricultural and undeveloped. And she believes he was provided with information from the United States Department of Transportation and the Indiana Department of Highways that indicates that if, in fact, they determine that we are spot zoning and billboards are constructed on this property (which would be allowable under this land use) that we could lose our State and Federal Highway Funds -- which would be very devastating to Vanderburgh County and that was the primary concern. She believes if there were some effort on the part of the petitioner to assure the Board through a Use Commitment that the only thing that would go on this property would be pallet manufacturing, then she thinks it probably would have been approved by the Area Plan Commission.

Mr. Shepard said, number One, they're just asking to bring the property up to standards. If there were no manufacturing there and no business being conducted there (which has been done in the past -- in the last few years -- they strip zone. If there was no business there, he would say we're probably right by having a strip zoning enforcement. But today we have no situation and out at I-164 and Burkhardt Road we did a whole farm out there of strip zoning and there is nothing -- no business - nothing being transacted other than billboards.

Ms. McClintock interjected she can't speak to what happened before she was on the Area Plan Commission or the County Commission.

Mr. Shepard said he knows this. But he thinks the situation stands that there is business being conducted on this property and, therefore, it is entitled to a commercial zoning.

Ms. McClintock asked if it is Mr. Shepard's intent to construct a billboard on this property?

Mr. Shepard said not at this time. He has billboard rights for the property right beside it and a billboard has never been built. The property has a permit issued by the APC, but it has

never been built, because he doesn't have an advertiser that wants it. So he won't say whether it will or will not be built; but he is relating that he has a permit issued by the APC -- 1,000 ft. or 500 ft. away from this location. that they don't even use yet -- because they don't have anybody to use it. He does not own the property and he has no control over that.

Ms. McClintock asked, "If the intent is just to use it for pallet manufacturing, why is there not interest in having a Use Commitment that would commit that property just to the pallet manufacturing?"

Mr. Shepard responded, "We'll take C-4 if you want to give it to us."

Ms. McClintock said, "You can still put a billboard up on a C-4. What I am asking you is, would the petitioners be willing to restrict the use of that property to pallet manufacturing?"

Mr. Shepard said, "I don't know of any property you've done this to in the whole of Vanderburgh County. Why this one piece of property? That's what I'd like to know."

Ms. McClintock said, "It happens all the time."

Mr. Shepard asked, "Where? Where do you restrict a piece of property with no billboards allowed on it?"

Ms. McClintock said, "I can go back and get the minutes from the last several APC Meetings..."

Mr. Shepard interjected, "An M-4, or an M-2? And they restricted no outdoor advertising on that property?"

Ms. McClintock stated, "No, I am not saying that."

Mr. Shepard said, "That is what you are asking for. That is what you're asking me to give you -- and I can't do that for the property owner. But, to my knowledge, it's never been done in Vanderburgh County yet -- then, all of a sudden here, it becomes a problem. I don't know. I am just stating what I personally know -- I don't know of any more."

Commissioner Borries said he doesn't have a lot of comments other than he knows that this area has been looked upon for industrial manufacturing sites and part of what the Comprehensive Plan referred to along these areas was zoning even much higher than what Mr. Shepard suggests. He thinks what Commissioner McClintock has mentioned to him is because he cannot say exactly what the use is at this point, there are certain restrictions the Commissioners also have to be concerned with -- one of which would be that if, as it mentions here, there would be any possibility that we would lose State or Federal Highway Funds, he will guarantee that he is opposed to that.

Mr. Shepard said, "I think I would be, too, Sir; but I think that there is no way that can be entered in here, because manufacturing and commercial is being done on this property."

Commissioner Borries asked, "Then why can't he continue to operate just as he is doing? Who cited him?"

Mr. Shepard said, "Well, I was told by the Area Plan Commission that they were going to."

Mr. Borries said, "As I understand it, the APC did not cite you."

Mr. Shepard said, "They did not cite me, no Sir, but they told me they were going to -- and if I wanted to bring it before the Commissioners, I could do so before the citing."

Ms. McClintock said, "In the information from the Indiana Department of Highways -- and I'm quoting from this memorandum -- it says the situation is extremely critical. If the sanctions are imposed, it would mean that no road, bridge, safety or maintenance projects in these counties would be authorized for Federal participation. This means that all Indiana Department of Highways projects in these areas would have to be 100% State funded."

Mr. Shepard said, "That was written in 1966".

Ms. McClintock interjected, "1986."

Mr. Shepard continued, "And 400 cases of that has been tested and none of it has ever held true. There is not one inkling where the State has refused to not issue a permit once it is granted."

Ms. McClintock, "I think the concern is that the permit for this petition was paid by Ad-Craft.Z"

Mr. Shepard said, "That is simply because Mr. Baumgart did not have a personal check to be certified."

Ms. McClintock said, "I understand that -- but I wonder how the State of Indiana would view that. It's a little bit different than...."

Mr. Shepard said he wonders how the money can have anything to do with it.

Ms. McClintock said, "Well, it certainly can tie a strip zoning for the purpose of a billboard much easier to property when the fee is paid by a company that constructs billboards."

Mr. Shepard said, "Well, I must say this -- I was approached by a property owner that you just changed the property on (Mr. Claycombe) 24 acres, just a half a mile up the road -- for billboards -- and you just changed the zoning on it last Monday -- and there was no question about billboards, strip zoning -- there is no business even conducted there. It is still just a farm. Now it's M-2 and he wants to put billboards up. And there is no business conducted there whatsoever."

Ms. McClintock said, "Well, I can assure you that had I understood that was the intention of that rezoning.."

Mr. Shepard interrupted, "I didn't say that was the intention -- I said it comes about. So the State could come right back and say the same thing. Here you did do strip zoning, because there is no business being conducted. On this property business is being conducted at this point. So there is no way the State can come in and say you strip zoned it just because of a billboard -- because there is business there."

Commissioner Willner thanked Mr. Shepard and said, "I certainly can understand your point of view. And I can certainly understand this Board's point of view. Barbara, can you enlighten us with anything that hasn't been said here? Have you talked to the Attorney about this? I want to know how the Courts treat a similar situation. The article Carol talks about where sanctions were talked about was two other counties in the State of Indiana -- so there is some precedent somewhere here. And I, for one, think he certainly has a right to re-zone his property. He has maybe a manufacturing business -- he has been there for twelve or fourteen years, whatever -- I think he would come under the Grandfather clause and could probably continue to operate as such. But we try and stress that you need the proper zoning for the proper land use -- and I, for one, want to know what the attorneys and what the Courts have said in cases similar to this."

Mrs. Barbara Cunningham, Area Plan Director, said, "To answer numerous questions, the materials you have in front of you are from Warrick County -- some questions Warrick County raised to the Attorney General and to some others in Indiana -- and the materials date back (some more recently) to 1986. It all started with the Highway Beautification Act and the object is (she thinks there were two counties, but she doesn't have the materials in front of her) in Indiana that did do some strip zoning in a rural area for the purpose of outdoor advertising. And they were notified (in the materials the Commissioners have before them) that there was a possibility that we could lose bridge money, highway money, etc. The proposed new sign ordinance will help to answer this question, if we ever get it passed -- because it states in there that you must have before an outdoor advertising goes up -- it must be commercially utilized property and the main use must be the commercial use, not the sign use -- in that instance. She has some materials from the Federal law (which she did not bring) that speaks to incidental uses on a piece of property. When this petition was first presented, it was 57 acres. It has now been cut down to one (1) acre -- but it came to the Commissioners with 57 acres without an accurate survey. She believes there was an instance a few years back where the Commissioners did, on South Highway 41, when a petitioner came in with possibly this much acreage on Highway 41 that entailed something like 30 ft. of fill. The intent was really not for any business to go in there and it was turned down. Has she answered what the Commissioners wanted to know?"

Commissioner Willner said, "I've heard about Federal taxes on highways in states all my life. The most recent was the Texas 65 mph speed limit and I remember the Federal government saying that all those states that don't abide by the speed limit will be sanctioned for highway fees. Apparently Texas is bigger than the Federal government, because we now have 65 mph and they are probably running 75 mph and 80 mph, and there are no such sanctions. So I would see that if this zoning is turned down that if this gentleman is willing to spend a few dollars and go to Court -- this might make all of us look bad. I want to know what we're talking about."

Mrs. Cunningham said, "If you're asking if the State of Indiana enforces it, I cannot answer for the State of Indiana. I can just say that I would not want to take the chance."

Mr. Willner asked, "Have you talked to the Attorney?"

Mrs. Cunningham said, "The Area Plan Attorney has had all this material that you have before you."

Mr. Willner asked, "Has he come across any cases where this has happened anywhere in the country? Not just in Indiana -- but anywhere?"

Mrs. Cunningham said, "I don't believe he was asked to Mr. Willner."

Commissioner Willner said, "I really feel inadequate -- and I'm sorry -- because I see both points. And I don't know what the answer is. So I guess I am asking for help. If it is the feeling of the Commissioners to vote, I guess I will certainly have to do that. But I would feel much more comfortable if I knew what the case law, etc. is on this particular issue. And I'm certain we're not going to get it without doing some research. But I think we should take the time to do that."

Mrs. Cunningham said, "Well, the Comprehensive Plan can back you up. In the year 2000 conceptual land use map it shows this area designated as agricultural and undeveloped. In 1986, the Area Plan and you, too, as Commissioners, received notice from the

Indiana Department of Highways that indicates if strip or spot zoning to allow outdoor advertising devices to be erected along highways being in the interstate or primary system could result -- I mean they said it to us definitely -- could result in suspension or approval of all activities for highway projects, both State and Local. And one of the questions listed by the State in determining whether zoning action would be considered strip or spot zoning is the following:

Is the zoning part of comprehensive zoning? Do other areas remain unzoned?

And all surrounding property, except this one (1) acre, is zoned agricultural, while random sites along the highway system are zoned for commercial or industrial purposes, for which there is no demand other than outdoor advertising.

Commissioner Willner said, "Yes, but in relation to that we just zoned Swifty gas station within the last year. So that really doesn't hold too much water as far as I am concerned."

Mrs. Cunningham asked, "Is there anything else? I don't have the case law, I just have the information they have sent to us and the information that you have before you."

Mr. Shepard again approached the podium and said, "I just want to state that the 11 adjoining acres right beside the property in question is also commercial -- right now -- (the property to the north). Then there are two farms between that and Mt. Pleasant Road. The Fendrich property is 100% commercial. "I have a lease on that property to build a billboard, but have never done it."

Mr. Willner asked, "The property where the old Oaks Restaurant used to be?"

Mr. Shepard responded, "Yes sir."

Commissioner Willner asked if there is anyone in the audience who wants to speak for VC-3-89? There was no response.

Commissioner Willner asked if there is anyone in the audience who wishes to speak against VC-3-89? There was no response.

Commissioner McClintock said, "I'm with Commissioner Borries. We've seen this twice now in Area Plan and the Petitioner has had ample opportunity to present his case and I'm in favor of voting this evening."

Commissioner Willner entertained a motion.

Commissioner Borries moved that VC-3-89 be approved on 3rd Reading, with a second from Commissioner McClintock.

Commissioner Willner said the motion has been made and seconded and he would now ask for a roll call vote. Commissioner McClintock, no; Commissioner Borries, no; and Commissioner Willner, no. Commissioner Willner said the petition is denied. There will be a period of one (1) year before it can come back before this Board. The only other appeal is to the Courts.

Mr. Shepard asked if the petitioner can continue to operate?

Commissioner Willner said, "Sure, as far as I am concerned he comes under the Grandfather Clause; he could do his thing forever until he either ceases business or sells."

Mr. Shepard expressed his appreciation to the Board.

VC-8-89/Petitioner, Marie Sirkle: Requested zoning is from A to C-4. Mr. Willner asked if anyone is present to represent the Petitioner?

Mr. Ken Hansen approached the podium, identified himself, and said he resides in Vanderburgh County. He has been asked to represent the owners this evening. The Petitioners are Marie Sirkle and her brother-in-law, Walter Sirkle. This was their farm and it is a little over five (5) acres of a larger 54 acre tract. The balance is in the City. They are requesting the rezoning from A to C-4. This particular property is in conformance with the Comprehensive Plan and was unanimously approved by the Area Plan Commission. They are presently constructing a street through the property, which was designed by Morley and Associates and is in accordance with the City and County requirements. It is their intent to dedicate this street to the City and/or County once it is completed. There are two street constructions -- one is east-west and the other is north-south (Royal Avenue). At this point the street construction only goes up to East Virginia Street. It is their intention, along with other properties that have already been zoned and sub-divided, to extend that street to their northern property line. According to plans they have seen, there is another subdivision that would extend that street on up to Oak Grove Road -- it is not all their project.

Following further brief discussion, a motion was entertained.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner after no remonstrance either for or against the petition, following a roll call vote the petition was unanimously approved. So ordered.

RE: REJECTION OF BIDS RE COMPUTER HARDWARE/SOFTWARE FOR COUNTY ENGINEER'S OFFICE

Commissioner Willner asked Mr. Curtis if he has the money for the computer hardware/software?

Mr. Curtis responded that the money has not yet been appropriated. However, he would like to reject the bids anyway and solicit quotes on the open market due to the fact that no acceptable bids were received.

Mr. Willner asked if Mr. Curtis has the bids with him? He said he did not but they were read aloud last week. He reviewed them and none of the bids were acceptable. He did discuss the matter with Attorney Curt John and he said this procedure is acceptable (when the money is going to be under \$25,000 and no acceptable bids are received, the proper thing to do is to go on the open market and solicit quotes).

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the bids received on the computer hardware/software for the County Engineer's office were rejected and he was authorized to seek quotes on the open market. So ordered.

RE: TRANSIENT MERCHANT ORDINANCE - FIRST READING

Commissioner Willner said that he feels there will be problems with this ordinance.

Commissioner Borries asked, "In what way?"

Commissioner Willner said, "In the area of enforcement. Let's say that somebody comes into Green River Rd. and the Lloyd Expressway and sets up their truck (like they do on a Saturday) and the Auditor's office is not open and they can't obtain a license. I am not sure we are covered on all bases."

County Auditor Humphrey said, "If I remember correctly, we had a meeting with the law enforcement officials, the Prosecutor, and others. They agreed to enforce what we had and they put two young ladies in squad cars on varying shifts on Green River Rd., Franklin Street, and on North First Avenue. This lasted for about two weeks and they all disappeared. Then the enforcement quit -- and we've never seen any more enforcement. I don't care how many ordinances you have; it's just a pain in the tail unless we have enforcement. If we have enforcement we don't have a problem period. We had it for about two weeks; they had other cases they were involved in and it just got dropped. Unless we can get enforcement, you can have all the ordinances in the world and it isn't going to help."

Mr. Willner said if he remembers correctly, the Prosecutor at that time saying he could not get a conviction under that ordinance.

Mr. Humphrey said we weren't looking for conviction -- we were simply looking for enforcement. For two weeks it had the intended effect -- it ran them out of town and they were gone. And there was nobody at either of three locations for a period of two or three months after that short two week period of enforcement occurred. But gradually they have come back and you can see them everywhere.

Commissioner Willner said perhaps he is being over-cautious.

Commissioner McClintock said she would like to see what we're proposing on First Reading. She doesn't have any problem with going ahead and passing it on First Reading and then giving the Board and the Attorneys time to look at it for a Second and Final Reading. That would also give them the opportunity to meet with the enforcement arms of County Government to see if we are going to be able to enforce it. She thinks there is a need and we need to do something and we need to protect the businessmen who pay taxes to Vanderburgh County -- and this is one step the Board can take to do that.

Commissioner Borries said he believes this ordinance would not be intended to penalize any transient merchant who wanted to do business in the community and do so in a legal way. To him, this appears to especially address those who might want to come in and take advantage of people in some kind of a scam or rip-off operation. Those would be the ones obviously that we don't want in our community anyway. Thus, he would be willing to approve the ordinance on First Reading. If there are elements of this that are objectionable to any of the attorneys, we should ask the County Attorneys to bring those concerns forward. Perhaps they can either be amended or at that point make some suggestion as to how those concerns need to be addressed. However, he believes we have to take some kind of action to really send a message to those groups who come in and want to use our community for the wrong purposes -- and we're not for that.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Transient Merchant ordinance was approved on First Reading. So ordered.

(Ordinance will be advertised on July 28th, with Final Reading scheduled at 2:30 p.m. on Monday, July 10, 1989.)

Commissioner Willner asked if the Board would like to have a meeting to discuss the ordinance with the County Attorneys, Operation City Beautiful, Better Business Bureau, etc.? The other Commissioners agreed that such a meeting should be held. He requested that Mr. Riney set up a meeting sometime after Monday, June 26th) and prior to July 10th with the following:

Commissioner McClintock and Willner (Commissioner Borries will be out of the country), the County Auditor, the Police Chief, and the Sheriff -- and we'll try to get this on the right track.

RE: CITY-COUNTY MORGUE - CHARLES ALTHAUS

Mr. Althaus said he is here on behalf of Roger Lehman, the Building Commissioner, with regard to the plan preparation for the City-County Morgue. It was requested to see what the difference in cost would be for an in-house preparation insofar as the consultant fees, specification drafting, State review, etc. We're using our in-house people, including the County Surveyor's office, for the drafting. He and Roger Lehman have talked to Charlie Davis. He is willing to do it. They have been unable to get in touch with Mr. Brenner, but Charlie has -- and it will be all right. However, it may be a week or two before he can start, because he needs to get the precinct work finished first.

If we went to an engineering firm for all the consultant fees, blueprints, etc., it would cost 7% to 8% of the cost of the building, which would be a figure of \$24,000 to \$28,000. However, by our doing it in-house, we can do it for \$3,750 less the drafting (if we're able to use Charlie Davis) -- and he thinks he will get a letter from the Surveyor's office saying he will be allowed to do this. Charlie would be excellent, because the drawings he (Althaus) has now are from Charlie and Charlie has taken his time to go with them to Indianapolis and various other morgues through the Tri-State area and he knows what we want -- so he would be excellent for us to use. They are not asking for the \$3,750 at this time -- they just wanted to inform the Commission what they would be spending once the monies are all placed into the Commissioners' account. Furthermore, on Wednesday, he will go before the Council Finance Committee and he is requesting that they place \$500,000 in the Commissioners' Account (Acct. #130-427) in accordance with the Commissioners' approval on June 12th.

Insofar as property is concerned, there is discussion going on but no specific plans on where. He thinks they will have a definite location for the morgue within two weeks.

Commissioner Borries said he appreciates all of Mr. Althaus' work and he thinks it might be very important and proper for the Commission to send a letter to see if that drafting can be done through the Surveyor's office at no charge to the County.

RE: POOR RELIEF APPEAL - CENTER TOWNSHIP

Mr. Willner said he has a note from the Center Trustee's office with regard to poor relief applicant who appealed to the Commissioners on June 12th. Ms. Maxis has informed the Center Trustee that she is moving back to Oakland City to live with her money - so the case is closed.

RE: ACCEPTANCE OF CHECK

Tele-Media Corporation: A check in the amount of \$338.98 for cable franchise fees (3% of gross revenues for the period) for November 1, 1988 thru May 31, 1989.

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

Mr. Borries said this may be the group that has re-organized many times and does business in the western portion of the County. It is his understanding from Evansville Cable T-V that the above-mentioned cable company was installing some kind of cable

-- perhaps on someone's private property -- and whether or not at any time they gave any information to the County if it happened to be on any kind of County right-of-way. That is concern Number 1 -- that there might be some individuals in the western part of the County who would feel that either these people had permission to do what they were doing - or next, that they were Evansville Cable T-V. The next question he has, in order to get some of the confusion away from this particular thing -- it would seem we can't keep up when these folks change hands - he would like to see a uniform fee established, the same as what Evansville Cable T-V pays. He understands Evansville Cable T-V pays 5% fees and he believes the Board of Commissioners would be the logical group to approve that particular request. He would like to see an ordinance that would make them all uniform and he'd like to see 5% franchise fee.

Commissioner McClintock said she agrees. She said she would like to take off her Commissioner's hat for a moment and put on her Public Television hat. Another area of concern that they (Channel 9) have with companies that come and go and are difficult to track down and the problem of these companies carrying a public television station and moving Channel 9 around, because they don't have to pay a fee to them. So, at some point, --we need to look at these folks' contract in other communities in Kentucky and Illinois, etc. and get their Commissioners and Councils to include in there a MUST CARRY agreement for a public television station to protect that institution. (Certainly, Channel 9 would send someone other than her to vote on that.)

Commissioner Borries said he still thinks we need to have some kind of information as to whom their service people are -- because Evansville Cable T-V gets a lot of complaints that the service is terrible -- and it's not their service, it's this other group. So whoever those subscribers are have a terrible time contacting the service people who are supposed to do the work for this group. He would like to have that information in the Commissioners Office so if there are complaints we can tell them the phone number of the service representative. So could the Attorneys perhaps draft an agreement (perhaps the same as with Evansville Cable T-V) for 5% franchise fee?

Commissioner Willner said there may be a problem with that. He understands the Statute says 3% and Evansville Cable T-V is paying 5% because they want to be a good corporate citizen. What we need to do is let the Attorneys research the matter and advise the Board as to what they can and cannot do. He requested that Cedric Hustace take this matter back to Attorneys Miller and John, tell them what was discussed today and what the Commissioners would like to do -- and let them determine what it is within our power to do.

RE: CANCELLATION OF MEETINGS

Commissioner Willner announced that the Commissioners Meeting and Drainage Board Meeting scheduled for Monday, June 26th, have both been cancelled. Commissioner Borries will be out of the country and Commissioner McClintock will be out of town. The next Commissioners Meeting will be held on Monday, July 3rd at 2:30 p.m., with the Drainage Board Meeting to be held immediately following the Commissioners Meeting.

A bid opening on Prisoner Transportation Vehicle is scheduled for June 26th, so this will have to be deferred to July 3rd.

(Subsequently, a Notice re cancellation of meetings was published, as follows:

Commissioners & Drainage Board Meetings of June 26, 1980 are cancelled. The next Commissioners Meeting will be on Monday, July 3rd, at 2:30 p.m., with the Drainage Board Meeting to be held immediately following the Commissioners Meeting.

The regularly scheduled Drainage Board Meeting on July 24, 1989 has been cancelled and will be held instead on Monday, July 31, 1989 immediately following the regularly scheduled Commissioners Meeting.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

The meeting proceeded with Commissioner Willner conducting the auction of the remaining parcel of County-Owned surplus real estate (808 Line Street). There were no bidders.

RE: TRAVEL REQUEST - AREA PLAN COMMISSION

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, a travel request from Barbara Cunningham of Area Plan to attend a Conference in Indianapolis, IN on July 7, 1989, subject to availability of funds. So ordered.

RE: ACCEPTANCE OF CHECKS

The following checks re Alexander Ambulance lawsuit collections were presented by Mr. Cedric Hustace:

Elizabeth Boyle	\$20.15
Stacy Kemper	\$10.00
Thomas Jarvis	5.00
Total	\$35.00

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

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports & Absentee Reports: Mr. Muensterman said he had submitted his weekly reports last Friday.

Flood Waters: Mr. Muensterman said that the Ohio River is rising again and, hopefully, we won't have to close Waterworks Road again.

Summer Help: It was reported by Mr. Muensterman that he has hired six (6) boys for summertime help.

RE: COUNTY ENGINEER - GREG CURTIS

Eickhoff Rd. Proposals: Mr. Curtis reported that of the proposals received on the Eickhoff-Koressel Road project, he has selected three (3) firms to be interviewed, as follows:

- 1) Bernardin, Lochmueller & Associates
- 2) Veach, Nicholson, Griggs & Associates
- 3) Hazelet-Erdal

The interviews will be conducted tomorrow (Tuesday, June 20th) beginning at 10:00 a.m. in Room 303.

RE: SPEED LIMITS

Mr. Curtis noted he has three recommendations from EUTS with regard to speed limits:

- 1) Henze Rd. between Mill Rd. & No. 6 School Rd. (35 mph)
- 2) Shoshoni Drive between Covert Avenue and City Limits (25 mph)
- 3) Greenfield Drive between Covert Avenue and Eastland Drive (20 mph)

Mr. Curtis said he concurs with the recommendation and this needs to be put in the form of an ordinance.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the new speed limits were approved, as recommended, and are to be put into ordinance form by the County Attorney. So ordered.

RE: HECKEL ROAD BRIDGE

Mr. Curtis said the last item he has concerns Heckel Road Bridge. The emergency bids were received today, as follows:

Key Construction	\$17,450
Southwest Engineering, Inc.	\$24,300
Deig Bros. Construction	\$25,210

He has reviewed the bids and contacted Key Construction. He would like for the Commissioners to approve the contract of Key Construction and authorize them to proceed upon receipt of their performance bond.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the contract on the Heckel Road Bridge project was awarded to Key Construction in the amount of \$17,450. Mr. Curtis is to authorize them to proceed upon receipt of the Performance Bond. So ordered.

RE: POND FLAT DITCH - OUTER DARMSTADT ROAD

Commissioner McClintock said she received a copy of Mr. Curtis' note to Commissioner Willner regarding Pond Flat Ditch on Outer Darmstadt Road in Scott Township. Apparently we are going to be replacing that bridge, and she understands he is contemplating placing a steel bridge across that ditch.

RE: NORTH GREEN RIVER ROAD PUBLIC HEARING TRANSCRIPT

Commissioner McClintock asked whether we have any idea when we are going to receive a transcript of the Public Hearing held with regard to North Green River Road.

Mr. Curtis said his last discussion with the State indicated we should be receiving this fairly soon -- within the next two to three weeks.

RE: UNION TOWNSHIP ACCESS

Commissioner McClintock said that with regard to the B Street/Barker Avenue access to Union Township, Mr. Curtis was going to talk with the Consulting Engineers to get a price for doing some further study as per the request of the County Council.

Mr. Curtis said Councilman Owen had requested in a Council meeting or subsequent to the meeting that new estimates be solicited from United Consulting Engineers and, basically, in order to do new estimates they needed additional information and he is in the process of getting a price from them as to what they will charge us to do an aerial survey and possibly some soils work so that they have additional information on each of the sites to prepare some sort of estimate that might be different (either higher or lower). Additionally, he has been having discussions with SIGECO and hopes to have a meeting with them in the next couple of weeks concerning the railroad tracks on B Street and he has contacted the Railroad and he is having trouble getting them to state in writing their requirements insofar as retaining walls. He is trying to get a lot of questions answered so the estimates are much more substantial.

RE: USI OVERPASS

In response to query from Commissioner McClintock with regard to the status of the USI Overpass project, Mr. Curtis said had it not been for the Heckel Road bridge situation he would have had an agreement this evening. And he would have had one next week, except there will be no meeting. Therefore, he has this item scheduled on the July 3rd meeting agenda.

RE: CONGRATULATIONS TO COUNTY ENGINEER CURTIS

Commissioner Borries extended congratulations to Mr. Curtis who, he understands, is the proud father of a pretty good-sized young lady (9 lbs.).

RE: OLD BUSINESS

Sign Ordinance: Commissioner McClintock said she wanted to update the Commission on where we stand on the Sign Ordinance. As per the Commission's request, the Committee has met twice now and they have another meeting scheduled for Wednesday evening and they are making some progress. However, there are two very definite points of view and what they have done is pretty well settle everything on off-premise amongst this very diverse group (and she has to be honest) with the exception of the distance between the billboards. They are down to this and they are just beginning on the on-premise signs, and she is sure they will have a very lively meeting on Wednesday. What they are attempting to do is to come up with a proposal that can come out of this Committee, take it back to Area Plan and, hopefully, get it approved there and then bring that proposal back to the Commission and the City Council. On those items where they simply cannot reach an agreement (if they do not reach an agreement with regard to the distance between billboards, for example) then they will have to take the majority of it to Area Plan, ask them to pass that, and then they will have to go through and, hopefully, there will be only a total of three or four things on both on premise and off premise that the Commissioners will have to vote individually via separate motions. But that is where they stand and they hope to have this wrapped up so it can go to the July 5th Area Plan Commission meeting -- so all the businesses and sign companies can go back to doing their business and everyone else can go back to doing theirs.

RE: REQUEST FOR CHANGE IN TIME - EVENING COMMISSION MEETINGS

Commissioner McClintock said she wants to make a motion to change the time of day of the Commission Evening Meetings. She has had some feedback from the general public who comes to the meetings as well as some members of the media that perhaps it would be more convenient for everyone if the Commission met at 6:00 p.m. or 6:30 p.m. People could come from work; but it would still give them time to get a bite to eat or whatever. Then if the meeting goes for two or three hours it will be over at 8:30 p.m. or 9:00 p.m. as opposed to 10:00 p.m., 10:30 p.m., or 11:00 p.m. The Commission wants to keep the meeting time convenient to the public and she thinks perhaps that time would be more convenient -- because this would not ruin someone's entire evening if they are waiting for a rezoning. They could come by 6:00 p.m. to 6:30 p.m., get out by 7:00 p.m., and have the balance of the evening to go about their business or entertainment or whatever they choose to do. She thought she would bring this matter up to see what the Commissioners think.

Commissioner Borries said he would be willing to consider it. Since the meeting times were advertised at the beginning of the year, he is not sure what kind of legal process the Commission has to go through to inform the public of the change. But he will think about it.

Commissioner McClintock asked that this be placed on the agenda on July 17th (the night meeting) and discussed at that time.

Consolidated Government Study: Ms. McClintock said she doesn't know whether the Commissioners have seen the report of the Area Plan Metropolitan Development Subcommittee to the Consolidated Government Study. They made the report last week. They have some interesting recommendations and she thinks it is well worth the Commissioners' consideration. She doesn't know where the Mayor or City Government stands on it, but she was wondering if it would be possible -- and perhaps maybe the Commissioners should wait until August, which would give Commissioner Borries plenty of time to look at it and think about it. It doesn't have to be done right away; but she doesn't think it should be shelved and forgotten. She received a copy in the mail. She will make copies for Commissioners Willner and Borries and they can look perhaps at putting this on the agenda in August.

Commissioner Willner said he wants his copy to come from the Committee.

Thermotron Energy, Inc.: Commissioner McClintock said she received a copy of the letter from Thermotron Energy, Inc. Is that matter settled?

Commissioner Willner said it has not been settled; it is in the hands of Attorney David Miller.

Commissioner Willner said if there is any information Ms. McClintock wants to glean or if she has any strong feelings she can talk to Attorney Miller; he has the entire file.

Contract Between Al Folz and C. Davis: Ms. McClintock brought up the matter of the contract with Al Folz, Knight Township Assessor, and Legal Counsel of Vanderburgh County. Have the other Commissioners had an opportunity to read this? What are the Commissioners going to do about this -- ask Mr. Folz to come to the Commissioners Meeting?

Mr. Borries said, "Very definitely."

Commissioner Willner said he is not sure; he believes Attorney Miller has been given copies of all correspondence and there, again, he has a problem with some people acting as Legal Counsel for Vanderburgh County who certainly are not -- and not only this needs to be straightened out -- but the procedures. They will be asking Attorney Miller to do this and he has received all the information the Commissioners have at this time -- and he might add this is not an isolated instance -- and the Commission needs to stop not only this one -- but the rest of them.

St. Mary's Medical Center/Occupational Medicine Proposal: Ms. McClintock said she has the proposal dated May 17, 1989 from St. Mary's Medical Center re the Occupational Medicine. What is the status of this?

Commissioner Borries said it is a proposal and the City does this. In his opinion it is something that could be of use to the County, as well. However, we do not have any money budgeted for this and should this group approve it, he believes Ms. O'Connor would have to present this before some Committee of the County Council in order to secure funding for it -- perhaps for 1990.

Ms. McClintock said she met with Ms. O'Connor and she indicated she had already met with the other Commissioners. Should the Board send a letter to Deaconess and Welborn and make sure that they cannot do this same thing -- before we get down the road and have them calling and saying they could have done this and done it cheaper. She doesn't think they have the same program -- but she thinks this could be solved with a letter.

Commissioner Willner suggested Commissioner McClintock find out.

Mr. Riney said Commissioner Borries had him try to contract Tom Dorsey about this. He is away on a three weeks vacation, but he will get with him when he returns to see what the City's experience is. The Commissioners will vote on this after they talk with Mr. Dorsey sometime in July or August.

Auditorium Board: Commissioner McClintock said it is her recollection that once we had the full complement on the Auditorium Board that we were going to ask them to look at what our current situation at the Coliseum is, the agreement, how it is working, etc., and then report back to the Commissioners. Has the Board indicated that to the Chairman of that Board in any kind of formal way?

Commissioner Willner said the Board has not, at this time. He has met with the Veteran's Council and told them that the Commissioners would like to have some input into that operation. They are going to take that information back to the Veteran's Council.

Commissioner Borries said he is not certain that all of the appointments have been made to the Auditorium Board, although the Commissioners made one last week.

Commissioner Willner noted that Council also made an appointment to that Board (Louis Iaccarino, Jr.).

Ms. McClintock asked if the Commissioners are going to send some kind of letter to the Board?

Mr. Willner said he wants to hear from the Veteran's Council first, since they do have a lease. He told them the County does not want to break that lease, but rather further the activities and fund raising at the Coliseum. He understands the Veteran's Council organization is also having some internal strife. But they are going to come to the Commissioners with a recommendation -- so that is forthcoming -- and he wants to wait until he has that before he does anything.

Commissioner McClintock said she has an entity that is willing to spend \$1,500 to bring in experts to look at the organ at the Coliseum to tell the Board exactly what money will be spent and what steps need to be taken to get it from where it is to being completely refurbished and that should be happening within the next month or so.

Meeting re South Green River Rd. Project: Commissioner Borries said he noted in the newspaper that there will be a meeting tomorrow night at Caze School re the South Green River Road project.

Mr. Curtis said that EUTS set that meeting and it will be held at 6:00 p.m.

State Prison: Commissioner Borries said a news reporter called him and he is not advocating one way or another any aspect of whether or not this County or group would advocate a State Prison being located in our county and in our community. However, as he understands it (and he has not read Governor Bayh's statement on this) the cost of the State Prison alone would run some \$52 million -- it would be a huge undertaking. It would be a maximum security prison. He is not asking this Board to make any decision tonight, but perhaps to seek from their various sources within the community as to whether this would be a feasible project. If there is undue community concern, then it would not be something the Board would want to consider. But he

thinks that perhaps once you get over the initial hurdle and fear of a maximum security prison (there just ain't any folks getting out of there -- you don't hear of any folks leaving the Federal Prison in Marion, IL, for example) there would be 300 jobs involved in this particular situation and he supposes if there was any interest in the community the Commissioners would have to respond at some point to the State of Indiana indicating some interest to be considered as a site. Again, he is not asking for any decision; but the other Commissioners might want to check among their sources and friends to determine their feeling in this regard.

Spring Conference of Indiana State Auditor's Association: County Auditor Sam Humphrey announced that it has been confirmed that the Spring Conference of the Indiana State Auditor's Association will be held in Evansville in May 1990 and that will bring 400 to 450 people in here.

Reassessment: Commissioner Borries said he has asked Auditor Humphrey to put together a list for the Commissioners as to how much money has now been spent on the reassessment.

Auditor Humphrey said he can give the Commissioners that figure now.

Commissioner Borries said he wants to see it in black and white -- both for the Township Assessors and the County Assessors.

Auditor Humphrey said a meeting is scheduled for June 27th to get all of that together -- by Township, by the Commissioners' Account, by the Council's account, by the County Auditor's Account, by the County Assessors' accounts, and put it all together in one package.

Auditor Humphrey said it started at \$1,000,802 and to that was added \$785,615 in interest earned and that is all we had to spend. We've got \$291,100.23 left and it is not going to change -- regardless of what they say about it.

Commissioner McClintock said she would also like for the report to include what other counties have paid to do their reassessment.

Cost & Benefits of a Certificate of Achievement: Auditor Humphrey said he is also going to check with the State Board of Accounts this week re the cost and benefits of a Certificate of Achievement for the County, what it entails, how it works, etc. The President of the State of Board of Accounts has assured him they will provide all the people they can to help us conform. Hopefully, what that will do for the County is give us a financial report and audit that John Q. Public out on the street can read. It is very difficult for him to read and it took a couple of months for him to get through 10 years of it. They gather our accounts in such a manner that it is very hard to follow from expense to audit account and accountability. This would conform with all the generally accepted government financial offices accounting procedures and would be viewed separately and audited independently by that organization. He thinks the cost to get that done would be about \$500 and we may have to have an independent audit -- but he doesn't know that. He is going to request the specifications and requirements from the SBA this week and just wanted to make the Commissioners aware of what we are trying to do. If we are successful in getting a Certificate of Achievement and have to issue other bonds, it would substantially reduce our interest cost, because it elevates the rating of the county. Beyond that, it would permit any citizen to look at an audit and determine the financial health and accountability in this county -- and he is for that. We have to get this done by June 30th of next year. The time limit is June 30th every year to achieve one of these. There have been

three (3) counties in Indiana and four (4) cities to get this certificate and it is something he hopes we can do.

RE: SCHEDULED MEETINGS

Wed.	June 21	12:00 Noon	County Council Job Study Meeting (Room 303)
		2:30 p.m.	County Council Special Mtg. (Room 301)

RE: CLAIMS

Commissioner Willner said there are no claims to be presented for approval.

RE: EMPLOYMENT CHANGES

There are no employment changes to be submitted for approval today.

RE: CANCELLATION OF COMMISSIONERS MEETING

It was announced by President Willner that there will be no Commissioners Meeting next week. The next meeting will be held at 2:30 p.m. on Monday July 3rd.

The Drainage Board will also meet immediately following the Commissioners Meeting on Monday, July 3rd.

RE: JAPAN TRIP - COMMISSIONER BORRIES

Commissioner Borries said he will say "Sayonara", as he is leaving for Japan this coming Saturday and will not be present for the next few meetings.

There being no further business to come before the Board, President Willner declared the meeting recessed at 9:15 p.m.

PRESENT:

Robert L. Willner, President  
Richard J. Borries, Vice President  
Carolyn McClintock, Member  
Sam Humphrey/County Auditor  
Cedric Hustace/Acting County Attorney  
Cletus Muensterman/County Highway  
Greg Curtis/County Engineer  
Tom Heaton/Convention & Visitor's Bureau  
Barbara Cunningham/Area Plan Commission  
Bev Behme/Area Plan Commission  
Ben Shepard  
Ken Hansen/Citizen's Realty  
Lynda O'Neill/Better Business Bureau  
Charles Althaus/County Coroner  
Jerry Riney  
News Media  
Others (Unidentified)

SECRETARY: Joanne A. Matthews

*Robert L. Willner*  
Robert L. Willner, President

Richard J. Borries, V. President

*Carolyn McClintock*  
Carolyn McClintock

no  
meeting  
Held  
June 26, 1989

Cancelled in June 19  
meeting

MINUTES  
COUNTY COMMISSIONERS MEETING  
JULY 3, 1989

I N D E X

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Authorization to Open Bids re Contract Road Paving....	1
Vanderburgh Auditorium - Rick Higgins..... Update on Elevator Installation & Restroom Improvements Travel Request	1
Request for Additional Medical Leave/Dortha Buente.... (Ms. Buente to report back on July 17th)	2
Resolution Approving Agreement Between City and County re Civil Defense Department..... (Action deferred; to be reviewed by Attorney Miller for any necessary changes)	3
Sale of County-Owned Surplus Real Estate.....	4
Acting County Attorney - Jeff Harlan..... Reading of Bids on Bridge #13 Reading of Bid on Prisoner Van *Bids taken under advisement by County Engineer and the Sheriff, respectively Reading of Bids on Contract Road Paving (Bid awarded to Sam Oxley & Co. (\$405,231.75) Contract w/Jerry Schenk/Insurnace Appraisals & Risk Management (Approved) Contract with Bernardin-Lochmueller re USI Overpass (not to exceed \$314,050) Check from the State for USI Overpass (\$283,000) Acceptance of Check/Alexander Ambulance Lawsuit Status Report/Alexander Ambulance Lawsuits	4
Resolution of Congratulations/Reitz Memorial High School	7
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County Highway - Cletus Muensterman..... Weekly Work Reports & Absentee Reports Flooding of County Roads	10
County Engineer - Greg Curtis..... Key Construction/Performance Bond, etc., on Heckel Road Bridge Acceptance of Streets in Bolin Meadow West Sub & Waiver of Sidewalks Culvert Installation Project/Brookview Sub Approval of Road Construction Plans/Oakview Place Section "D" Union Township Overpass/Underpass Personnel Releases (Dan Hartman & Richard Gwinn) Claims (Bernardin-Lochmueller; Veach, Nicholson, Griggs)	11

Coliseum Roof Project  
Motz Road (Revised R/W Descriptions forthcoming)

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WSC Associates - (Auditorium; Elevator Inspection fee - \$563.50)	
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Deferred pending further information as to whether other Township Assessors will also participate and if, indeed, this has to do with the Re-Assessment; Total cost, etc.	
Request to Go on Council Call - Soldiers Burial.....	15
(\$20,000)	
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better make the facility more useful to the people of the community and Vanderburgh County. He has \$900 in the budget for travel and it is also in his job requirements that he go to some of these conventions to see what new steps we can take to get these shows in.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the request was approved based upon the cost not to exceed \$700.00. So ordered.

Commissioner McClintock asked what is happening with local promoters? Is he working with Sunshine and with Dave Fritz's outfit (Sunbeam, he believes). The problem he's having with promoters locally is that with Select-A-Seat, getting the top names to come in for a price we can afford. They really did a lot of work on the Christie Lane show -- 300 people showed up. She didn't give that good a show. It seems the big names want a lot of money to come in here. Maybe he needs to put a questionnaire in the newspaper to see what the residents would like. He believes we need to get some big name acts. If the County could bring in a big name and sell out -- we would then stand to have a substantial gain in revenue.

Ms. McClintock commented that we currently don't have any monies in the budget to do shows on our own.

Mr. Higgins said he is now working with Larry Aiken, Dave Fritz and Select-A-Seat and that's about the extent of the promoters. Hopefully, he can meet some promoters in Reno and bring in some shows.

RE: REQUEST FOR ADDITIONAL LEAVE - DORTHA BUENTE

Mr. Willner said Dortha Buente of the County Clerk's Office is requesting an additional 30-day medical leave.

Ms. Buente said she has had additional surgery and she needs to see the Doctor again on July 10th.

Commissioner Willner said the Clerk has expressed to him that she has problems in that position. If she trains anyone else in that job, as soon as Ms. Buente comes back, she has to release that individual -- and she's having a pretty rough time. She was wondering if Ms. Buente can come back to work.

Ms. Buente said she is still in a lot of pain and is having swelling -- and she is in no condition to work. They informed her that her job in the Child Support office has been taken anyway and she has to take another job. She doesn't know what that will be. She would be willing to do it if she were able, but her Doctor doesn't feel (nor does she) that she is able to return to work at this time. She worked there 16 years. Hopefully she can return to work on August 3rd.

Ms. McClintock asked if this is an unpaid leave and Ms. Buente confirmed that it is an unpaid leave of absence.

In response to query from Commissioner Willner, Ms. Buente said her first surgery was on June 16th. She last saw the Doctor on June 28th and has to see him again on July 10th. She submitted several documents supporting her statements. When she first fell and mashed the wrist, he told her then it would be at least three months. She wondered why, but she guesses it was the nature of the injury. In response to query from Commissioner McClintock, Ms. Buente said she is right-handed. She is in so much pain and the fingers swell. They have given her all kinds of pain pills.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, Ms. Buente's leave was extended through Monday, July 17th, with the request that she return at that time with some additional information from the doctor.

Commissioner Willner asked that Ms. Buente understand the County Clerk has problems and needs someone trained in that job, so she needs to know, too.

Ms. Buente said she has been there quite a few years and she does understand the Clerk's problem.

RE: RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY AND THE COUNTY & THE CIVIL DEFENSE DEPARTMENT

President Willner recognized Wanda Hansert of the City Clerk's office.

Commissioner McClintock said she has a couple of questions. First of all, has the Acting County Attorney had an opportunity to review this? Mr. Harlan said he has not, and Commissioner Willner requested that he follow along with the Commissioners at this time.

Under Administration (Page 3), we are giving the Vanderburgh County Civil Defense Advisory Council the authority to enter into contracts. Well, there are a whole list of things -- besides Policy and Procedure, and she doesn't have a problem with that. She is concerned about Items 1 and 3 -- their statutory authority to enter into contracts and to buy, sell, transfer, or otherwise dispose of property both real and personal.

Commissioner Willner said he understands that those are required by law under the Civil Defense statute. Let's ask the Attorney if that is correct.

Mr. Harlan said he would not know without researching the statute.

Commissioner Willner asked if the Board can take all the questions today and then take action on this next week.

Ms. McClintock said she understands this was prepared by the City Attorney, not the County Attorney. But, back in Paragraph #4 it says the County shall transfer it's annual share of the budget for Civil Defense to the City Controller in installments in such frequency as the City may determine necessary to bill. The Controller of the City shall recognize vouchers for claims, etc. Her concern there is that we are basically saying to the City that if appropriate \$100,000 for this department in any given year on January 1st, the City Controller could indeed say, "Okay, County, your installment is \$100,000 payable February February 1st." It occurs to me that we could get into a situation where we're using County money first and then City money to operate this department.

Mr. Willner asked, "You would like for that to read "in equal installments"?"

Ms. McClintock said, "Yes, or have some kind of schedule -- such as quarterly installments or something -- not that I think the Controller of the City is a bad person -- but where it is not just left to the discretion of whomever the Controller is to decide how much and when."

Chief Deputy Cindy Mayo said that on any Joint Departments the City has to give the County a printout showing what the expenditures were for that month, and then we pay 15%, or 22%, or whatever the County's share is.

Commissioner Willner said, "But those dollars have already been expended from the City. That is the way it usually works."

Mrs. Mayo concurred that this is correct.

Ms. McClintock said that is not what the agreement says. And those were basically her two questions. If the Board can get those cleared up, she doesn't have a big problem with it.

Commissioner Willner asked that the record reflect that the Board asked Attorney Harlan to take the agreement along to David Miller and ask him to get with the City Attorney and facilitate those changes, if they are so needed.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

The meeting continued with President Willner entertaining bids from the audience for the one (1) remaining parcel of County-owned surplus property at 808 Line Street (Tax Code 11-90-21-74-5).

There being no bids, the sale will be continued next week.

RE: ACTING COUNTY ATTORNEY - JEFF HARLAN

Bids on Bridge #13 (Boonville-New Harmony Rd.): Mr. Harlan said the Engineer's estimate is \$251,999.10. Bids received were as follows:

1) Deig Bros. Lumber & Construction	\$224,045.55
2) Sam Oxley & Company	\$260,454.75
3) Robert F. Traylor Corp.	\$345,374.00

Commissioner Willner said it appears only one (1) bid was received under the Engineer's estimate (the Deig bid of \$224,045.55). Would Mr. Curtis like a week to take the bid under advisement?

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the bids were referred to County Engineer Curtis for his review and recommendation at the July 10th meeting. So ordered.

Commissioner Willner said he would make one observation; he didn't know that Mr. Oxley was in this business. Mr. Curtis, however, confirmed that he is.

Bids/Prisoner's Van: Mr. Harlan said the sole bid for the Prisoner's vehicle was from Mitchell Motor Sales (Bedford, IN) in the amount of \$43,130.00.

Sheriff Shepard said he respectfully requests to defer the awarding of the bid until next week so he can talk to his maintenance man; he is on a special assignment today and he needs to make sure this is the one we want. He believes this is the only one in the country who makes those -- but he wants to check with his technical man to make sure it is.

Commissioner Willner asked Sheriff Shepard if he has enough money in his budget for the van and the Sheriff confirmed that he does. He will be back at next Monday's meeting.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the Sheriff was asked to take the bid under advisement, review the bid to make sure that it meets the requirements and specifications, and to return with a recommendation at the July 10th meeting. So ordered.

Contract Road Paving: Mr. Harlan said the paving estimate is \$489,500. The three bids received were as follows:

1) J. H. Rudolph & Company	\$415,793.30
2) Sam Oxley & Company	\$405,231.75
3) The Rogers Group	\$453,396.15

Mr. Willner asked if Mr. Curtis will need a week to review the bids?

Mr. Curtis said he has already reviewed the bids on this because he knew the money was already in place. If the Board cares to go ahead and award the contract, he is comfortable with the low bid, having reviewed it.

Commissioner McClintock asked if we advertised for bidder?

Mr. Curtis said that we did.

Ms. McClintock asked how he reviewed the bids?

Mr. Curtis said he reviewed them just a few minutes ago when he was sitting over at the table with Mr. Harlan when he opened the bids.

Ms. McClintock said she is not familiar with a couple of these companies (Oxley & The Rogers Group).

Mr. Curtis said that Sam Oxley & Company does an extensive amount of highway work as does The Rogers Group with the State Highway Department. The Rogers Group (home office in Bloomington) did work down here last year, as well. They have a plant in Haubstadt. J. H. Rudolph, of course, is from Evansville. Sam Oxley has a new plant in the Highway 57 and U. S. Highway 41 North area. They just moved a plant down here -- he is assuming due to the work they have received with the State Highway Department and with our Boonville-New Harmony Road extension project on which they were the successful bidder. In other words, they are already doing a contract for us.

Don Gibbs introduced himself and said he is with the Sam Oxley Group.

Commissioner McClintock asked what work she would be familiar with that the Oxley group has done in the Evansville area?

Mr. Gibbs said he is new with the company himself; he would be willing to furnish her with further information. He does have a list of public works jobs they are doing in the Evansville area and a list of private work outside the Evansville area. But, as Greg said, they are putting in a plant out on Highway 41 in the Airport area and will be running the mix locally.

Ms. McClintock asked how long the company been involved in the Evansville area?

Mr. Gibbs said, again, he cannot tell her. He is only in his third week with the firm. But the company has been around for ten years or so.

Mr. Willner said the Oxley firm has the bid on the Boonville-New Harmony Road from the State that is our project. The State let that contract. That consists of one (1) mile of road and one (1) bridge.

Mr. Curtis said they also have I-164 from the State line to U. S. Highway 41 -- a 25 mile resurfacing project rehabilitating all of that pavement.

Mr. Curtis said due to the time of year and the clock ticking away, that is why he wanted to go ahead and review the bid and perhaps get a week's jump for them to get their bond, etc., in so paving can begin. The bid is in order, and a performance bond will be required before work commences.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the paving contract was awarded to Sam Oxley & Company in the amount of \$405,231.75. So ordered.

Commissioner Willner asked if Mr. Harlan has any other business to come before the Commissioners?

Mr. Harlan said a contract from Jerry Schenk & Associates (they dropped by Attorney Miller's office today) has been reviewed. With the exception of one number which has been penned over, he has no problems with the contract.

Mr. Willner asked if Mr. Riney has any knowledge as to what this number should be? He noticed the same thing.

It was the consensus that the figure should probably read not to exceed 60 hours per month, but Mr. Willner requested that Mr. Riney make a phone call to confirm the figure and get back with the Commissioners.

When Mr. Riney returned to the meeting, he confirmed that the correct figure is \$60.00 per hour not to exceed 60 hours per month. He asked Attorney Harlan if it is alright to note the correct figure clearly -- and for him to initial same. Mr. Harlan said this would be acceptable. A motion was then entertained.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the agreement with Jerry Schenk for insurance appraisals and Risk Management Services was approved in the amount of \$60.00 per hour not to exceed 60 hours per month, unless authorized by the President of the County Commission. So ordered.

Contract with Bernardin-Lochmueller re USI Overpass: The contract has been reviewed and signed by Attorney Curt John and is ready for the Commissioners' signatures.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the contract with Bernardin-Lochmueller to design and furnish contract plans, etc., for the construction of an interchange at S.R. 62 and the entrance of USI was approved. So ordered.

Several companies were interviewed, Mr. Curtis made a recommendation and the Board approved same a couple of months ago. The contract is ready to go. He would like to say that he met with Messrs. Bernardin and Lochmueller last week and once this agreement is signed they are planning on trying to set up a meeting with the State to get them to expedite their review so the time frame might possibly be reduced.

Mr. Willner interjected, "Which they said they would."

Mr. Willner said he doesn't believe the Board has read into the minutes the State's involvement in this project. He believes Mr. Curtis was gone and the Governor traveled to Evansville, IN and brought us news of a check for \$283,000 for the engineering of the USI over/underpass -- saying that these dollars were to be used for this project in lieu of the State's not doing the extra length of storage lanes on that highway. They are giving us the dollars to use instead of them lengthening the turn lanes.

Ms. McClintock asked how much the contract is for?

Mr. Curtis said he believes it is not to exceed \$314,050. If the State cuts down their review time, it might be less than that.

Mr. Willner said the State Highway Department said they would work fully to not have it run the required length of time that these projects usually do -- and they will do everything in their power to facilitate the project.

Acceptance of Check/Alexander Ambulance Lawsuit: A check in the amount of \$100.00 from Emma Williams was submitted.

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

Status Report/Alexander Ambulance Lawsuits: Commissioner Willner said a Status Report concerning the Alexander Ambulance lawsuits is also included.

RE: RESOLUTION OF CONGRATULATIONS - REITZ MEMORIAL HIGH SCHOOL

Commissioner Willner read the following Resolution of Congratulations that went to the Reitz Memorial High School Baseball State Champion Team:

June 27, 1989

Mr. Guentin Merkel, Coach  
and Memorial Baseball Team  
Reitz Memorial High School  
Athletic Office  
1500 Lincoln Avenue  
Evansville, IN 47714

Resolution of Congratulations on  
Being Our Baseball State Champs

Dear Coach and Team:

Congratulations to you and your team on capturing the Indiana High School State Baseball Championship!

Even though it took time and a lot of hard work, you have accomplished a great feat and have made everyone very proud of you. You did a wonderful job in representing the State of Indiana, the City of Evansville, and Vanderburgh County.

Your dedication is commendable and you are to be congratulated on this great achievement.

We wish you all the best for the future.

Sincerely,

The Board of Commissioners of  
the County of Vanderburgh

/s/Robert L. Willner, President  
/s/Richard J. Borries, Vice President  
/s/Carolyn McClintock, Member

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the Resolution was approved. So ordered.

RE: FACILITIES MANAGER - NEW COMPUTER SYSTEM

President Willner said Mr. Art Gann is present with regard to the Facilities Manager for the new computer system.

Mr. Gann said he would like to preface his remarks today by apologizing for first asking to be placed at the top of the agenda and then repeatedly being bumped down to the bottom.

After previous discussions the Corporate Counsel, Mr. Shaw, had come up with some language that he preferred in the Liability Clause that he felt was a little bit better in the interest of the City and the County -- they have been and he is at the present time in a conference call with the Attorneys in Pennsylvania. And it has only been slightly less frustrating than his first marriage, but hopefully we can reach some resolution on this. They are asking that any change that would be made in this contract would be in the better interest of the City and the County. They would ask the Commission to go ahead and approve the contract in the existing form and if it should change for our better interest -- then pass a different version. The Board of Public Works will bring that back to the Board next week. It would again be subject to the approval of the County Attorney and Corporate Counsel. They may still be on the phone next week, he is not sure; they are not making a lot of headway, so he doesn't anticipate a lot of change. But the liability clause section is the only portion under discussion and they are trying to make that a little better for both the City and the County. The version that the County Attorney currently has before him has been approved by all of the attorneys involved in the process, including David Miller and the attorney present today (Jeff Harlan). The existing version has been read and approved up until 35 minutes ago without any problems. As stated, Mr. Shaw would like to revise the liability clause -- but that is a standard clause in their contracts. The agreement is with the SCT Corporation for facilities management. They will coordinate and implement the entire conversion process for the City-County, including the cabling for the new system, negotiating the additional contracts for the additional software and the hardware, as well as the continuing effort on the conversion of the existing software. This is the firm that was recommended for this particular task by the Data Processing Board and they are set up to begin Wednesday (July 5th) about 9:30 a.m. It has been a long time getting here but we are now ready to get into motion and things should be moving in a hurry.

President Willner entertained questions.

Commissioner McClintock said the matter has been discussed and she understands the term of the contract is three (3) years. For the record, can Mr. Gann outline briefly why the Data Processing Board is recommending this company for this three year contract.

Mr. Gann said the Data Processing Board reviewed several respondents to the RFP for the Facilities Managers and it was the belief of the Data Processing Board then and it is still the belief of the Data Processing Board that what we need here in Vanderburgh County and the City of Evansville is a national firm that has a large corporate support group available to it. SCT provides us that experience and that size support group. They have been in this business for a long time; they specialize in government facilities; they currently have two large installations -- one in Lake County and one in Allen County, as well as the City of Ft. Wayne is a separate contract. These are large installations involving 25 to 30 employees. So they are well established within the State of Indiana. They can provide us with hardware expertise that includes the new environment, which is Digital, as well as the old environment, which is Honeywell. They also have experienced personnel in IBM, which would account for the utilities type system. They also have

personnel available to them in the corporate area for Unisys which, of course, would take in the Assessor's area. So it is believed that this type of firm can provide us with the progressive planning and approach to data processing that can incorporate all the needs, including all the existing systems that the City and County currently have or plan to have. We have some very serious decisions that need to be made up front. We currently do not have a Consultant under contract with us. Our original agreement with Peat-Marwick has expired, which we got through the funding of County Council. And, of course, the arrangement we had with Mr. Lieberman has also expired. So we're currently in kind of a limbo stage. And it is the belief of the Data Processing Board that we need a firm like SCT to come in and provide us that professional edge when we deal with all the other vendors. We have approximately four to five other contracts that will need to be negotiated and signed over the next two to three month period.

Commissioner McClintock, for clarification purposes, said that SCT will be moving up to five (5) people to the Evansville area to staff.....

Mr. Gann interjected they will be bringing some people into the Evansville area. They may be hiring the operator level and programmer level from people within the community. They will have what they call an estimated staff of five (5) people in a normal run time environment. In the initial stages of the contract, of course, as we discussed earlier, they will be bringing in corporate people (what they call a start-up team) which will be people from the other Indiana sites or any other area within their corporate structure to provide the necessary expertise to get us up and running -- such as handling the cabling, the hardware installation, tuning the system, coordinating interactions with these different vendor groups -- because they currently have sites where these other vendors are installed. So they will bring the people in at the beginning and this will be, of course, a larger number than five. Then, once we get up and the installation is complete and we're running and the system is tuned and we're training, etc., they will coordinate that with the other vendors. Once that is up and done, then we will resort back to our normal level of approximately five (5) people. As he said, that is kind of a static state and won't be reached for a least a year he would suspect, or somewhere around that neighborhood. He has a conference room reserved for SCT at 9:00 a.m. Wednesday morning. They are flying back home tomorrow and then they will have six (6) people here Wednesday morning as soon as the Board of Public Works also signs off on the contract (the BPW will be signing off on Wednesday morning). We are ready to go and it has been a long process and we're satisfied we have the right company and we're anxious to get started.

Ms. McClintock asked who is representing SCT today?

Mr. Gann said Mr. Charles LaMotta, the General Sales Manager.

Ms. McClintock said there has been some concern on the part of some of the individuals involved in the process about selecting a firm that is not based in Vanderburgh County. We try to do business locally and we know SCT is going to make every effort to integrate those individuals, whether they are from Evansville and hired from here -- and she hopes they can do that where possible. If not, we hope those individuals moving into town to work here will want to become part of and involved in our community. She thinks that will work out best for everybody involved. We look forward to having SCT and having them join the corporate community in Vanderburgh County.

Mr. Charles LaMotta from SCT introduced himself and said SCT is very familiar with the situation. They have been involved with it over the last fifteen months -- so he thinks it has been driven home to them what the needs are and the sensitivities, both in the City and the County. Their typical M.O. is to move people to the community in some of the positions that they don't have to bring in recognized people from around the country other than the Site Director and a couple of people they call User Liaisons. They could potentially recruit from the local geography to fill those positions. But typically they bring in people from other counties who have done this before and part of the start-up team will be their director at Lake County, who was going to come down here on a couple-of-days-a-week basis, along with a series of other people. As Art mentioned, they will have six (6) people here starting Wednesday, July 5th. So it is typically the case that they bring people in who become part of our community; taxpaying citizens, if you will. And that is the only way to make it happen. So it is a combination of the on-site people and then, as needed -- when they need a specialist, whether it be in the assessment area, the finance area or whatever (since they have dealt with that over the last twenty years) they can bring in those specialists on an as-needed basis to augment the on-site staff. So they are sensitive to that and that is exactly the way they operate.

Commissioner Willner thanked Mr. LaMotta for his comments and said if there are no other questions, he would entertain a motion.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the three year contract with SCT to provide Facilities Management for the City-County computer system was approved. So ordered.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports & Absentee Reports: Mr. Muensterman said he had presented copies of the Weekly Work Reports & Absentee Reports for both the County Garage and the Bridge Crew. They have done a lot of mowing and the tree crew has been busy -- it rains and then comes the sunshine and new growth. They were going to spray weeds the other day, but he's glad they didn't because it rained. They installed 3 ft. culverts on Martin Road and then three other culverts within the last two weeks. They finished paving South Weinbach and they tell him it is now like a racetrack. There are some soft areas on the north end of the bridge, but these were done by the State Highway Department. They instructed the State Highway about this and also the paving company -- and they are supposed to get together re the problem. The paving crew said that the State accepted that portion and the State said they haven't accepted it yet -- so he will let them fight it out. But he doesn't think we should accept South Weinbach north of the bridge until that area is fixed. They also removed logs and debris from under the bridge on Old Henderson Road. They had most of it out of there, but the river came up again and with it more debris.

Mr. Willner said somebody told him this makes five times they've done this and Mr. Muensterman confirmed that this is correct. Mr. Willner said Old Owensville Road was under water last night for the first time in three years -- we've had a lot of rain.

Mr. Muensterman said South Weinbach was out of the creek when he went by there at 10:00 this morning.

Mr. Willner said he guesses this also puts the County Highway crew behind with their paving. Mr. Muensterman said they worked on Kleitz Road and Kramer Road, but just the wedging. It will be next week before they get going on the paving.

RE: COUNTY ENGINEER - GREG CURTIS

Key Construction/Performance Bond, etc.: Mr. Curtis said that for the record he wants to make the Board aware that we have the Certificate of Insurance, Labor and Material Payment Bond, and Performance Bond from Key Construction -- before they start work on the Heckel Road Bridge.

Acceptance of Streets in Bolin Meadow West Subdivision & Waiver of Sidewalks: Barbara Cunningham of the APC got in touch with him this past week and she was concerned about the waiving of sidewalks in that subdivision on those streets. It is his understanding from talking with the developers and engineers that it was brought up and discussed in the May 23, 1988 meeting and the plans are approved. However, the tape is garbled and the minutes haven't been transcribed yet for that portion of the meeting. He spoke with Mr. Willner and he remembered it also that the sidewalks had been waived except for that stretch of entrance road just off Broadway. For the record, he would like for the Commission to acknowledge that this is the way it transpired. The plans were approved that way -- but there is not a statement in the minutes at this time that says they were waived. However, it is our common practice when there are no thru streets to waive the sidewalks.

Commissioner Willner confirmed that he remembers that on thru streets where the speed is likely to exceed the safety level, we like to have sidewalks. Since there are no thru streets, we decided to do the entrance and that is all and that is the way the plans were approved on May 23, 1988.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the street improvements in Bolin Meadows West Subdivision Section A were accepted, to include :

Meadow West Drive	193 l.f.
Whipporwill Drive Cul-de-sac	250 l.f.
Whipporwill Drive West	434 l.f.
Pine Brook Drive	<u>279 l.f.</u>

Total 1,156 l.f. (0.22 miles)

So ordered.

Mr. Willner asked if these are rolled curbs and gutters and Mr. Curtis confirmed that they are.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the sidewalks in Bolin Meadows West Section A were waived, with the exception of both sides of the entrance road. So ordered.

Culvert Installation Project/Brookview Subdivision: Mr. Curtis said that Morley & Associates, upon request of some of the property owners and the developer, is proposing extending the culvert in Brookview Subdivision and adding some inlets. Mr. Curtis has reviewed these plans and he would approve them for construction and would ask that the Commission do so.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the request was approved, as recommended by the County Engineer. So ordered.

Construction Approval/Oakview Place Section D: Mr. Curtis said that the developer for this section of the subdivision is Andy Easley Engineering and he will let him explain the plans to the Board. Mr. Curtis said he has reviewed the plans and if Mr. Easley explains them to the Board's satisfaction, he would recommend approval pending Drainage Board approval. But if the

Drainage Board makes any changes that they be referred back to him. This will be heard at today's Drainage Board meeting. The Board would have heard them last week had there been a meeting.

In response to query from Commissioner Willner, Mr. Easley confirmed that the streets are rolled curbs and gutters, concrete pavement, with two lanes (12 ft. 6 in.) and nothing greater than 1:2 grade. There is an 18 inch storm sewer that comes down an easement and discharges into the detention basis. This section contains 15 lots.

Ms. McClintock queried Mr. Easley about sidewalks. Mr. Easley said they apparently were waived when the subdivision overall plans were presented. (Mr. Curtis confirmed that this is correct.)

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the street plans were approved as recommended by the County Engineer, pending Drainage Board approval. So ordered.

Union Township Access Underpass/Overpass: Mr. Curtis reported that we are proceeding with investigating and trying to come up with additional information that might call for a change in either of the estimates that we have. He hopes to have something next week.

Personnel Releases: It was noted that Mr. Curtis has also released from employment in his office Mr. Richard Gwinn and Mr. Dan Hartman and has told them he will give each of them two (2) weeks' severance pay and would like the Board's approval. It is also his intention to advertise in various publications for applications to fill the Bridge Engineer position, in particular, and possibly the other position.

Commissioner McClintock said that without going into any other particulars, is Mr. Curtis satisfied that both of these individuals were counseled and given ample opportunity to perform?

Mr. Curtis said that he is. He will be presenting the employment change status forms, but he just wanted to make the Commissioners aware of this action.

Claims/Bernardin-Lochmueller & Assoc.: Mr. Curtis submitted three (3) claims, as follows:

\$3,433.75	Bi-Annual Bridge Inspection (50% complete at this time)
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Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the claim was approved for payment. So ordered.

\$7,492.18	Construction engineering on the Boonville-New Harmony Road Extension project. (This is a time contract and they have billed us for the time spent on it. Mr. Curtis recommends approval.)
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Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the claim was approved for payment. So ordered.

\$2,936.25	Emergency Design/Repair of Heckel Rd. Bridge No. 76. (Mr. Curtis has reviewed the manhours as well as worked with them on this project and he feels the claim is in order.)
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Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the claim was approved for payment. So ordered.

In response to query from Commissioner Willner as to how this project is progressing, Mr. Curtis said there is basically a retaining wall we are building and they are ready to pour the concrete and after that all that will be left will be welding repairs. We're still hoping to have this project completed by the end of next week.

Mr. Willner asked if we're getting a goodly number of calls because that road is closed?

Mr. Curtis said we did when it was first closed, but not at this time. We probably will when the four weeks is up from when they first called.

Ms. McClintock asked how much beyond that four weeks we're going to be?

Mr. Curtis responded hopefully none -- but we may be.

Claims/Veach, Nicholson, Griggs & Assoc.: Mr. Curtis said he has the following four (4) claims for approval:

- 1) \$2,115.00 Fifth Ave. Bridge. He has reviewed the claim and found it in order.

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

- 2) \$446.20 Orchard Rd. Bridge No. 158 for work performed subsequent to the public hearing.

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

- 3) \$2,206.40 Design of Green River Rd. South project

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

- 4) \$9,773.10 Right-of-Way engineering on Green River Rd. South project

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

Coliseum Roof Project: This project is proceeding and should be completed soon.

Motz Road: They are re-working some right-of-way descriptions and have asked that we get as many of those returned as soon as possible to see if we would have enough right-of-way to try and squeeze a road of sufficient width into the right-of-way.

RE: REPAIRS TO AUDITORIUM ROOF

Mr. Willner said he has a note from Building Commissioner Roger Lehman with regard to repairs of the Auditorium roof. He is asking approval to take informal bids for roof repairs at the Vanderburgh Auditorium. These repairs are unrelated to any of

the recent work done at the Auditorium; namely, the elevator or the air conditioner. He believes the cost will be under \$5,000 and requests approval to take unadvertised bids.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, permission was given for Mr. Lehman to request informal bids for roof repairs at the Auditorium, as outlined in his memo, with the cost not to exceed \$5,000. So ordered.

RE: CLAIMS

W.S.C. Associates, Inc.: Claim in the amount of \$563.50 for inspection fees to date on the elevator installation and restroom improvements at Vanderburgh Auditorium. (Work is 29% complete.)

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

Lichtenberger Construction Co.: Claim for elevator and restroom improvement at Vanderburgh Auditorium in the amount of \$42,626.92. Messrs. Walter Clements and Rick Higgins have already approved the claim. The total contract was \$176,000 and the work is about one-third complete. Mr. Willner said he understands the concrete did not match and they had to tear it out and re-do the concrete.

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

RE: REQUEST TO ATTEND TRAINING SESSION

Mr. Willner said a request from the Knight Township Assessor has been presented with regard to two (2) deputies in that office attending the four day training session held at the Executive Inn in Evansville by Manitron on August 8 - 10 and August 11 (due to the reassessment). They also request that this be paid through the Commissioners' training account in the amount of \$1,400. The Knight Assessor's 1989 budget did not include money for training.

Mr. Willner asked Mrs. Meeks if the Commissioners have money in their account?

Mrs. Meeks responded in the affirmative, saying they do in the reassessment account.

Mr. Willner asked if all of the Township Assessors are going to do this or is this just for one township?

Mrs. Meeks said she believes we had one previously -- but we do have enough money to approve this request.

Ms. McClintock said she doesn't see on the request that reassessment is mentioned,.

Mr. Willner said the money is in the Commissioners' budget for reassessment -- that's the only one they have -- and this is for the reassessment.

Mr. Willner said if we're going to do this for all the townships, then we need to do it all at one time. He asked Mrs. Mayo, Chief Deputy Auditor, if she knows what the total dollar figure is for all the townships? Mrs. Mayo responded that she does not.

It was the consensus that this request should be held for one (1) week until the Commissioners can check to see whether they need to do this for reassessment and whether all the townships will be participating. She knows Mr. Willner is concerned (as is she)

that we are so far behind in the reassessment that if this doesn't absolutely have something to do with it she doesn't know that we can expend eight (8) man days training somebody to do something else or spend that much money -- because we are way behind and way over budget as it is.

Mrs. Meeks said the Commissioners have \$2,700 in that account if the others need to go.

Commissioner Willner advised Mrs. Meeks that we need to know whether all eight (8) Townships Assessors are going and whether this is, in fact, an Assessors Meeting and we need to know the total price for all the townships (if they're coming) for next week.

Commissioner McClintock said her concern is whether they have to do this for reassessment.

Ms. McClintock said while we're discussing Knight Township she received a letter dated June 28, 1989 from David Miller regarding the contract that Al Folz entered into on January 12, 1988 with Charles Davis to do plat maps for Knight Township. What are we going to do about this?

Commissioner Willner said it is his suggestion that the Board do nothing. It is his understanding that Mr. Davis did this on County time unbeknowingst to any of the County Commissioners or any of the County Attorneys. It was completely out of context and he has asked the County Attorney to write a letter to all County Officeholders and Department Heads speaking to contracts not being approved by the County Commissioners before the actual fact. Also, he thinks Mr. Brenner has written a letter saying that if we do pay this, he will discharge Mr. Davis. So, as far as he is concerned, the matter is academic at this time and concluded.

Ms. McClintock said, for clarification purposes, that the County Attorney is going to draw up a letter to All Officeholders and Department Heads indicating that they cannot enter into a contract.

Mr. Willner said that is correct.

Ms. McClintock asked if Mr. Davis knows he is not going to be paid this \$6,670?

Commissioner Willner said he has not relayed that to him at this time, but will do so.

Ms. McClintock asked, "And also to Mr. Folz so that he knows?"

Mr. Willner said he will do that, also, if that is agreeable with Commissioner McClintock, and she said this will be fine.

RE: REQUEST TO GO ON COUNCIL CALL - SOLDIER'S BURIAL

Commissioner Willner said the Soldier's Burial account has been depleted. It was originally \$10,000 and has been depleted before the end of six (6) months.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, permission was given to go on Council Call for an appropriation in the amount of \$20,000 in the Soldier's Burial account (130-306). So ordered.

RE: COUNTY TREASURER - MONTHLY REPORT

The Treasurer's monthly report for period ending May 31, 1989 was submitted.....received and filed.

RE: ACCEPTANCE OF CHECKS

Evansville Dance Theater: Check in the amount of \$100.00 as payment on promissory note to Vanderburgh Auditorium.

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

Helfrich Insurance Agency: Check in the amount of \$7.00 for return premium on policy on Hillcrest-Washington Children's Home. They adjusted the coverage on this facility downward from \$1.5 million to \$1,140,000, which generated a small refund.

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

RE: HOLIDAY CLOSINGS

President Willner announced that all County offices will be closed on Tuesday, July 4, 1989 in observance of Independence Day.

Commissioner Willner said the County employees will be back to work on July 5th. And, he might say that this is the only holiday that we ever have in the middle of the week and it has caused some confusion. He's had calls asking why we don't incorporate this? But he thinks the Federal Government has said this is one holiday that nobody will play with insofar as the date is concerned. It will be observed on July 4th no matter what -- so he guesses this Commission is going along with their wishes and that is the way it is going to be.

Commissioner McClintock said she missed something that's going on with regard to hours of County offices -- was there an article in the newspaper last week?

Commissioner Willner said he did not read the newspaper's rendition of what is going on; however, he guesses they did interview him. It is his remembrance that the County Commissioners must set the hours that the Court House, Civic Center (or the place you call home) will stay open. They have set those hours from 8:00 a.m. until 5:00 p.m., respectively. That does not mean that the Officeholders within their own right have to keep their own offices for which they are accountable to the voters of Vanderburgh County open those hours. And some do not observe the 8:00 a.m. to 5:00 p.m. rule. The City does observe that rule. The County Commissioners office does observe that rule. And, he believes, the County Engineer is going to observe that rule. Other than that, they all close at 4:00 p.m. The Union contract says 37-1/2 hours and that is what all of the officeholders are going by. There was some discussion between the newspapers and the Attorney General and the State Board of Accounts on this subject and it was agreed to that the only body that could control the number of hours that an officeholder keeps his doors open is the County Council and they do it through the purse strings. So that brings Commissioner McClintock up to date as far as he knows. He did not read the article, but he is going to read it.

Commissioner McClintock asked, "If these offices close at 4:00 p.m., are they only taking one half hour for lunch?"

Commissioner Willner said that is his understanding.

Ms. McClintock said it is pretty hard to take a half an hour for lunch -- pretty tough.

Commissioner Willner said it is if you go out to eat.

Ms. McClintock said, "So they are working from 8:00 a.m. to 4:00 p.m. and taking a half hour for lunch -- and they are counting that as 37-1/2 hours?"

Mr. Willner said that is correct.

Ms. McClintock asked, "But all of the offices under the County Commission are staffed from 8:00 a.m. to 5:00 p.m.?"

Mr. Willner said with the exception of the County Highway Department, and they sometimes start at 7:00 a.m.

Ms. McClintock asked, "And their hours are from 7:00 a.m. to 3:30 p.m.?"

Mr. Willner said from 7:00 a.m. to 3:00 p.m. And they change around between the summer and the winter months due to Daylight Savings Time and the number of daylight hours, etc.

Ms. McClintock said it occurs to her on the surface -- and she had several people comment --and she also has not read the article and she has been out of town and not had an opportunity to talk to any Officeholders. But it is very confusing for citizens trying to get something done in a building when half the offices are open until 5:00 p.m. and some are open to 4:00 p.m. -- and it was her understanding that some are open until 4:30 p.m. -- and that there ought to be some kind of consistency. She wonders what, if anything, the Commissioners can do to encourage County Council to encourage those Officeholders. She is not saying that every County employee has to work until 5:00 pm. But there is a way to rotate that so that the offices are covered from 8:00 a.m. to 5:00 p.m. and everybody can still work their 37-1/2 hours, but when the public comes in to get something from the County Treasurer or the Assessor, or wherever, there is someone there until 5:00 p.m. Is there something we can do?

Commissioner Willner said the Board has done that before in passing of the ordinance. We told County Council at that time that they needed to do this. We told the other Officeholders that they needed to do this; and just exactly as you say, some people come in at 9:00 a.m. and leave at 5:00 p.m. and others come in at 8:00 a.m. and leave at 4:00 p.m. They did have some problems with that -- especially the Treasurer, and probably the Auditor. But the County Council just did not see fit to do that at that time.

Ms. McClintock asked, "So we need to take this up with them then?"

Mr. Willner said that this is correct.

RE: TRANSIENT MERCHANT'S ORDINANCE

Commissioner Willner said there will be a meeting of the Commissioners, Police Chief, Sheriff, the Auditor, and Ms. Lynda O'Neill of the Better Business Bureau on July 6th at 10:30 a.m. (next Thursday) in this room. He would appreciate it if Ms. McClintock can attend -- two Commissioners are needed, and Commissioner Borries is not expected to return for another week. Ms. McClintock confirmed that she will be present.

RE: CLAIM

Bowers, Harrison, Kent & Miller: Claim in the amount of \$22,534.08 for legal services.

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

Barbara Cunningham: Claim in the amount of \$26.44 for meals and fuel for trip to Indianapolis for Planning Association Board Meeting (which was approved by the Commissioners on 5/8/89).

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

RE: EMPLOYMENT CHANGES

Treasurer (Appointments)

Deborah Mosby	Cashier		Eff: 7/10/8
	(Return from Medical Leave of Absence)		
Jayne Berry-Bland	Chief Deputy	\$24,500	Eff: 6/5/89
Deboray Mosby	Cashier	\$14,577	Eff: 1/7/89

Treasurer (Releases)

Jayne Berry-Bland	Chief Deputy	\$24,339	Eff: 6/5/89
Deborah Mosby	Cashier	\$12,576	Eff: 1/7/89

Recorder (Appointments)

Elizabeth Bennett	Chief Dep.	\$24,500	Eff: 6/5/89
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Recorder (Releases)

Elizabeth Bennett	Chief Dep.	\$22,329	Eff: 6/5/89
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Superior Court Probation (Appointments)

Gayle Angle	Prob. Off.	\$19,834	Eff: 6/19/89
Ned Conder	Prob. Off.	\$19,834	Eff: 6/19/89

Veteran's Service (Appointments)

Mark D. Acker	ASO	\$17,703	Eff: 7/3/89
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Veteran's Service (Releases)

Mark D. Acker	ASO	\$15,886	Eff: 1/1/89
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Drug & Alcohol Deferral (Appointments)

Janice M. Enderlin	EAP Counselor	\$17,625/Yr.	Eff: 6/26/89
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County Assessor (Appointments)

Thomas A. Morrison	Board of Review	\$45.00/Day	Eff: 6/16/89
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County Highway (Releases)

Dan Hartman	Bridge Engineer	\$31,389	Eff: 7/3/89
Richard Gwinn	Asst. B. Engr.	\$21,174	Eff: 6/30/89
Keith Harris	Part Time	\$3.50/Hr.	Eff: 6/14/89

County Highway (Appointments)

Karl Morris	Part Time	\$3.50/Hr.	Eff: 6/14/89
Rohi Fentress	Part Time	\$3.50/Hr.	Eff: 6/20/89
Keith Gelhausen	Part Time	\$3.50/Hr.	Eff: 6/20/89
VaShone C. Rhodes	Part Time	\$3.50/Hr.	Eff: 6/12/89
Keith Harris	Part Time	\$3.50/Hr.	Eff: 6/9/89
John Mirando	Part Time	\$3.50/Hr.	Eff: 6/13/89
Brian Bethel	Part Time	\$3.50/Hr.	Eff: 6/12/89

Auditor (Appointments)

Gloria Evans	Bookkeeper	\$20,347	Eff: 6/19/89
Theresa Woodward	Bookkeeper	\$19,378	Eff: 6/19/89
DoLores Gugin	Bookkeeper	\$19,378	Eff: 6/19/89
Janet Watson	Bookkeeper	\$18,455	Eff: 6/19/89
Anne Virgin	Bookkeeper	\$18,455	Eff: 6/19/89
Michele Barnett	Bookkeeper	\$18,455	Eff: 6/19/89
Bettye Miles	Budget Sec'y.	\$17,576	Eff: 6/19/89
Cindy Mayo	Chief Deputy	\$24,500	Eff: 6/5/89

Auditor (Releases)

Anne Virgin	Bookkeeper	\$17,508	Eff: 6/19/89
Michele Barnett	Bookkeeper	\$17,508	Eff: 6/19/89
Bettye Miles	Budget Sec'y.	\$16,739	Eff: 6/19/89
Cindy Mayo	Chief Deputy	\$24,339	Eff: 6/5/89
Gloria Evans	Bookkeeper	\$19,252	Eff: 6/19/89
Theresa Woodward	Bookkeeper	\$18,834	Eff: 6/19/89
DoLores Gugin	Bookkeeper	\$18,384	Eff: 6/19/89
Janet Watson	Bookkeeper	\$17,508	Eff: 6/19/89

Co-Op Extension Service (Appointments)

Bryan Lee Clements	Part Time	\$31.00/Day	Eff: 6/12/89
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County Clerk (Appointments)

Eileen Dietsch	Part Time	\$5.00/Hr.	Eff: 6/19/89
Dianne K. Bean	Misd. Traffic	\$12,028	Eff: 6/26/89
Robin Mastison	Part Time	\$5.00/Hr.	Eff: 6/9/89

County Clerk (Releases)

Kristine Johnson	Misd. Traffic	\$14,240	Eff: 6/19/89
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County Council (Releases)

Janice Enderlin	Adm. Asst.	\$15,942	Eff: 6/26/89
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Prosecutor (Appointments)

Verdelski Miller	Dep. Pros.	\$22,000	Eff: 6/19/89
Harold Johnston	Dep. Pros.	\$23,000	Eff: 6/19/89
Shannon Day	Legal Clerk	\$6.00/Hr.	Eff: 6/20/89
Bawrbara Borchert	Director	\$15,495	Eff: 6/19/89

Prosecutor (Releases)

Michael Danks	Dep. Pros.	\$27,762	Eff: 6/19/89
Georgann Ludwig	Legal Clerk	\$6.00/Hr.	Eff: 6/15/89
Barbara Borchert	Director	\$14,756	Eff: 6/19/89

Circuit Court (Appointments)

Charles Marx	PTWR	\$ 5.00/Hr.	Eff: 6/19/89
Stephen Griggs	PTWR	\$10.00/Hr.	Eff: 6/19/89
Stuart Vanmeter	PTWR	\$10.00/Hr.	Eff: 6/19/89
Jami McBride	PTWR	\$ 5.00/Hr.	Eff: 6/19/89
John Schwentker	PTWR	\$ 5.00/Hr.	Eff: 6/19/89
Sol Mauer	Part Time	\$ 5.00/Hr.	Eff: 6/19/89
Michael Danks	Pub. Def.	\$22,020	Eff: 6/19/89
William Korff, Jr.	Tr. Supv.	\$ 8,600	Eff: 6/19/89
William Korff	PTWR	\$5.00/Hr.	Eff: 6/19/89
David A. Wilkins	PTWR	\$5.00/Hr.	Eff: 6/19/89
Velma Mason	PTWR	\$5.00/Hr.	Eff: 6/19/89
Mark Acker	PTWR	\$5.00/Hr.	Eff: 6/19/89
Kent Hertel	PTWR	\$5.00/Hr.	Eff: 6/19/89
Alan Polz	PTWR	\$5.00/Hr.	Eff: 6/19/89

Bill Danks	PTWR	\$5.00/Hr.	Eff: 6/19/89
Dennis Howard	PTWR	\$5.00/Hr.	Eff: 6/19/89
Dennis Hudnall	PTWR	\$5.00/Hr.	Eff: 6/19/89
Steven Pearce	PTWR	\$5.00/Hr.	Eff: 6/19/89
Michael Harl	PTWR	\$5.00/Hr.	Eff: 6/19/89
Karen Altman	PTWR	\$5.00/Hr.	Eff: 6/19/89
Dennis Vowels	Pub. Def.	\$22,020	Eff: 7/3/89

Circuit Court (Releases)

Mark Acker	PTWR	\$ 5.00/Hr.	Eff: 6/16/89
Kent Hertel	PTWR	\$ 5.00/Hr.	Eff: 6/16/89
Alan Folz	PTWR	\$ 5.00/Hr.	Eff: 6/16/89
John Schwentker	PTWR	\$ 5.00/Hr.	Eff: 6/16/89
John Brinson	Pub. Def.	\$22,020	Eff: 6/16/89
Robert Howerton	Tr. Supv.	\$8,600	Eff: 6/16/89
Robert Howerton	Tr. Supv.	\$ 108.00	Eff: 6/16/89
Bill Danks	PTWR	\$ 5.00/Hr.	Eff: 6/16/89
Dennis Howard	PTWR	\$ 5.00/Hr.	Eff: 6/16/89
Dennis Hudnall	PTWR	\$ 5.00/Hr.	Eff: 6/16/89
Steve Pearce	PTWR	\$ 5.00/Hr.	Eff: 6/16/89
Michael Harl	PTWR	\$ 5.00/Hr.	Eff: 6/16/89
Charles Marx	PTWR	\$ 5.00/Hr.	Eff: 6/16/89
Stephen Griggs	PTWR	\$10.00/Hr.	Eff: 6/16/89
Stuart Vanmeter	PTWR	\$10.00/Hr.	Eff: 6/16/89
Jami McBride	PTWR	\$ 5.00/Hr.	Eff: 6/16/89
William Korff, Jr.	PTWR	\$ 5.00/Hr.	Eff: 6/16/89
Karen Altman	PTWR	\$ 5.00/Hr.	Eff: 6/16/89

(To change account numbers/charges)

Pigeon Township Trustee (Appointments)

Kimberly Levin	Clerk	\$35.00/Day	Eff: 6/13/89
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Treasurer (Releases)

Patricia Tutt	Part Time	\$35.00/Day	Eff: 6/2/89
Georgiana Harris	Part Time	\$35.00/Day	Eff: 6/2/89

Burdette Park (Appointments)

Andrew Lewis	Counselor	\$4.00/Hr.	Eff: 6/8/89
Kristen Doba	Counselor	\$4.00/Hr.	Eff: 6/8/89
Erin Raney	Slide	\$3.55/Hr.	Eff: 6/8/89
George Peaugh	Rink Guard	\$4.00/Hr.	Eff: 6/20/89
Beth Keeping	Counselor	\$4.00/Hr.	Eff: 6/8/89
Kelly Siekmann	Counselor	\$4.00/Hr.	Eff: 6/8/89
Angela Ludwig	Counselor	\$4.00/Hr.	Eff: 6/8/89
Jamie Messel	Counselor	\$4.00/Hr.	Eff: 6/8/89
Jan Compton	Counselor	\$4.00/Hr.	Eff: 6/8/89
Leslie Townsend	Counselor	\$4.00/Hr.	Eff: 6/8/89
Kellie Madden	Counselor	\$4.00/Hr.	Eff: 6/8/89
Mark Schuler	Counselor	\$4.00/Hr.	Eff: 6/8/89

There being no further business to come before the Board at this time, President Willner declared the meeting recessed at 4:30 p.m., with the announcement that the Drainage Board will convene immediately.

PRESENT:

Robert L. Willner, President  
Carolyn McClintock, Member  
Jeff Harlan, Acting County Attorney  
Cindy Mayo, Chief Deputy Auditor  
Greg Curtis, County Engineer  
Cletus Muensterman, County Highway Supt.

Rick Higgins/Manager, Auditorium  
Dortha Buente/Co. Clerk's Office  
Clarence Shepard, Sheriff  
Jerry Riney/Commissioner's Office  
Art Gann  
Charles Lamotta, General Sales Mgr./SCT  
Andy Easley/Andy Easley Engr.  
Others (Not identified)  
News Media

ABSENT:

Richard J. Borries, Vice President (in Japan)

SECRETARY: Joanne A. Matthews

(Taped by Cindy Mayo  
(Transcribed by J. Matthews upon  
return from vacation)

  
Robert L. Willner, President

Richard J. Borris, V. President

  
Carolyn M. Clintock, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
JULY 10, 1989

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MINUTES  
COUNTY COMMISSIONERS MEETING  
JULY 10, 1989

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, July 10, 1989 in the Commissioners Hearing Room, with President Robert Willner presiding. Commissioner Borries was absent, due to a trip out of the country.

RE: AUTHORIZATION TO OPEN BIDS RE CARANZA DRIVE/KIMBELL DRIVE SEWER PROJECT

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, Attorney John was authorized to open the two (2) bids received on the Caranza Drive/Kembell Drive sewer project. So ordered.

RE: COMMENTS RE PROPOSED STATE PRISON

President Willner recognized Mrs. Eleanor Boeke Brown of 515 Washington Avenue, Evansville, IN, who was present for purposes of commenting re the proposed State Prison. She said, "I am here because I believe that you all, as County Commissioners, should encourage getting those jobs that a prison will provide to this area. It can't move to Mexico -- it will stay in Evansville and provide continuous employment. Secondly, sociologically it can help our colleges and universities, because they probably can expand in their sociology and psychology departments and their corrections department. Thirdly, it will probably benefit all of us on the street apart from economics. What is economics. If a man goes off to prison far away, he loses contact with his local community. I realize that they build a prison (maximum security) and a lot of those people will come from out of the area. On the other hand, some of the people will come from our area and I don't care how we look at it -- they are going to be back on our streets -- regardless of where they are imprisoned -- they are going to be back on our streets. And, if while they are in prison if somewhere within a reasonable distance from Evansville and they have relatives or friends here -- bad friends don't follow you in prison (that's a known fact -- they are not going to visit you in prison). But good friends and good families do visit people in prison. So when they come back (that is not saying they are going to be ready for civilization -- but it does say they will be more ready for civilization) here than if they were miles away. That is the main thing I have to say. We need those jobs.

Commissioner Willner thanked Mrs. Brown for her comments and said the secretary is taking the minutes of this meeting and Mrs. Brown may obtain a copy from the County Auditor.

RE: AWARDING OF CONTRACT ON BOONVILLE-NEW HARMONY ROAD (DEFERRED)

Commissioner Willner said we were scheduled to award the contract for the Boonville-New Harmony Rd. project today -- but Mr. Curtis said we have to defer this matter.

Mr. Curtis said everything is ready for awarding the contract and the low bid is under the engineer's estimate. However, the necessary funds have not yet received State approval.

RE: AWARDING OF CONTRACT FOR ONE (1) PRISONER TRANSPORTATION VEHICLE

Ms. Susan Jeffries of the Purchasing Department said only one (1) bid was received last week. It has been reviewed by the Sheriff's Department and is in line with the specifications. The Sheriff recommends we award the bid to Mitchell Motor Sales, Inc. in Mitchell, IN at the bid price of \$43,130.00.

President Willner entertained any discussion or questions. There was none.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the bid for the 25 passenger prisoner transportation vehicle was awarded to Mitchell Motor Sales in the amount of \$43,130.00. So ordered.

RE: SPECIFICATIONS FOR OFFICE FURNITURE FOR COUNTY COUNCIL

Ms. Jeffries asked if while she is here she can get the Commissioners to go ahead and look at a copy of the specifications for the office furniture for County Council. They'd like to advertise this on July 11th and July 18th, with the bid opening scheduled on July 31, 1989.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the specifications prepared by the Department of Public Purchase for office furniture, are to be advertised as indicated heretofore and bid opening scheduled on July 31, 1989 at 2:30 p.m. So ordered.

RE: POOR RELIEF APPEAL - PIGEON TOWNSHIP

Richard Collier: President Willner recognized Mr. Richard Collier, poor relief applicant from Pigeon Township, who had requested medical assistance. The Trustee said he is over income according to Pigeon township's eligibility guidelines. He asked if it is correct that Mrs. Collier is blind?

Mr. Collier confirmed that this is correct.

Mr. Willner requested that Mr. Collier tell the Commissioners in his own words what he is asking the Trustee for.

Mr. Collier said he wouldn't have thought anymore about it, except they sent him a letter telling him to come before the Commission. When he asked the Trustee for that help, the way they are doing now -- he stays out at the Sweetser Housing project and it looks like every month or two they go up on the rent and it is supposed to be for low income individuals. Being they wrote him the letter, he thought he'd come back to see what the trouble is. He has been in Evansville ever since 1935. He used to work for the relief office when they were over in the other building -- but they didn't give him anything because he worked four (4) days per month for the order. They didn't give him anything -- he worked for it. So why they want to refuse him and his wife, he doesn't know.

Commissioner Willner then called on the representative from the Pigeon Trustee's office.

Ms. Mary Lancaster said Mr. Collier came in on June 15th asking for medication; he reported to her at that time that there were two (2) in the household and that he had an income of \$864.00. The guidelines for the Trustee's office has income limitation of \$350.00 two (2) people. That leaves a balance of \$514.00 over the guidelines.

Mr. Willner queried Ms. Lancaster concerning the income. He and his wife both receive Social Security, which is their only income. They have helped him in the past on different occasions with rent, straight food orders, medication, books for the children when they were at home. Each time they have asked him to apply for the food stamp program -- because it is now State law that you are supposed to be on the food stamp program before the Trustee's office is allowed to help you. He has never applied for food stamps. She was instructed that he was too much over income and also he failed to apply for food stamps.

Mr. Willner asked if there are any children at home now.

Ms. Lancaster said just Mr. and Mrs. Collier are at home now. His rent is \$222.00 per month -- with utilities included.

Commissioner Willner asked Mr. Collier if there is some reason why he has not applied for food stamps.

Mr. Collier said he has applied -- but they won't give them to him. He has gone downtown and stood out in the cold and they turned him down.

Mr. Willner asked if Mrs. Collier is blind?

Ms. Lancaster said she doesn't know -- this is not her case. Mr. Collier's regular caseworker was off that day and she took the application in her place.

Mr. Willner asked Mr. Collier if Mrs. Collier is legally blind.

Mr. Collier said she can barely see. He is the one who has to do all the cooking, cleaning, etc.

Mr. Willner said there are two things he would like to see happen, with the Board's approval. First, that Ms. Lancaster would take Mr. Collier down to the food stamp office and ask for a special hearing and see whether Mrs. Collier is due any extra Social Security if she is legally blind. Ms. Lancaster can do that through the Legal Aid Society at no cost. He asked that she do this and report back either next week or the following week. Ms. Lancaster agreed to do so.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

The meeting continued with Mr. Willner asking if there is anyone present who would like to bid on a parcel of property located at 808 Line Street (Tax Code 11-90-21-74-5). There were no bids and Commissioner Willner said the sale will continue.

RE: RESOLUTION/JOINT AGREEMENT RE CIVIL DEFENSE

President Willner said City Clerk Betty Lou Jarboe is here today to speak regarding a Resolution concerning the Joint Agreement between the City and the County re Civil Defense.

Mrs. Jarboe said she talked to Curt John and he said the Board would like to amend the agreement on Page 2 (1st Paragraph) and substitute "The County shall transfer its annual share of the budget of the Civil Defense to the Controller of the City in installments and such frequency as the City may determine necessary to bill" with "The County shall transfer its annual share of the budget of the Civil Defense to the Controller of the City in twelve (12) monthly installments. Each installment in an amount equal to the previous month's expenses".

In response to query from Ms. McClintock, Attorney John said, "the County shall pay its' portion in twelve (12) monthly installments".

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner the Joint Agreement between the City and County with regard to Civil Defense was approved, as amended. So ordered.

Commissioner Willner said the County Council did pass this and he is sorry she has to go back to the City Council -- but he thinks they will understand.

Attorney John said all Mrs. Jarboe has to do is obtain Council signatures. He understands the agreement was passed in one of their previous meetings subject to this change -- so he doesn't believe it will have to be presented at their next meeting.

Mrs. Jarboe said she will present it to the City and they will then have to have an amended Resolution and it will have to be passed by City Council in order for it to be finalized. She has so many problems with Inter Local Governmental Agreements. They are first passed by City Council, then they come to the Commissioners and then the County Council. In cases where there are amendments, it is all starting over for her - because as far as she is concerned, on the City books it is finalized. Now she will have to go back and have it re-done. If agreeable with the Commission, the next time we have an Inter Local Governmental Agreement come before the City Council, rather than having them approve it, she would like for them to put it in the Finance Committee, be heard, and get a do pass recommendation from the Finance Committee. And then, instead of Council passing it, bring it to the Commissioners and the County Council before it gets finalized -- to see if the Commission and the County Council will approve it before it goes back to the City for their second or third and final reading. This way, if the Commission amends it, it can go back to the City Council and they can agree to hear it in the Committee again to see if they go along with the amendment and then it can be passed and finalized.

Commissioners Willner and McClintock indicated this is agreeable with them.

RE: COUNTY ASSESSOR - TRAINING COURSES OFFERED BY MANATRON

Commissioner Willner said that Evelyn Lannert of the Assessor's office is here to discuss training courses offered by Manatron. Some bills came before the Commissioners last week and approval was deferred.

Ms. Lannert said the only thing she can explain is the purpose of the training. Maybe the Commission feels we are not ready for this yet. In fact, the thought just occurred to her that maybe we can postpone the training until next year -- until everybody is ready to sit down and work with these program. Fastport, which includes printing certain data -- you can get whatever information is in the computer and design your report and then if you want to check grade and designs (in re-assessment) against other areas -- you can design a report to do that. Or if you want to see what grade and designs and square footage, etc. are on all houses built in 1950, you can do that. So it does have its benefits; but it is something you have to work with to stay up on it -- because she did go to the school and she hasn't had a lot of time to spend on it -- and it will get away from you if you're not working with it everyday. So the thought just occurred to her that perhaps with all we've got to do now, maybe we can put it off for six months and go the first part of next year. MultiPlan is spread sheets; that is more or less for bookkeeping -- maybe expense reports and that type of thing. We have a choice on the fourth date to either go to MultiPlan or Word Processing. She would take Word Processing over Multiplan, because it is kind of redundant with the FastPort and Word Processing. She would suggest those two schools rather than the

MultiPlan. She thinks Cindy Mayo in the Auditor's office had some training on the MultiPlan a year or so ago -- and the Auditor's office could use Multiplan.

County Auditor Sam Humphrey said he doesn't want it.

Commissioner McClintock said one of her questions was, is this something that will be beneficial to getting the re-assessment done? Or is this something we're really going to use once the re-assessment is done?

Ms. Lannert said it is something they can use for their office -- and they would use it probably more so than the other offices. But after the information is in there, then anybody could check. For instance, if Center Township wanted to check areas where the same builder may have built houses in two or three other townships, he could check to see how they were done. If they were done according to his way -- or did he do it like the others. It has its benefits -- but these are programs that were sold to us when we purchased the system and they are there -- and now they're trying to train us insofar as using them.

Ms. McClintock asked if this is something we could postpone until after re-assessment.

Ms. Lannert said she would think so. It is not something that is absolutely necessary.

Ms. McClintock said she would be in favor of postponing it. She would hate to take people away from re-assessment to go to the training sessions. If they are going to take these classes and then come back in the middle of re-assessment and not get to use it -- she'd rather wait until after they are through with re-assessment.

Commissioner Willner said he would like to contact everybody who needs this training, ask them if they want to go -- and then offer it one time to all of them. Not just one date and then another one. He asked that Ms. Lannert arrange this.

In this regard, Mr. Willner said he has a request from Center Township for two (2) people to attend the Manatron Training Session at a cost of \$700 each (total \$1,400). He asked that the record show that this request will be deferred until a later date also.

RE: WEIGHTS & MEASURES/AWARDING OF TRUCK BID

Mrs. Townsend said the Commissioners have in front of them the bids that were received from three (3) local bidders on the truck for the W&M Department:

1) Kenny Kent (Chevrolet)	\$16,169.50
(1989 model - located in St. Louis)	
2) D-Patrick (Ford) (1989)	\$15,349.00
(1990)	\$16,116.45
(with Spare Tire - \$16,666.45)	
(Unable to locate 1989 model)	
3) Wright Motors (GMC)	\$16,039.80

It is Mrs. Townsend's recommendation that we go with the low bid on the GMC model.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the Board approved the purchase of a GMC vehicle from Wright Motors in the amount of \$16,039.80. So ordered.

RE: READING OF BIDS ON CARANZA DRIVE SEWER PROJECT

Attorney John reported that we received two (2) bids on the Caranza Drive Sewer Project, as follows:

- 1) Ritzert Plumbing Co., Inc. (Evansville) \$156,487.50  
(Cashier's Check in the amount of \$4,924.11. He did not see -- nor is he sure it was required -- a Non-Collusion Affidavit and a bid form 96. These may not have been required on this particular project.)
- 2) Deig Bros. (Evansville).....\$187,720.00  
(They had the bond, Non-Collusion Affidavit, and Financial Statement.)

Mr. John said he would recommend that these two bids be referred to Attorney Jeff Harlan. He spoke with Mr. Harlan earlier and he said he would like an opportunity to review them with the appropriate officials.

Ms. McClintock asked if we have an engineer's estimate?

Commissioner McClintock said we need to read the estimate into the record at this time.

Mr. John said the Engineer's Estimate was \$196,964.50.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the bids were referred to Mr. Harlan for his expertise and advice as to the next step with regard to this project. So ordered.

RE: COLISEUM PROPERTIES

Attorney John said he is still in the process of working on the Coliseum properties and that work should be completed shortly.

RE: RUFFIAN WAY

Attorney John also reported that he and Mr. Curtis are still waiting for the State to give us the rights to Ruffian Way.

Mr. Willner asked if Mr. Curtis is going to bring this up in his report, as well as the agreement with regard to Highway 57? Why doesn't he read into the record those roads the State is asking us to take back.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMANN

Weekly Work Reports: Mr. Muensterman said he had submitted his weekly reports on Friday. Does the Board have any questions.

Mr. Willner said now that the rain has stopped, he assumes they are ready to get back to the paving, and Mr. Muensterman indicated they are.

Ditch on Old State Road:

Mr. Muensterman said he received a thank-you letter from Mr. John Schilling of 7111 Old State Road, as follows:

I just wanted to write and thank you for the good job you did in cleaning out the ditch in the 7000 and 7100 block of Old State Road. My neighbors and I will have a little more peace of mind when the next of those toad strangling comes our way. The person operating the gradall must have had a lot of experience. It certainly shows with the neat job that he had done.

Again, thanks for putting us on the list and getting the ditch cleaned out in such a timely manner.

Sincerely,

/s/ John Schilling

RE: COUNTY ENGINEER - GREG CURTIS

Boonville-New Harmony Rd. Bridge #13 (Right-of-Way): Mr. Greg Curtis said we have three (3) parcels that we will need to obtain, one being .271 acres; one being .222 acres; and the third being .542 acres and they also have an active crop on the parcels at this time. He would like to ask permission to offer them \$1,500 per acre plus a crop settlement not to exceed \$600 total for the three parcels, particularly because of the two smaller parcels being purchased for \$1,500 an acre. The total would be \$2,152.50 at most.

Mr. Willner asked if he has money in the account.

Mr. Curtis said once the appropriation comes back from the State he will be able to pay for this. But he wants to go ahead and make the offer and get it accepted so we can pay that once it is approved and proceed with the project.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, Mr. Curtis was authorized to make an offer for the right-of-way for the Boonville-New Harmony Bridge #13 project not to exceed \$2,152.50. So ordered.

Road Relinquishments: With the relinquishments the State is asking us to take, they have a number of frontage roads and reconstructed drives due to the construction of I-164 and then they have another road. The list is as follows:

- 1) Existing S.R. 57 from U. S. Highway 41 to where it will tie in with I-164 in the north end of the County.
- 2) Reconstructed Weinbach Avenue
- 3) Reconstructed new Green River Rd.
- 4) Reconstructed Pollack Avenue
- 5) Relocated Eastland Drive
- 6) Relocated Lynn-Becker Rd.
- 7) Connector on both the north and south sides of the Interstate between Audubon Drive and Chickasaw Drive
- 8) A service road for Lodge Estates from Lynn-Becker Rd.
- 9) Extended Ridgeway Avenue
- 10) Elna Kay Drive cul-de-sac
- 11) Angel Lane cul-de-sac
- 12) A local Service Road from Spry Rd. to the Tillford property
- 13) A Connector from Polaris Avenue to Capella Avenue
- 14) Peach Blossom Lane cul-de-sac right of Line SW-R (at the Covert interchange)
- 15) LSR 4 from S.R. 56 to Fuquay
- 16) Reconstructed Oak Grove Road
- 17) A Service Road from Oak Grove Road to Lemmons property
- 18) Reconstructed Old Boonville Highway
- 19) A Service Road from Olmstead to Ordinsky property
- 20) A Service Road from Old Boonville Highway to the Kissel property
- 21) Heckel Road cul-de-sac
- 22) A Service Road from County Line road to the Titzer property
- 23) A Service Road from Millersburg Road to County Rd. 50 N.
- 24) Reconstructed Millersburg Road
- 25) Kansas Road cul-de-sac
- 26) Reconstructed Boonville-New Harmony Rd.
- 27) Reconstructed County Line Road
- 28) A Service Road from T-4-A to the Young property
- 29) Ruston Lane cul-de-sac on both sides of the Interstate
- 30) A Service Road from Seven Hills Rd. to Wheeler Rd.
- 31) Reconstructed County Road 800 N.

- 32) A Service Road from County Rd. 800 North to the Scott property
- 33) A Connector between S.R. 57 and County Rd. 900 N.
- 34) A Service Road from S. R. 57-A to the Hopkins property
- 35) A Connector between two of the Connectors that they listed earlier
- 36) A Connector between S.R. 57-A and 900 N. again
- 37) A Reconstructed County Road 900 N.

He has a set of plans that outline each of these and they are asking that we reply. He would like the Board's comments. Most of the connector roads it's just a matter of our road to take back or it is a connection such that there is not a dead-end road. But on S. R. 57 he would like to particularly have the Commissioners' input -- their concerns.

Commissioner Willner said the reason he asked Greg to bring this up today is that we've had this list for a couple of weeks and the State has said they would like to know one way or the other what we intend to do. At their convenience, he would like for the Commissioners to take a look at these roads and cul-de-sacs and get with Greg to give him their input, and then Greg can make a decision based on what the three Commissioners would want, as well as the County Highway Garage, and get back to the Board with a recommendation fairly quickly. He knows the list is long, but we need to make a determination one way or the other.

In response to query from Mr. Muensterman, Mr. Curtis said we want to make stipulations upon our acceptance if we have a problem with any of the roads. So whatever the problems, we will ask that that be done prior to our acceptance of the roads. Mr. Muensterman said he has had a lot of calls on County Line East (where they have hauled that dirt across it). The Rogers Group was supposed to repair that when they finished hauling. He understands they are still hauling across Fuquay Rd. and South Weinbach has a bad spot.

Commissioner Willner asked if Mr. Curtis will say in his recommendation that we will accept the roads when they are brought up to our standards or we will not accept them period.

RE: LETTER OF COMMENDATION RE OLD STATE ROAD

The meeting proceeded with Mr. Willner reading the following letter from Attorney Thomas M. Swain:

Mrs. Marjorie Meeks  
c/o Board of County Commissioners  
Administration Center, room 305  
Civic Center Complex  
Evansville, Indiana 47708

Dear Margie,

Marsh tells me that she requested through you repairs of the extension of our driveway which was not done the last time Old State Road was repaved.

The work was done entirely satisfactory and both Marsh and I wish to thank you for your good offices in having the Highway Department correct the matter. Please convey my appreciation to the Highway Department, the County Engineer, and to the Commissioners for the correction of the situation.

Best regards.

Yours very truly,

/s/ Thomas M. Swain  
Attorney-at-Law

RE: CONTRACTS FOR BOVINE BRUCELLOSIS AND TUBERCULOSIS  
ERADICATION

The contracts from the State for eradication of Brucellosis and Tuberculosis were submitted for approval.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the contracts were approved and signed. So ordered.

RE: REQUESTS TO GO ON COUNCIL CALL

Burdette Park: Mr. Tuley submitted a letter requesting to go on August Council Call in the amount of \$75,000 in their Other Employees account. At budget time, Council cut the amount requested and they always have to come back to ask for more money. Additionally, they had to give raises to their lifeguards and some of their part time ground crew employees -- the first they've given in six (6) years. The City increased all their salaries for their lifeguards (Burdette was starting to lose quite a few employees to the City). It's becoming increasingly difficult to get the kids to go out and take all the necessary classes -- because they can make more money sacking groceries than they can being a lifeguard. The second problem they've had this year is they haven't gotten as much participation out of the Community Service Program as they've had the past couple of years. He talked with one of the Judges this morning and they are going to try to help us with that. He doesn't know whether they are having trouble with funding from the County on that program or not -- but it has forced us to put on some extra employees on the ground crew. Last year the Community Service Program probably saved Burdette Park about \$30,000. This year, we never know when we're going to get them. So he's trying to get this ironed out.

Ms. McClintock said it is really an additional \$25,000, because he spent \$50,000 more in 1988 than was in the budget. Out of the \$25,000, does Mr. Tuley know how much is for increases, how much for additional help due to the additional crowds, and how much is due to the problems with the Community Service Program?

Mr. Tuley responded they've had probably \$14,000 due to the problems with the Community Service Program and probably \$5,000 is going to raises. The F.O.P. managed to get the part time Sheriff Deputies at Burdette a \$2.00 per hour raise. With the increased crowds they've had on weekends -- he's having to have the Deputies both Saturdays and Sundays (4 Deputies, 8 hrs. per day) whereas he used them only on Saturdays previously. So there is probably \$5,000 there and the rest is that he's just having to work more people to keep up with the crowds.

Mr. Tuley said in about two weeks he will be at the Commission Meeting to give a 6 Months Financial Report for the year. Even though the weather was bad in June, the income for the first six months is up from last year -- and last year was a record year for Burdette. (Commissioner Willner was out the other day and Mr. Tuley lost to him on the Miniature Golf Course. It's a tough course. It is not completely finished, but it is open daily. They are working on the lights today.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, Mr. Tuley was authorized to go on Council in the amount of \$75,000. So ordered.

Mr. Willner said the Board expects a reduction in Burdette's deficit this year.

Voting Machines: Mr. Willner said that in account 130-426 (Voting Machines), it has come to the Board's attention that we have \$27,000 in our budget this year for election expenses -- and we did not have an election. If we add \$7,000 to that, we can buy yet this year the new 100 voting booths which we need for the upcoming election -- and the Board feels we should do that. Because of the delivery time (which is not very good) it is not felt we should wait until next year to purchase this equipment.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the Commission will go on August Council Call for \$7,000 to add to the \$27,000 for purchase of 100 new voting booths for the 1990 election. So ordered.

RE: COUNTY TREASURER'S INVESTMENT REPORT

The July 1989 Investment Report from the County Treasurer was submitted.....report received and filed.

RE: OLD BUSINESS

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

Time Change for Evening Meetings: Commissioner McClintock requested that Mrs. Meeks include the time change for evening meetings on next week's agenda for discussion and a vote.

Emergency Planning Committee/Chairman: Ms. McClintock said that apparently the Commission needs to appoint an individual to Chair the Emergency Planning Committee. Fred Hermann was appointed in his capacity as head of Civil Defense. He no longer is there and this is something the Board needs to address as quickly as possible. Therefore, she requests this be placed on next week's agenda.

In response to comment from Commissioner Willner concerning keeping the City Fire Chief in that capacity, Ms. McClintock said he spent considerable time putting the plan together and he doesn't wish to Chair the Committee.

RE: EMPLOYMENT CHANGES

Burdette Park (Appointments)

Amy Moore	PT Guard	\$3.60/Hr.	Eff: 6/22/89
Bob Hayes	Guard	\$3.75/Hr.	Eff: 6/22/89
Steve Becher	PT Guard	\$3.55/Hr.	Eff: 6/22/89
Dina Turpin	PT Guard	\$3.60/Hr.	Eff: 6/22/89
Jeremy Kieffner	PT Guard	\$3.55/Hr.	Eff: 6/22/89
Dan Kolb	PT Guard	\$3.55/Hr.	Eff: 6/22/89
Barbara Miller	PT Guard	\$3.60/Hr.	Eff: 6/22/89
Jeremy Jourdan	PT Guard	\$3.55/Hr.	Eff: 6/21/89
Roger Storms	Guard	\$3.75/Hr.	Eff: 6/22/89
Amanda Wolf	PT Guard	\$3.55/Hr.	Eff: 6/22/89
Barbara Bain	Cashier	\$3.75/Hr.	Eff: 6/22/89
James Gerard	Guard	\$3.95/Hr.	Eff: 6/22/89
Robin Temme	PT Guard	\$3.55/Hr.	Eff: 6/22/89
Holly Wade	Guard	\$3.75/Hr.	Eff: 6/22/89
Clifford Harth	PT Guard	\$3.55/Hr.	Eff: 6/22/89
Erica Seidehamel	Cashier	\$3.55/Hr.	Eff: 6/22/89
Joeli Staley	Asst. Pool Mgr.	\$40/Day	Eff: 6/22/89
John Bippus	Pool Mgr.	\$48/Day	Eff: 6/22/89
William Stricker	PTGC	\$4.00/Hr.	Eff: 6/22/89
Perry Gostley	PTGC	\$4.35/Hr.	Eff: 6/22/89
Matt Caton	PT Guard	\$3.75/Hr.	Eff: 6/22/89
Jill McNaughton	Guard	\$3.95/Hr.	Eff: 6/22/89
Shawntrece Crider	Asst. Hd. Guard	\$35/Day	Eff: 6/22/89
Elizabeth Borries	Head Guard	\$38/Day	Eff: 6/22/89

Michael Pearson	PTGC	\$4.00/Hr.	Eff:	6/22/89
Rodney Pavlicheck	PTGC	\$4.00/Hr.	Eff:	6/22/89
Mark Mantel	PT Guard	\$3.85/Hr.	Eff:	6/22/89
Greg Topper	PT Guard	\$4.10/Hr.	Eff:	6/22/89
Blake Forester	PTGC	\$4.00/Hr.	Eff:	6/22/89
Amy Sundermeyer	PT Guard	\$3.60/Hr.	Eff:	6/22/89
Angie Redmon	PT Guard	\$3.55/Hr.	Eff:	6/22/89
Darin Jackson	PT Guard	\$3.85/Hr.	Eff:	6/22/89
Sara Embry	Guard	\$3.75/Hr.	Eff:	6/22/89
Jana Staley	PT Guard	\$3.55/Hr.	Eff:	6/22/89
Ivy Meisberger	Guard	\$3.80/Hr.	Eff:	6/22/89
Brooke Turpin	Guard	\$3.80/Hr.	Eff:	6/22/89
Susan Borries	PT Guard	\$3.55/Hr.	Eff:	6/22/89
Susan Patton	PT Guard	\$3.75/Hr.	Eff:	6/22/89
Alicia Minton	Guard	\$3.75/Hr.	Eff:	6/22/89
Jeff Ludwig	PT Guard	\$3.60/Hr.	Eff:	6/22/89
Nick Jankowski	PT Guard	\$3.55/Hr.	Eff:	6/21/89
Heidi Wallace	PT Guard	\$3.55/Hr.	Eff:	6/22/89
Doug Kieffner	Guard	\$3.75/Hr.	Eff:	6/22/89
Brandon Shumate	PT Guard	\$3.60/Hr.	Eff:	6/21/89
Klint Willis	Slide	\$3.55/Hr.	Eff:	6/22/89
Phillip Davis	Slide	\$3.55/Hr.	Eff:	6/22/89
Ruth Miller	Slide	\$3.55/Hr.	Eff:	6/22/89
Jeff Sapp	Slide	\$3.55/Hr.	Eff:	6/22/89
Larry Beard	Slide	\$3.55/Hr.	Eff:	6/22/89
William Callaway	Slide	\$3.55/Hr.	Eff:	6/22/89
Julie Singer	Slide	\$3.55/Hr.	Eff:	6/22/89
Stephanie Helfrich	Slide	\$3.55/Hr.	Eff:	6/22/89
Heather Wade	Cashier	\$3.55/Hr.	Eff:	6/22/89
Angela Burmeister	Slide	\$3.55/Hr.	Eff:	6/22/89
Ron London	Slide	\$3.35Hr.	Eff:	6/22/89
Michael Brown	PTGC	\$3.60/Hr.	Eff:	6/22/89
Dionne Sloan	PTGC	\$4.00/Hr.	Eff:	6/22/89
Ronna Akrabawi	Slide	\$3.55/Hr.	Eff:	6/22/89
Josh Kinsler	PT Guard	\$3.55/Hr.	Eff:	6/22/89
Kendra Stinson	Guard	\$3.80/Hr.	Eff:	6/22/89
Brooke Ranes	Guard	\$3.60/Hr.	Eff:	6/22/89
Chris LeDuc	PT Guard	\$3.45/Hr.	Eff:	6/22/89
Shawn Helmer	PT Guard	\$3.45/Hr.	Eff:	6/22/89
Andrew Hancock	PT Guard	\$3.65/Hr.	Eff:	6/22/89
Eric Jamison	PT Guard	\$3.60/Hr.	Eff:	6/22/89
Bryce Mowbray	PT Guard	\$3.55/Hr.	Eff:	6/22/89
Ginny Allen	PT Guard	\$3.55/Hr.	Eff:	6/22/89
Tiffany Clawson	Cashier	\$3.35/Hr.	Eff:	6/22/89
Amy Pangburn	Cashier	\$3.35/Hr.	Eff:	6/22/89
Holly Harl	Slide	\$3.35/Hr.	Eff:	6/22/89
Virginia Parson	Slide	\$3.35/Hr.	Eff:	6/22/89
Christina Hank	Slide	\$3.55/Hr.	Eff:	6/22/89
Courtney Bennett	Slide	\$3.55/Hr.	Eff:	6/22/89
Gabriel Reising	Slide	\$3.55/Hr.	Eff:	6/22/89
Heather Wainman	Slide	\$3.55/Hr.	Eff:	6/22/89
Matt Singer	PT Guard	\$3.35/Hr.	Eff:	6/22/89
Kristi Howard	PT Guard	\$3.45/Hr.	Eff:	6/22/89
Sheila Leistner	PT Guard	\$3.35/Hr.	Eff:	6/22/89
Blake Fulton	PT Guard	\$3.40/Hr.	Eff:	6/22/89

Burdette Park (Releases)

Amy Moore	PT Guard	\$3.40/Hr.	Eff:	6/21/89
Bob Hayes	Guard	\$3.55/Hr.	Eff:	6/21/89
Steve Becher	PT Guard	\$3.35/Hr.	Eff:	6/21/89
Dina Turpin	PT Guard	\$3.40/Hr.	Eff:	6/21/89
Jeremy Kieffner	PT Guard	\$3.35/Hr.	Eff:	6/21/89
Dan Kolb	PT Guard	\$3.35/Hr.	Eff:	6/21/89
Barbara Miller	PT Guard	\$3.40/Hr.	Eff:	6/21/89
Jeremy Jourdan	PT Guard	\$3.35/Hr.	Eff:	6/21/89
Roger Storms	Guard	\$3.55/Hr.	Eff:	6/21/89
Amanda Wolf	PT Guard	\$3.35/Hr.	Eff:	6/21/89
Barbara Bain	Cashier	\$3.50/Hr.	Eff:	6/21/89

James Gerard	Guard	\$3.75/Hr.	Eff:	6/21/89
Robin Temme	PT Guard	\$3.35/Hr.	Eff:	6/21/89
Holly Wade	Guard	\$3.55/Hr.	Eff:	6/21/89
Ralph Pace	PTGC	\$3.50/Hr.	Eff:	6/21/89
Clifford Harth	PT Guard	\$3.35/Hr.	Eff:	6/21/89
Joeli Staley	Head Guard	\$38/Day	Eff:	6/21/89
John Bippus	Asst. Pool Mgr.	\$40/Day	Eff:	6/21/89
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Matt Caton	PT Guard	\$3.55/Hr.	Eff:	6/21/89
Jill McNaughton	Guard	\$3.75/Hr.	Eff:	6/21/89
Shawntrece Crider	PTGC	\$4.35/Hr.	Eff:	6/21/89
Elizabeth Borries	Asst. Hd. Guard	\$35/Day	Eff:	6/21/89
Jarrood Pfaffman	PTGC	\$3.50/Hr.	Eff:	6/21/89
Terry Smithardt	PTGC	\$3.50/Hr.	Eff:	6/21/89
Michael Pearson	PTGC	\$3.50/Hr.	Eff:	6/21/89
Rodney Pavlicheck	PTGC	\$3.50/Hr.	Eff:	6/21/89
Mark Mantel	PT Guard	\$3.65/Hr.	Eff:	6/21/89
Treg Topper	PT Guard	\$3.90/Hr.	Eff:	6/21/89
Blake Forester	PTGC	\$3.50/Hr.	Eff:	6/21/89
Antwain Johnson	Rink Guard	\$3.50/Hr.	Eff:	6/21/89
Benjamin McCarthy	PT Guard	\$3.35/Hr.	Eff:	6/21/89
Amy Sundermeyer	PT Guard	\$3.40/Hr.	Eff:	6/21/89
Angie Redmon	PT Guard	\$3.65/Hr.	Eff:	6/21/89
Darin Jackson	PT Guard	\$3.60/Hr.	Eff:	6/21/89
Sara Embry	Guard	\$3.55/Hr.	Eff:	6/21/89
Jana Staley	PT Guard	\$3.35/Hr.	Eff:	6/21/89
Ivy Meisberger	Guard	\$3.60/Hr.	Eff:	6/21/89
Brooke Turpin	Guard	\$3.60/Hr.	Eff:	6/21/89
Susan Borries	PT Guard	\$3.35/Hr.	Eff:	6/21/89
Susan Patton	PT Guard	\$3.55/Hr.	Eff:	6/22/89
Alicia Minton	Guard	\$3.55/Hr.	Eff:	6/21/89
Jeff Ludwig	PT Guard	\$3.40/Hr.	Eff:	6/21/89
Nick Jankowski	PT Guard	\$3.35/Hr.	Eff:	6/21/89
Jeidi Wallace	PT Guard	\$3.35/Hr.	Eff:	6/21/89
Doug Keiffner	Guard	\$3.55/Hr.	Eff:	6/21/89
Brandon Schumate	PT Guard	\$3.40/Hr.	Eff:	6/21/89
Klint Willis	Slide	\$3.35/Hr.	Eff:	6/21/89
Phillip Davis	Slide	\$3.35/Hr.	Eff:	6/21/89
Ruth Miller	Slide	\$3.35/Hr.	Eff:	6/25/89
Jeff Sapp	Slide	\$3.35/Hr.	Eff:	6/21/89
Larry Beard	Slide	\$3.35/Hr.	Eff:	6/21/89
Wm. D. Callaway	Slide	\$3.35/Hr.	Eff:	6/21/89
Julie Singer	Slide	\$3.35/Hr.	Eff:	6/21/89
Stephanie Helfrich	Slide	\$3.35/Hr.	Eff:	6/21/89
Heather Wade	Cashier	\$3.35/Hr.	Eff:	6/21/89
Angela Burmeister	Slide	\$3.35/Hr.	Eff:	6/21/89
Ron London	Slide	\$3.35/Hr.	Eff:	6/21/89
Michael Brown	PTGC	\$3.50/Hr.	Eff:	6/21/89
Dionne Sloan	PTGC	\$3.50/Hr.	Eff:	6/21/89
Ronna Akrabawi	Slide	\$3.35/Hr.	Eff:	6/21/89
Josh Kinsler	PT Guard	\$3.35/Hr.	Eff:	6/21/89
Robert Kirk	Guard	\$3.75/Hr.	Eff:	6/21/89
Kendra Stinson	Guard	\$3.80/Hr.	Eff:	6/21/89
Brooke Raney	Guard	\$3.45/Hr.	Eff:	6/21/89
Chris LeDuc	PT Guard	\$3.45/Hr.	Eff:	6/21/89
Shawn Helmer	PT Guard	\$3.45/Hr.	Eff:	6/21/89
Andrew Hancock	PT Guard	\$3.45/Hr.	Eff:	6/21/89
Eric Jamison	PT Guard	\$3.40/Hr.	Eff:	6/21/89
Bryce Mowbray	PT Guard	\$3.35/Hr.	Eff:	6/21/89
Ginny Allen	PT Guard	\$3.35/Hr.	Eff:	6/21/89
Tiffany Clawson	Cashier	\$3.35/Hr.	Eff:	6/21/89
Amy Pangburn	Cashier	\$3.35/Hr.	Eff:	6/21/89
Holly Harl	Slide	\$3.35/Hr.	Eff:	6/21/89
Virginia Parson	Slide	\$3.35/Hr.	Eff:	6/21/89
Christina Hank	Slide	\$3.35/Hr.	Eff:	6/21/89
Courtney Bennett	Slide	\$3.35/Hr.	Eff:	6/21/89
Gabriel Reising	Slide	\$3.35/Hr.	Eff:	6/21/89
Heather Wainman	Slide	\$3.35/Hr.	Eff:	6/21/89
Matt Singer	PT Guard	\$3.35/Hr.	Eff:	6/21/89
Kristi Howard	PT Guard	\$3.45/Hr.	Eff:	6/21/89

Sheila Leistner	PT Guard	\$3.35/Hr.	Eff: 6/21/89
Blake Fulton	PT Guard	\$3.40/Hr.	Eff: 6/21/89

Auditor (Releases)

Gloria Evans	Bookkeeper	\$20,347/Yr.	Eff: 7/3/89
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Circuit Court (Appointments)

Vicki Lee Kavanaugh	PTWR	\$5.00/Hr.	Eff: 7/3/89
Kellie E. Ulrich	PT Intern	\$5.50/Hr.	Eff: 7/3/89

Circuit Court (Releases)

Kent D. Hertel	PTWR	\$5.00/Hr.	Eff: 6/14/89
William C. Korff	PTWR	\$5.00/Hr.	Eff: 6/17/89
David A. Wilkins	Ant. Monitor	\$5.00/Hr.	Eff: 6/9/89
Medea Paul	PT Typist	\$3.35/Hr.	Eff: 6/15/89
David Welman	Guard	\$370/Bi-An	Eff: 6/30/89
Norman Hoskinson	Guard	\$370/Bi-An	Eff: 6/30/89
Vicki Lee Kavanaugh	PTWR	\$5.00/Hr.	Eff: 6/30/89
Christopher Carl	Law Clerk	\$782/Bi-An	Eff: 6/30/89
Edward Montpetit	CSO	\$521/Bi-An	Eff: 6/30/89
Paul Wollenmann	CSO	\$521/Bi-An	Eff: 6/30/89
Roy Weightman	Mtce. Supv.	\$422/Bi-An	Eff: 6/30/89
William Korff	Tr. Supv.	\$108/Bi-An	Eff: 6/30/89
Robert Howerton	A Monitor	\$5.00/Hr.	Eff: 6/13/89
Kelli Ulrich	PT Intern	\$5.00/Hr.	Eff: 6/30/89
Deborah Mowbray	Counselor	\$521/Bi-An	Eff: 6/30/89
William Martin	CSO	\$521/Bi-An	Eff: 6/30/89

Pigeon Twp. Trustee (Appointments)

Susan Wilson	Clerk	\$35.00/Day	Eff: 7/3/89
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County Council (Appointments)

Ronald C. Adams	Adm. Asst.	\$18,455/Hr.	Eff: 7/7/89
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Supt. of County Bldgs. (Appointments)

Jerry Riney	Supt.	\$20,403/Yr.	Eff: 7/1/89
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Supt. of County Bldgs. (Releases)

Jerry Riney	Supt.	\$17,624/Yr.	Eff: 6/30/89
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There being no further business to come before the Board,  
President Willner declared the meeting recessed at 3:45 p.m.

PRESENT:

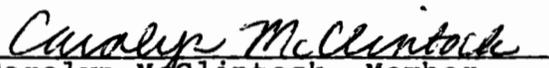
Robert L. Willner, President  
Carolyn McClintock, Member  
Sam Humphrey/County Auditor  
Curt John/County Attorney  
Cletus Muensterman/County Highway Supt.  
Greg Curtis/County Highway Engineer  
Others (Unidentified)  
News Media

ABSENT: Richard J. Borries, V. President

TAPED BY: Carol Haas

TRANSCRIBED & TYPED BY: Joanne A. Matthews

  
Robert L. Willner, President

  
Carolyn McClintock, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
JULY 17, 1989

I N D E X

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Meeting Recessed at 9:35 p.m.	

MINUTES  
COUNTY COMMISSIONERS MEETING  
JULY 17, 1989

The Vanderburgh County Board of Commissioners met in session on Monday, July 17, 1989 at 7:30 p.m. in the Commissioners Hearing Room, with President Robert Willner presiding. The Commissioners welcomed Commissioner Borries, who has just returned from a trip to Japan.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the minutes of June 19, 1989 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: SALE OF COUNTY-OWNED REAL ESTATE

The meeting proceeded with President Willner conducting the continuing auction of county-owned real estate. Only one parcel remains (808 Line Street). There were no bids from the audience.

RE: REZONING PETITIONS - FIRST READINGS

VC-12-89/Petitioner, Edward C. Whiting, Jr. Requested zoning change is from R-1 to C-4. Common known address is 3245 Old Henderson Road. The land is currently vacant and proposed land use is a mini-market.

There being no one present to speak either for or against the petition, upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the petition was approved on First Reading for forwarding to the Area Plan Commission. So ordered.

VC-13-89/Petitioner, James W. Rittenhouse: Requested change is from AG to M-2. Common address is 6330 Millersburg Rd. Proposed land use is commercial light industrial.

There being no one present to speak either for or against the petition, upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the petition was approved on First Reading for forwarding to the Area Plan Commission. So ordered.

RE: REZONING PETITIONS - THIRD READINGS

VC-9-89/Petitioner, W. C. Bussing Jr.: This petition will not be heard tonight; it has been continued until next month.

VC-5-89/Petitioner, James Huff: Attorney Steve Bohleber stated he is present in behalf of the petitioners, Mr. & Mrs. James Huff, who own the property at 8302 Spry Road. The Huffs are requesting that the southern section (approximately one half of their land) be rezoned. They reside on this property on Spry Road (which is the last house in Vanderburgh County) nestled along a section of the I-164 spur. The Huffs have lived at this address for approximately two (2) years in the four year old house that sits at that location. Mr. Huff is currently employed by the Levee Department and has been for the past 15 years. He is requesting the Commission to rezone this property to allow him to construct a building to operate a small retail woodworking furniture repair and wooden toy making shop adjacent to his home.

He does want to be able to sell from this location, as well as produce items and make repairs on things that are brought to that site. They wish a C-4 zoning were not required, because this is going to be a retirement job, a home-type occupation.

Attorney Bohleber then submitted some graphics, saying Mr. Huff wants to locate a 30 ft. x 40 ft. structure along the existing driveway immediately south of his property for the purpose of operating this business. He envisions this to be developed very slowly as a part time activity during the remaining years of his principal employment and ultimately to become a retirement job. He does not plan to put up any garish signs identifying his business. There will be no outside display of any materials produced and there will be very little traffic. Quite frankly, the location of the business cannot attract that much traffic. It is at a dead-end of the I-164 spur. They presented this matter to the APC a couple of months ago and some concern was expressed about the possibility with the C-4 zoning he would utilize this property at some future date -- perhaps lease it out for billboard signs. This is not his intention and never has been, and they were happy to accommodate the APC's suggestion by submitting a Use Commitment. The Use Commitment will basically limit his activities to exactly what he is requesting to be done and, more specifically, to make sure that a billboard will never be erected at that site by using that language, as well. He thinks the Commissioners probably have a copy of that Use Commitment in front of them. He guesses some of the concerns were that this is a spot type rezoning. But he thinks it is unique, which makes it a bit different from most.. Attorney Bohleber continued by explaining the graphic and the various color designated areas. The property in question is nestled in a little "J" State Highway area -- not going to expand anywhere -- not going to go anywhere. Other than the State of Indiana, the only residential neighbor is Mr. Barnhardt, who lives immediately west of the property. Attorney Bohleber then submitted photos, showing the neatness of Mr. Huff's property and the proposed site for the subject structure. He does not believe the way their request is presented will, in any way, violate the spirit of the Comprehensive Plan. The State property provides a natural buffer to the east, to the south, and much of the west. To the east is Warrick and to the north is the balance of the Huff property. Again, the only residence affected is that of Mr. Richard Barnhardt and he is here this evening to voice his support for this rezoning -- he has no difficulties with it. To Attorney Bohleber's knowledge, there is no opposition involved. The State Highway Department has advised him, in written form, that they have no objections to this rezoning. Therefore, he asks that the Commissioners examine the situation carefully and give it their best thoughts and, hopefully, approve it. Mr. Huff is here and if they have any questions of Mr. Huff, Mr. Barnhardt, or himself, they will be glad to answer same. In conclusion, Attorney Bohleber said the petition comes from the APC with a 9-4 "do pass" recommendation.

Commissioner Willner entertained questions.

Commissioner McClintock said she voted against the petition at the APC meeting and the primary reason for that is that this is a residential neighborhood. It matters not that one of the primary neighbors is the State of Indiana or I-164. Those individuals having to go to this woodworking shop have to go through a residential neighborhood to gain access. Although she did question the outdoor advertising, that still was not her primary concern. We have made every effort to control spot zoning in this county and it is not something that we want to promote. She cannot in good faith look favorably upon this petition.

The Chair entertained further questions.

Attorney Bohleber said they can't conceive, because of the location, how the business is going to develop into some mushrooming commercial activity. Any comments concerning traffic patterns -- the EUTS Report found no adverse impact on this type of business at this location. It is very inaccessible and is going to be an isolated situation.

Commissioner Borries requested that Attorney Bohleber explain Mr. Huff's plans would be with regard to signs.

Attorney Bohleber said the only sign Mr. Huff would put there would be a small sign identifying his business activity. He thinks the concern of the APC was that maybe this would at some point pass from Mr. Huff's conception of use of that property or a subsequent owner would put a billboard up there. That is principally what the outdoor advertising restriction on the Use Commitment does address. He will also point out that the State Highway advises him that they would never permit a billboard at that location pursuant to their regulations anyway, regardless of the zoning.

Commissioner McClintock said, "Despite your client's assurances, by rezoning this to C-4, he could indeed put up signs totaling 500 sq. ft. And once the Commissioners rezone this, we have no control over the signs he puts up."

Attorney Bohleber countered, "You do with respect to the nature and content of those signs. He could only advertise his business as we have it phrased; he could never lease it out for billboard space for other activities."

Ms. McClintock said that currently under a C-4 he can put up 300 sq. ft. of on-premise signs.

Attorney Bohleber said, "Theoretically, he could -- as could any C-4 business. But that would look rather bizarre and garish in front of his house."

Ms. McClintock said, "Granted, but we have some things in Vanderburgh County that look pretty garish and I'm sure they started out very simply -- just like this did. And then we have a zoning that someone else moves into and could put those signs up -- and we have to look at and deal with -- and the neighbors have to live with."

Attorney Bohleber said, "But with the concept of the Use Commitment, the successive owner is not going to be able to do anything different than Jim Huff. That is the whole purpose of the Use Commitment -- it runs with the land. Before any changes can be made, that successor owner would have to come back to this body to get permission."

Commissioner Willner asked if there is anyone in the audience who wishes to speak either for or against VC-5-89?

There was no response from the audience and Commissioner Willner entertained further comments from the Board.

Commissioner Borries moved that VC-5-89 be approved, with a second from Commissioner McClintock.

President Willner then called for a roll call vote: Commissioner McClintock, no; Commissioner Borries, yes.

President Willner said he wishes very much that a home occupation such as this would never have to be rezoned. He has said that time and time again. What we are doing is rezoning a piece of ground for what have you, where we should have a home occupation that doesn't need a rezoning. He finds it hard to deny someone

the right to have a hobby, a home occupation, and he finds that it is also hard to vote for a C-4 zoning for this piece of property. He doesn't know the answer -- he's been trying to get it for a long time -- but to no avail. But as far as he was concerned, Mr. Huff could have built a garage on the back of this residence and operated that woodshop under the present zoning. But that seems not to be the way. Thus, he is going to vote yes for the petition. He would strongly suggest to the Area Plan Commission that, in his opinion, this was not the purpose of the zoning for our fair county and he hopes we do something about it before long. He finds it appalling. We license a one-chair beauty shop for a home occupation with rezoning. He doesn't know what our problem is. The fact is, it may take the courts to straighten one out -- he doesn't know. But what we have done here today is to go the other way -- and he finds that very distasteful.

Commissioner McClintock said what we have done here today is open up an opportunity -- and she is not saying that Mr. Huff is going to do this -- but not only to have a woodworking shop and furniture repair shop, but retail sale thereof -- and that, she believes, is the major problem with this rezoning. We've approved it; but what this means is that Mr. Huff could indeed sell this property with a C-4 zoning and in that neighborhood sell that property under the same Use Commitment and put a Cowling Woodsmen in there.

Commissioner Willner interjected, "Exactly -- that's exactly my point."

Commissioner McClintock said, "If there is a problem with the zoning laws, then we need to address that. I don't want to vote against Mom and Pop businesses either. But it puts me in a terrible situation where I have to do that. If that needs to be addressed, we need to get it addressed."

Commissioner Willner asked why we don't ask Area Plan tonight to come up with a proposal for home occupation -- no hired help proposals for home occupation?

Ms. Bev Behme of Area Plan Commission said we have that.

In response to query from Commissioner Willner as to why we didn't put him under that, Ms. Behme said because of the retail sales. He can make them there under home occupation, but he can't sell them.

Mr. Willner said, like a lot of laws in this country, what the APC is trying to do is to make someone a cheat and a liar. Mr. Huff can say he is not going to sell them at home and completely go ahead and do it. Does not the operator of a beauty shop not sell her services in her home and they come for it? Certainly. And we're trying to tell someone else they can't do that. Let's change it. Let's do something so this doesn't have to come up.

Commissioner Borries said all rezonings are difficult and he supposes what makes this one so unusual, as well (which he finds so ironic) is because several years ago he expressed concerns several years ago when I-164 was plotted in the path it was all in the name of progress -- why couldn't we have shifted the route further south -- nearer the Angel Mounds State Memorial? He remembers very clearly speaking about this same situation in the Vanderburgh Auditorium. No, we had to go right through Chickasaw Park; we literally wasted a neighborhood. Now, here's a man who has a piece of property that is landlocked. It is landlocked, because if you walked it (and I have, because I don't live too far from this area) there is no way to get to this property. So, except for Spry Road (which, by the way, used to be a major artery between Warrick County and Vanderburgh County in that particular area -- and now it does not go through; Spry Road is

not a thru road; you have to go up to Covert Avenue underneath the grade separation and into Warrick County in that particular situation). We have cut off Spry Road and impacted negatively in several different neighborhoods here. Now all of a sudden we're saying to a person who has a large piece of property that no one else will ever be able to use again that he can't use it for a hobby -- as you've correctly pointed out.

Commissioner Willner interjected, "Exactly."

Commissioner Borries continued, "So I think that this particular case is an unusual one from that standpoint."

Commissioner Willner asked Ms. Behme, "Why don't we allow someone through your home occupation to have retail sales of \$10,000 per year? It's a simple matter if we want to do it, is it not? And I particularly want to do it. And from what I have heard from the other Commissioners, they want to do it. I'll give Mrs. Cunningham that in a letter -- because I am really disgusted here with the route we have taken.

Continuing, President Willner addressed Mr. Huff and said, "Mr. Huff, we expect that you would do everything in your power -- I'd even like to suggest to you that if you ever change your mind you'd zone it back for us. Would you do that? Thank you. I'm not saying you have to because I don't have the power to do that -- but I would appreciate it. Be a good neighbor."

VC-20-89/Petitioner, Jeffrey Lantz: Mr. Lantz said he represents the Ohio Valley Bank, which is the Trustee of an IRA Trust in the name of Robert G. Woodward. What they are attempting to do is to rezone a piece of property at 6611 N. Green River Road from Agricultural to C-4. The amount of acreage is .67 acres. Needless to say, they lost it before the APC, as Commissioner McClintock will, no doubt, point out. But, as was explained at the APC, Mr. Woodward is not only in the real estate business, but he also has a building operation where he does construction work. His purpose for rezoning this to a C-4 level is that, as he understands the zoning, if he were a farmer operating a farm operation he could build a warehouse facility and store his tractors and his equipment in it which would be used for farming. What he is proposing to do is to build a structure similar to a pole barn which would be an enclosed facility whereby he would store his building materials in this facility. In the APC Field Report and at the APC meeting a question was raised by Mrs. Cunningham regarding the fact that this, if it is a commercial storage property, whether or not a septic system would be required. The first question was whether or not this is a plotted subdivision. In reading the abstract it is not a plotted subdivision; there was an exception under a 1957 law which would not come in here. What we do have here (and he has checked with the State of Indiana and the local Building Commissioner) is that Mr. Woodward has pointed out that this particular storage building will not have any employees. There will be parking places there, but there will be no employees at the facility at all. The State of Indiana informs me that they know of no regulations whatsoever regarding the requirement of any restroom facilities at all. Now if there were going to be a second building that might be required. In this particular case, since it is just to be a storage building and there are no employees on the premises, they know of no regulations whatsoever and neither does the Building Commissioner here.

Several of the neighbors have been contacted and several are not opposed to it. It sounds like we have some people here who have a question. He doesn't know whether they are or are not opposed to it. He will be happy to answer any questions. But, as stated, because Mr. Woodward wants to store his building materials there in this facility, it requires a C-4 zoning. There is no other

way he can store anything on this particular piece of property. Mr. Woodward is here. If the Board has any questions, either he or Mr. Woodward will attempt to answer same.

Commissioner Willner entertained questions from the Commissioners. If not, he will ask if there is anyone in the audience who wishes to speak either for or against this petition?

Mr. Charlie Steber, Jr. identified himself and said he resides at 4708 Millersburg Road, one mile north of Heckel Road. Basically, they do have some questions for Messrs. Lantz and Woodward:

- 1) You had indicated raw materials would be stored. What would some of those raw materials be?
- 2) On the application they are requesting parking spaces -- one per two (2) employees plus one (1) for company vehicle, plus adequate for customers and visitors. On the other request, they have written that there would not be any customers or any employees there.
- 3) You did explain the septic situation and we understand that.
- 4) Also, there was a location notice of this hearing which I think was posted incorrectly. It said it was a City Council Meeting the 17th rather than the County Commissioners.
- 5) As far as notification on the property, people in their group have found that this zoning request for C-4 zoning was posted on an improper plat; it was not posted on your plat.

Commissioner Willner asked that Mr. Woodward respond.

Mr. Robert Woodward said his business address is 2916 E. Morgan. He continued, "First of all, I have a building business, but I am not Industrial Contractors; I build one or two buildings a year through Commercial Real Estate for clients who come to me. For example WYNG Radio; we finished a project on Kratzville Road for Chiro-Choice. And a year or so ago we did a building down on Southeast Second (the Rathbone Home). From time to time as we do these, we have 2 x 4's, 2 x 6's, cabinets, kitchen sinks -- those kinds of thing that we buy in bulk that we would have left over. Heretofore I've sold them to carpenters on the job or done whatever to dispose of them because I don't a place to store them. It seems I'm throwing money away. So I'm not looking to store chemicals or anything he thinks anyone could object to. It would just be storage of normal building supplies. I'm not planning on buying in bulk and warehousing; we're talking about an 1,800 sq. ft. building and included in that building will be my boat and a couple of motorcycles and other things that we store through the wintertime. But I can't imagine any flammables other than paint -- and I think paint freezes, so it probably wouldn't be stored.

As for the parking spaces, there is a little confusion. I would be delighted to stipulate no parking spaces whatsoever. But I understand to obtain a building permit that I have to have so many parking places per square foot of the building. But I would be delighted to so stipulate there would be no parking places if I am allowed to do that this evening. I would anticipate that the building will have absolutely no traffic other than when materials are brought in from a job and they are taken out. So we might be looking at going into the building ten, twelve, or fourteen times during a short period as the building project is coming to an end and we move materials into it and then when the next building goes up and we have a need for those materials -- we'd be driving out and picking up those materials."

It is his understanding through the research of Jeff Lantz that since they do not have employees they do not require a septic system. He does understand that for them to go ahead and develop the property commercially that they certainly would have to have restrooms and they would have to have a septic system. They simply cannot do that unless they have 2-1/2 acres -- so that is not a concern at this point.

With regard to the type of building they are going to construct, it will either be of a wood interior or steel interior. It will have a metal skin and it will be almost identical to a building located immediately north on the adjoining property -- or the first house to the north.

Mr. Woodward said he believes Mr. Lantz sent notification to all adjoining property owners. (If he didn't, maybe I'll get a discount on my bill.)

Mr. Lantz said the notice did specify County Commissioners Chambers. The notice posted on the property was provided by the APC. As far as it not being on the property, he is a little confused. They posted it on a gate at the edge of the fence.

Someone in the audience said it was posted 25 ft. south of Mr. Woodward's property.

Mr. Woodward apologized, saying he obviously was in error. It was not done with with any intent and he believes everyone recognizes that.

In response to query from Commissioner McClintock with regard to the building on property north of his proposed property building, Mr. Woodward said he assumes the individuals live on the property. There is a home in front (it is two doors north of Mr. Woodward's property).

Again, in response to query from Commissioner McClintock, the individual said he stores normal routine things he needs in the building (tractors, odds and ends, a truck) -- but he does not do any business.

Mr. Woodward said he will probably be parking a truck in his building, but he will not be doing any business. There is just one assurance he will give the Ladies and Gentlemen -- and he appreciates addressing the neighbors and the remonstrators -- to the best of his knowledge he has never put a building in the City or in the County that did not add to the neighborhood when they were through with it -- and he can assure the audience that what he does on the property in question (while it is not going to be an office building that is landscaped) will certainly be neat and well kept and nothing will be stored on the outside of the building.

Mr. Steber said he can certainly understand Mr. Woodward's intentions. He is representing the Green River Road people and the thing they are concerned about is (and he will pass out copies of petitions that have been signed by people adjacent to Mr. Woodward's property who are very much against the rezoning) -- the reason is they feel that the Comprehensive Plan for the year 2000 -- they are talking about the Green River Road corridor, C-4 zonings and anything north of Heckel Road -- they highly recommend keeping that corridor as agricultural and residential. Once you open that up into a C-4 zoning, you are already going beyond the north of Heckel Road where people do live where there is agricultural. The plan is to keep that an agricultural and residential neighborhood. Granted, Mr. Woodward wants a building there, but it is C-4 zoning and even the APC voted him down 9-4. So the residents would really like to keep C-4 zoning out of that area. Nothing against Mr. Woodward personally, but it is for the people.

Mr. Woodward said there is already some C-4 zoning between Heckel Road and Highway 57.

Individuals from the audience commented that this is in Daylight, IN.

Mr. Steber said Mr. Roy Hillenbrand has photos of him being evacuated from his house in this area (adjacent property) and this area is in the flood plain. The creek does rise and it floods a lot. But their request is to keep it agricultural and for the residents out there and Heckel Road south can handle the traffic (if the proposed plan for four lanes goes through).

Commissioner Willner entertained further comments from any other remonstrators or the Board while the signatures on the petitions are being counted.

Commissioner McClintock said she did vote against this petition at the APC meeting and the primary reason was because we are trying to do some comprehensive planning here. We can't use one plan with residents of a certain area to point out a development that we want (which is the widening of Green River Road) and then ignore the APC comprehensive plan north of that particular area, which does not call for the widening and say that that area will remain primarily or completely residential and agricultural. Yes, this little tract at this point could not be developed into anything probably beyond what Mr. Woodward wants to do -- although she wants to remind the Commission that in C-4 he could indeed install billboards. But if we rezone this and the next little tract of land becomes available and he does indeed have a 2-1/2 acre tract, then it can be developed into a commercial development right smack in the middle of agricultural and residential. So we can't live with our plan one way and not live with the plan the other way -- and she will not vote for this rezoning and she encourages the other Commissioners to join her in stopping spot zoning on Green River Road.

Commissioner Willner said there are 100 names on the petition; most seem to be within a reasonable distance of the subject property. However, some are not. Further questions were entertained. There being none, a motion was entertained.

Motion was made by Commissioner Borries that VC-10-89 be approved, with a second from Commissioner McClintock.

President Willner asked for a roll call vote: Commissioner McClintock, no; Commissioner Borries no; and, Commissioner Willner, no. President Willner said the petition is denied.

RE: REQUEST FOR EXTENSION OF LEAVE OF ABSENCE -  
DORTHA BUENTE

Commissioner Willner said Ms. Dortha Buente of the County Clerk's office is present to request an extension of leave of absence.

Attorney Larry Downs said he is present on behalf of Dortha Buente, who is requesting an extension of her leave of absence from the County Clerk's office. On March 22nd Ms. Buente suffered her initial injury, which was a crushed wrist. During the period of normal recovery time from that injury, the doctor discovered that additional surgery was necessary, which was carpal tunnel surgery. That was on June 22nd. It seems that carpal tunnel syndrome is caused by repetitive motion (he wouldn't say it is caused by the Clerk's office, but a lot has been written on it) -- and it is certainly not a quick recovery time. He understands that the Commissioners already have other evidence before them from when Ms. Buente was here previously -- but what he would like to present at this time is documentation concerning her next doctor's appointment, as well as a note from

her orthopedic surgeon which states she will not be ready to return to work before at least one more month after her next appointment. Her next appointment is August 22nd. In terms of his understanding, it is the Commissioners' decision under County policy -- and he might add that in some respects it may be a little tougher than some private employers, but it is certainly within the Commissioners' jurisdiction to make a decision regarding the extension of her leave of absence -- what he would point out is that the Commissioners have before them a 16-1/2 year employee. She certainly has a lot of value in her training and the knowledge she has in the Clerk's office. He thinks that as Commissioners it is in the interest of all to try to save tax dollars -- and retaining her as an employee certainly helps to do that, because she has a lot of knowledge. He is not here to speak of the law and point out that she is a woman and she is over 40 years of age. He doesn't know what kind of legal position that puts the Commissioners in -- but that is not important tonight. The other point he would make is that he thinks it is a matter of equity. Carpal tunnel syndrome is a serious injury from which to cover. For that reason, the decision is before the Commissioners and they ask the Board to extend her leave of absence through October 1st, which would just a little more than one (1) month after her next doctor's appointment. They think the reasons are very good. He would again ask that the Commissioners keep in mind that she is a 16-1/2 year employee and it is an equitable situation with one injury discovered while she was partly in a recovery period -- which complicated the recovery. This is why the decision is left to the Commissioners, so valuable employees can be retained. If the Commissioners have questions for Ms. Buente or himself, they will be glad to answer same.

Commissioner Willner entertained questions.

Commissioner Borries asked whether Ms. Buente had same day surgery on the carpal tunnel problem?

Ms. Buente said she was in the hospital quite a few hours; they released her sometime that night. She has a copy of the hospital report.

Commissioner Borries said his mother had carpal tunnel surgery on both wrists at 80 years of age and she was incapacitated for approximately three (3) days. Has Ms. Buente driven or returned to work at all at this time?

Ms. Buente said she has not -- her doctor will not release her to drive.

Commissioner Borries said he knows Ms. Buente is not his mother's age. She is now age 82 and she was age 80 when she had that surgery on both wrists. He had a personal nurse for her for three days but beyond that she was self-sufficient.

Again, in response to query from Commissioner Borries, Ms. Buente said the doctor has not released her to drive yet.

Commissioner Borries said he had earlier heard that her doctor had mentioned that she could return work. Again, and he appreciates Mr. Downs' concern as well as that of the Board, in situations like this the Board is not able to understand the entire situation since they don't have that medical reasoning. He thinks the County Clerk had mentioned she had received some indication that Ms. Buente would be able to return to work (according to what the doctor said) around August 1st.

Attorney Downs interjected that they do have a note -- that was prior to Ms. Buente's subsequent appointment wherein he stated early August. But she has had a subsequent appointment and he

has written this latest note thereafter. He would also point out that if there is any confusion at all over the medical recovery time (keep in mind it is complicated by the crushed wrist) -- that Dr. Gerlanc would be glad to respond to any questions the Board might wish to address to him.

Commissioner Borries said he would like to hear from Dr. Gerlanc. And perhaps could the Board have a little more accurate appraisal of this after her medical appointment on August 22nd?

Attorney Downs said he doesn't think that will be any problem. He doesn't know Dr. Gerlanc, but he doubts there will be any problem with his answering any questions.

Mr. Borries said he would like to have further information based on the results at the time of her doctor's appointment. And he would have no concerns in looking perhaps (now that the Board has new information) to see if Ms. Buente's condition will improve by August 22nd.

Attorney Downs said he thinks he is suggesting that as of August 22nd it would be one (1) month subsequent to that -- based on the yellow paper Ms. McClintock has, although maybe there will be a quicker recovery -- and he thinks the Board is certainly entitled to additional information concerning any additional leaves of absence.

Commissioner Borries said he would like to see that, pending her visit with the doctor, and perhaps he can evaluate her condition at that time. He realizes that the crushed wrist would perhaps would have caused complications. But he was shocked to find that his mother at age 80 had same day surgery for carpal tunnel on both hands and was released that same day. It is today a much more advanced procedure and one that does not have the impact oftentimes that it used to have a few years ago.

Commissioner McClintock said everyone's mothers have had different experiences. Her mother had the same surgery on both wrists and she still can't write. Her mother wasn't nearly 80 years old; she believes she is 56 years of age. She is not a physician and she has to support what the physician says. Certainly she would not have any problem with getting an updated report from Dr. Gerlanc following the August 22nd appointment. She doesn't feel any need to have these people to re-appear before the Board. If Dr. Gerlanc by some miracle would say that Ms. Buente can come back September 1st, she asked if Ms. Buente isn't more than willing to come back to work?

Ms. Buente responded, "Certainly, I am very anxious to get back to work whenever I can."

Ms. McClintock continued, "And if he goes with October 1st, that is evidence we already have."

Commissioner Borries said hopefully the Board will have that information once Ms. Buente has her August 22nd appointment.

Attorney Downs asked, "So your request is that you get some kind of response directly from Dr. Gerlanc?"

Mr. Borries responded in the positive, saying he would certainly support a continued leave of absence based on what Ms. Buente has at this point -- until the August 22nd appointment.

Attorney Downs asked if the report could be some reasonable period of time after the August 22nd appointment, until such time as Dr. Gerlanc would have a chance to write a letter to the Board? Does the Board want a letter from Dr. Gerlanc detailing the situation?

The Commissioners responded in the affirmative. Commissioner Willner said the Board meets on August 24th, and if they could have the letter in their hands at that time they can make a decision.

Commissioner Borries questioned Ms. Buente concerning her status at this time.

Commissioner Willner said she had one month's leave and then asked for the second. She is now into the second week of her second month.

Commissioner McClintock said her only memory is that Ms. Buente was to come back tonight and the Board was going to talk about it.

There was some confusion as to whether or not Ms. Buente had returned to work previously and just how long she has been off. Commissioners Borries and Willner were under the impression that she had returned to work subsequent to the accident and prior to the surgery. Ms. Buente stated that she has been off since March 22nd -- and she has not returned to work per se. They were all new in the Clerk's office and didn't know anything at all about the Child Support office and the procedures and she told them to call her at home anytime and she would be glad to answer any questions -- which she did, because she didn't have any time whatsoever to train Alberta Matlock (her supervisor). She came back to the office (not for pay) and sat there a couple of times to answer questions -- just to help them. That was the only reason.

Commissioner Willner said he had heard that she did.

The matter was continued to August 24th, subsequent to Ms. Buente's doctor appointment on August 22nd. In response to query from Commissioner Borries, Ms. Buente said the stitches from the surgery were removed on June 28th.

Commissioner Willner said Ms. Buente has to understand that the new County Clerk has problems, too; that is an awful time.

Commissioner McClintock said she believes the Board should also make clear to the County Clerk that certainly in a situation such as this she could hire a temporary employee to perform these duties.

Commissioner Borries said it is not a matter of whether she could, it is a matter of what the County Council would allow. He is not sure whether there is or is not a slot available there for that.

Commissioner Willner said he believes what the Clerk has is somebody else doing two jobs.

Commissioner Borries said he will await information from Dr. Gerlanc.

Commissioner Willner asked if the Board can request updated medical information by next week?

Commissioner McClintock said she is not going to see the doctor until August 22nd.

Commissioner Willner said he means from the past.

Commissioner McClintock said she guesses her experience with the medical profession leads her to believe that perhaps Dr. Gerlanc would be willing to write a more detailed letter describing Ms. Buente's medical condition at this point. But she seriously

doubts whether he is going to say anything between now and next week that is going to sway the Commission's position. He thinks she has made it very, very clear that he doesn't think she can return to work until September 22nd. Sometimes these physicians are a little unlike attorneys -- they don't tend to be as verbose.

Commissioner Willner said by August 22nd Ms. Buente will be well on her way in her third leave of absence.

Ms. McClintock said she guesses what she is saying is that Ms. Buente has been gone since March 21, 1989 and certainly the Clerk's office has survived since she has been gone. And she asked Ms. Buente if it isn't her understanding that she is not going to go back to her same job anyway? They have already trained someone else? Has not Ms. Buente been informed that she will be going into a different job anyway?

Ms. Buente said Alberta Matlock told her that her job has been filled and she will be going to a different job.

Commissioner McClintock moved that the Board receive a detailed letter from Dr. Gerlanc on or before the Commissioners Meeting of August 24, 1989, detailing what he believes to be Ms. Buente's future medical condition; and until then, that the Board extend her unpaid medical leave of absence.

Commissioner Borries asked if Ms. McClintock will amend the motion to reflect the due date for the letter as Monday, August 28, 1989?

Ms. McClintock so amended her motion to reflect the August 28, 1989 date and the motion was seconded by Commissioner Borries. So ordered.

(END Of Side "A", Tape #1)

RE: SHERIFF'S DEPARTMENT

Extension of Contract with Shell Mining for Training Center: Chief Deputy Sheriff Jim Fravel said the first item he has involves approximately 8.2 acres at the Training Center on Kansas Road.. The new contract will also encompass the lease of an additional 20 acres (for taxes only) for 20 years.

Following review of contract by Attorney Curt John, upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the lease was approved. So ordered.

Gas & Electric Easement: Deputy Moser said we had run into a problem at the Training Center insofar as an electric line; it comes down through the center of the property. Where it went into the building previously by prior ownership, it is no longer acceptable by any kind of code. The line is hanging down over the building and is in a dangerous situation from all the old wiring hanging down from the existing poles. A State Meeting is scheduled next month and the insurance inspectors were out and said that if we don't clear up the problem they will not be allowed to have their meeting unless they put a high retaining fence around the existing poles to make sure no one actually touches any of these electric wires that are hanging down that are still charged to an extent. He contacted SIGECO re lthe moving of the line and they have agreed to it. There is no real problem although there is a cost of approximately \$2,500 to \$3,000. He spoke to Sheriff Shepard about this.

In response to query from the Board, the Sheriff's deputies said Sheriff Shepard has indicated they have money in the Commissary account they can use to move the lines.

President Willner said the Commissioners have no money budgeted for this purpose and if the deputies will assure him the dollars are available, then the Board can take action. Otherwise, they will have to go before Council to request an appropriation.

Having been assured the Sheriff has available dollars in the Commissary account, upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the expenditure was approved and the easement signed. So ordered.

RE: CONTRACTS

Commissioner Willner said there was an Executive Conference today and it was noted that all contracts are to go through the Auditor's office -- therefore, he is giving the contract with Shell Mining Co. and the easement to the Auditor's office. Copies can be obtained from that office.

SOIL CONSERVATION - DRY FIRE HYDRANTS

Mr. Lee Schnepfer, Soils Conservation Supervisor, was recognized by President Willner. Mr. Willner said Mr. Schnepfer has a program on dry fire hydrants.

Mr. Schnepfer introduced himself and said he is from the Soil & Water Conservation District. According to the agenda, he is an an inspector. He is not an inspector, but a supervisor. (Mrs. Meeks apologized, saying this was the information she was given.)

Mr. Schnepfer said the Four Rivers RC&D is trying to promote dry fire hydrants within the Four Rivers RC&D area, which is a nine (9) county area in Southwestern Indiana. It comprises the areas of the Patoka, the White, the Wabash, and the Ohio rivers. Some of these counties already some of these fire hydrants located. On the literature distributed, a schematic can be found on the back as to how they are constructed. The Voluntary Fire Departments in the area go out and select sites that are available and will work for a dry fire hydrant. The only thing the Soils Conservation Service needs from the County is permission to install this 6' plastic PVC pipe for the fire truck to hook onto and pump the water out of the lake for fire protection. Posey County already has some installed. Mr. Schnepfer then entertained questions. He said so many places do not have access to water and the buildings just have to burn, because you cannot run back to town and get another load of water. A lot of these will be located where the trucks can hook onto with the pumper and run lines directly to the fire. In some places they may have to hook onto the pumper and fill up the pump truck and take it to the fire -- but this saves them a lot of time. There is no expense to the County. The only reason he is here is that they need permission from the County to put these dry hydrants on the County right-of-way. The PVC plastic pipe is really not dangerous. If they should run over them -- it won't hurt anybody.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, permission was granted. So ordered.

Ms. McClintock asked why they call them "dry" fire hydrants?

Mr. Schnepfer said because they do not have water in them. They pump the water and it maintains the same level in the pipe as in the lake.

In conclusion, Mr. Schnepfer requested that a copy of the minutes of today's proceedings be forwarded to the Soils Conservation District Office so they can forward same to the RC&D coordinator.

Commissioner Borries thanked Mr. Schnepfer and commended him on the forwarding thinking ideas. He then asked that Mrs. Meeks forward a copy of the minutes.

RE: ST. MARY'S OCCUPATIONAL MEDICINE PROGRAM

The meeting continued with President Willner introducing Ms. Maureen O'Connor, who is present to address St. Mary's Occupational Medicine Program.

Ms. O'Connor said she has met with the Commissioners individually and discussed St. Mary's Occupational Medicine Program as an approach to control Work Comp costs and gain some consistency in our application of Work Comp injury treatment, as well as adding pre-placement examinations to pre-screen County employees prior to hire so we do not inherit a lot of problems that will cost us money down the road. This program involves a component of doing job analyses with current employees in arduous positions and that information is then used for comparisons when someone is hired or on return to work. It was very interesting that tonight the Board had the case of Ms. Dortha Buente. It was not a Work Comp; but if that position had been job analyzed, she could be reviewed on her return to work by another physician and an opinion on her possible work applications could have been made. They might also have had some recommendations for some rehab work to speed her return to work.

Nonetheless, she has met with Mark Owen, County Council President, and from looking at the program he seemed to feel that it was a good move and suggested that she get on the Commissioners' agenda and ask for an appropriation to be made. There is a one time charge involved -- very minimal -- it is mostly payroll costs because of using employees to gather the initial information. Beyond that, the new costs would be in paying for exams for people who are hired. The County has not done that before. From information gathered from payroll, we don't hire that many people annually in the union positions and at this point the Sheriff's Deputies, etc., pay for their own exams. So really our expense here is a minimal investment for what she thinks is a much improved program.

Commissioner Borries said that it is ironic that Ms. O'Connor mentions this case tonight, but he has some other thoughts in mind. Doesn't St. Mary's do this kind of system for other units of government?

Ms. O'Connor said they have had the City of Evansville account for about a year and a half. All of the union positions, which basically are the arduous positions, have been analyzed and she believes they are quite satisfied with what it has done as far as controlling their situation -- particularly in their lost time issues.

Commissioner Borries asked if there is some amount of money the Commissioners would want to request since she has indicated some costs?

Ms. O'Connor said our fiscal year is from January to January. For the rest of this year, we'd probably want to set aside \$400 for job analysis costs. She believes they can do this in three to four sessions. Are we planning to hire any other people this year? Our appointed positions, secretarial positions, and clerical positions do not fall under this -- so that drops out the vast majority. It would be nice to do a County cleric position. They could still do a return to work at any time without having the OccuMed information in place. They can help the County with other things; but at this point they were looking specifically at the Sheriff's Department and the County Highway Department, and Burdette Park -- those types of facilities.

Commissioner Borries noted we have some pretty heavy physical labor at Vanderburgh Auditorium, also. She thinks that we have nothing now -- and to start with the most arduous positions would make sense and then expand the program as the County has funds available and sees the benefit of the program.

Commissioner Borries said he would like to see the County get started in this and he thinks the cost would certainly be minimal in relation to perhaps some potential problems which we might be able to avoid in the future.

Commissioner Borries moved that the St. Mary's Occupational Program be instituted subject to available funding. (It is too late to get on Council call for this month.)

Commissioner McClintock said she thinks this is a wonderful program and she understands the City of Evansville is involved, etc. Her concern is, she doesn't believe we have talked to any of the organizations that represent our employees and she doesn't think it would be great for them to wake up tomorrow morning and read in the Evansville Courier or read in the Evansville Press tomorrow afternoon that the Commissioners decided to institute a new program that would have an effect on their employment with the County -- without at least talking with their representatives. That is the only reason she is not prepared to vote in favor of this program this evening. As pointed out, it was not on the agenda and the Commissioners have not talked to the representatives and she thinks it only fair that the vote be delayed until they at least know about it and have a chance to mention it to their members. Bad communication can sometimes cause some very bad problems in the future. Other than that, she has no problems with the program.

Ms. O'Connor said she will point out that on pre-employment they would be prior to union members and then on Work Comp, at this point we could name any provider. But she thinks that is always advisable. Churk Whobrey is very familiar with the program for the City.

Ms. McClintock said she is not as worried about Chuck as she is about the guy who works at the County Garage who gets up in the morning and reads in the paper that we're going to do St. Mary's OccuMed and he doesn't know what in the world it is, etc.

Commissioner Borries said he thinks that is a good point -- certainly courtesy. However, he would say in defense of this program that he has nothing to worry about. So whatever he reads, he is sure it will be accurate (if it is in our newspapers).

Ms. O'Connor said delaying it a week will make no difference.

Commissioner Willner said he is a little confused as to the cost and when the Commissioners go before Council they want enough money to sustain this program for the balance of the year. How much does Ms. O'Connor suggest they ask for?

Ms. O'Connor said she would suggest they ask for approximately \$1,000. The question is, can our people do this? Does payroll fall under this? That is a cost the County incurs, in a sense. But some County people may have to do this on overtime and she is going to be using County employees to gather this information. She imagines the Sheriff's Deputies will be an overtime pay situation in some cases. So that is really our up front cost. This is a one time cost and then it is in place forever. For them to set the levels of demand for their jobs, that is what the legal defensibility is based upon -- the fact that his information was taken from the employees who do the work. They'd meet with about 40 Sheriff's Deputies for two (2) hours; 25

Jailers for two (2) hours. From beyond that (and she would want to sit down with someone and get a list of jobs and do this more specifically) there would be about 48 union employees for two (2) hours.

Commissioner Willner asked if they cannot take the application of the Sheriff's Deputies they've already had done and do without their input.

Ms. O'Connor said they can do a physical exam without any information. But what the County needs -- if they set the demands of their job...

Mr. Willner interjected, "They have paid for their exams already; why not use what they have already paid for?"

Ms. O'Connor said this is the data they look at after the exam is done. They will pay for their own exam. This up front meeting is to create a standard against which they will be examined and they will have to meet in order to be employed. To deny someone employment for physical/medical reasons, it has to be job specific. So what they are creating is the specific data from the current employees to make that legally defensible. So that is the area where our costs are. Just from experience with the City, she imagines the union workers will be able to do on the clock -- so it is just a little loss of productivity. But she would imagine the Jailers and Deputies would be an overtime situation -- this is just her guess. She thinks almost all of the the City Police were overtime.

Ms. McClintock reiterated she does not have a great argument at all. But if the other Commissioners have read this proposal (which she has thoroughly) there are some fairly major changes for County employees. She knows when her employer does something wonderful for her, she wants to hear about it from her employer before he or she decides to do it. She thinks the Board should defer this until next week and give themselves an opportunity to take to the County employees and vote on the program next week.

Ms. O'Connor said if the Commissioners would want her to meet with anybody from the Union she would be more than happy to do so.

Commissioner Willner said the Board will vote on this program next week.

Commissioner Borries said the Board will contact the Teamster's Union representative and members of the Sheriff's Department. If they have questions, they will refer those questions directly to Ms. O'Connor.

Ms. O'Connor said she has also talked with Sheriff Shepard, so he has some idea as to the program.

RE: COUNTY ATTORNEY - CURT JOHN

Update/Alexander Lawsuit Collections: Attorney John submitted an update with regard to the Alexander Ambulance Lawsuit Collections.

RE: ACCEPTANCE OF CHECK - ALEXANDER LAWSUIT COLLECTION:

A check in the amount of \$20,00 from Mary Boyle was submitted.

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

RE: ORDINANCE AMENDING SPEED LIMITS

Attorney John also submitted an Ordinance amending speed limits on Henze Road, Shoshoni Drive, and Greenfield Drive. (Copy of ordinance attached hereto.)

The Commissioners had approved the reduced speed limits on June 19th and requested that an ordinance be prepared to this effect.

The Commissioners signed the ordinance and asked that it be included in the County Code of Ordinances.

RE: REJECTION OF BIDS ON CARANZA DRIVE SEWER PROJECT

Attorney John said we received bids concerning the construction of the Caranza Sewer Project. At that time the bids were taken under advisement. He has been informed (and he had noticed at the time) that the bid from Ritzert Plumbing failed to include some of the necessary documents (the Non-Collusion Affidavit, the Bid Form 96, and the Financial Statement as required by the notice to bidders). Therefore, that bid should be rejected.

The bid from Deig Brothers Lumber & Construction was received after the deadline as set by the Notice to Bidders. Therefore, it is recommended that bid also be rejected.

At the previous bid opening there was another bidder who indicated they would have bid this time had they known about it. (Mr. Curtis said this was B&B). Attorney John said should the Board see fit to follow the recommendation that both bids be rejected, a new Notice to Bidders has been prepared which would call for bids to be received and opened on August 21st. The bids would be received until 5:00 p.m. and opened at 7:30 p.m. Everything else remains the same in the Notice to Bidders.

Commissioner Willner entertained a motion.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the bids of Ritzert Plumbing and Deig Bros. were rejected and authorization was given to re-bid. So ordered. Commissioner Willner said the Board has no choice in the matter.

Commissioner McClintock asked why the second bid did not meet the requirement?

Attorney John said, as stated, the first bid (Ritzert) did not have the Non-Collusion Affidavit, it did not have Bid Form 96, and the Financial Statement was not included, as requested in the Notice to Bidders. The Deig bid was received after the time as set forth in the Notice to Bidders (which, he believes, was 10:00 a.m.).

Ms. McClintock asked why the time was set at 10:00 a.m. when the meeting is not until 2:30 p.m.? (No one knew the answer to this, as Attorney Miller's office prepared the notice.) Attorney John noted that the time is 5:00 p.m. on the re-bid notice. August 21st would be a night meeting and Attorney John said he would assume that that time was set because that is the closing time of the Civic Center and on that particular evening they would be opened at 7:30 p.m.

Ms. McClintock said she would contend that one of the problems with all of this is that we keep changing the times. She doesn't care what time the meeting is, people get used to bringing bids in at a certain time. She said that the meetings are at 2:30 p.m., but perhaps the bids should always be submitted by 2:00 p.m. Commissioner Willner said since the meetings start at 2:30 p.m., some of them want to come into the meeting and hand it to somebody.

Attorney John said he will state that from his experience in the Auditor's office, many of them come in just before 2:30 p.m. to submit a bid, one reason being they want to attend the meeting to see if they are the successful bidder.

Ms. McClintock said this is fine. But why the time would ever be set at 10:00 a.m. when the meetings are not until 2:30 p.m. is pretty ludicrous. Bidders come right in before the meeting and submit the bid and they want to sit there and learn the outcome.

Commissioner Willner said the motion has been made and seconded and so ordered to reject the previous two bids and re-advertise, with bid opening scheduled on August 21st. (Subsequent to the meeting, instructions were received from Attorney John to re-advertise, with bid opening scheduled for 7:30 p.m. on Monday, August 21, 1989.)

RE: COUNTY ENGINEER - GREG CURTIS

Eastland Estates - D-4/Road Construction Plans: Mr. Curtis submitted the subdivision construction plans for Eastland Estates D-4. He said he has reviewed the road plans in these and would like to recommend that they be approved. They do meet all the present County standards. The plans were prepared by Morley & Associates.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the 725. ft. of street plans (Glenmoor Road and Westpoint Court) indicated in Eastland Estates Section D-4 be approved. So ordered. Mr. Curtis said he will forward the information to the State in the year end report.

Request to Travel: Mr. Curtis said he needs to travel to the Department of Transportation (as it is now called) in Indianapolis to review with the Design Department and Permit Department there the process by which the USI Overpass is going to be reviewed and try to get that to become a shorter process. Normally, a permit type situation such as this goes through a much less stringent set of guidelines insofar as the amount of review and the number of times a review is done and he would like permission to take Cletus Muensterman's automobile (since he is on vacation) and make that trip.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, permission was granted. So ordered.

Relinquishments/IDOH: It was noted by Mr. Curtis that last week we discussed the relinquishments the IDOH is asking the County to take and he and Cletus Muensterman have set up a meeting next Tuesday (July 25th) to review each of those frontage roads and those sections of roads that used to be our streets.

Commissioner Borries said he had a call from a resident and property owner of Vanderburgh County today expressing some concern. Are some of these streets along the I-164 corridor?

Mr. Curtis responded that all of these are along the I-164 corridor, with the exception of S. R. 57 from Highway 41 to I-164.

Mr. Borries said he had advised the individual to express her concerns to Christine Letts, the Director of the IDOH, providing the Commissioners with a copy. If at all possible before we make any decision, he would like for Mrs. Pat Vaught's concerns to be acknowledged by this Board. (The street involved is South Weinbach Avenue.)

Mr. Curtis said she has contacted his office a number of times and that is one of the reasons he and Cletus want to review these roads in such detail -- because we will not be able to get the State's participation in the repair of these if we accept them first. So they're going to review each of these streets and try to talk to some residents in each area.

Claim/IDOH: Mr. Curtis said he has a claim with regard to one of our railroad projects. The Federal participation is 90% and it is for the Oak Hill Road railroad crossing, the total estimated cost being \$110,900. They pay 90%, which leaves us with \$11,090. From his discussions with John Gugin in EUTS, it is his understanding that the majority of that \$11,000 will again be reimbursed to us through Safety Funds. However, we first have to pay the claim, then we will be reimbursed by those funds.

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

Heckel Road Bridge: For all practical purposes, Mr. Curtis said the Heckel Road Bridge repair project is complete. It was done within the bid price that Key Construction gave us. A thorough check of the repairs has not yet been completed; but the bridge is to be opened for traffic (if the Highway Department didn't get the barricades down today).

Commissioner Willner entertained questions of Mr. Curtis. There were none.

RE: COUNTY HIGHWAY DEPARTMENT

Commissioner Willner said Mr. Muensterman is on vacation, however the Weekly Work Reports and Absentee Reports for the County Garage and the Bridge Crew have been received and filed.

Claim/Old National Bank: Mr. Jerry Riney said that in Mr. Muensterman's absence, he had been asked to submit for the Board's approval a claim to Old National Bank for a piece of equipment leased in August 1988 and this is the first annual lease payment in the amount of \$23,651.00. We will own the equipment in 1992, after the last payment.

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

RE: ALEXANDER AMBULANCE - CLAIM

Mr. Riney then submitted a claim to Alexander Ambulance for 2nd Quarter billing in the amount of \$67,358.21. Mr. Riney said after this bill is paid, the Commissioners will have to go before Council to ask for an appropriation for the next two quarters. He will have information with regard to the amount needed by next week's meeting.

Commissioner Willner asked if the reason for this is because the Council did not fully fund the program?

Mr. Riney said he is sure that is what it was.

Mr. Willner continued, "Not that the billing is raised from last year?"

Mr. Riney said, "No, insufficient money was appropriated in the account."

Commissioner McClintock said when the Commissioners come back for more money for this, she would like to see a comparison between last year and this year. Because one of the arguments with allowing Alexander All Care was that it was going to bring down the cost of ambulance service in the County, if the Commissioners will recall correctly.

Commissioner Borries said, "Watch what happens next year when it goes up 5%. But that is a valid point and I think it is a very good question. But just watch what happens when they submit the proposal next year."

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

RE: COUNTY CONTRACTS

Commissioner Willner said that with regards to the contract entered into by Al Folz, Knight Township Assessor, and a County employee. He talked with County Attorney David Miller and the following letter was forthcoming, which he would like to send to all County Officeholders and Administrative Officers:

July 17, 1989

TO: All Officeholders and Administrative Officers of  
Vanderburgh County, Indiana

This letter is to advise that with a few exceptions that are applicable to the County Council of Vanderburgh County, no department head or official of Vanderburgh County has the authority to enter into any contract on behalf of the County other than the Board of Commissioners. It has come to my attention that certain Township Officials may have in the past attempted to enter into contracts which bind the County. I am sure they did so in good faith and without the intention of creating any difficulty or administrative problem. However, any contract which is entered into on behalf of the County, with only a few exceptions which are applicable to the County Council, must be approved by and signed by the Commissioners of Vanderburgh County.

In the future, please take care to submit all proposals for contract purchases of goods or services to the Board of Commissioners of Vanderburgh County.

Very truly yours,

BOWERS, HARRISON, KENT & MILLER

/s/ David V. Miller  
Attorney-at-Law

Commissioner Willner requested permission to approve the letter and have Mr. Riney make certain copies are forwarded to all Officeholders.

Upon motion to this effect by Commissioner Borries and seconded by Commissioner McClintock, permission was granted. So ordered.

RE: OLD BUSINESS

Request for Change in Evening Meeting Time: Commissioner McClintock said that at the last evening meeting and at last week's meeting she requested at last week's meeting that the Board place on the agenda for this week a request for time change in the Commissioners evening meetings from 7:30 p.m. to either

6:00 p.m. or 6:30 p.m. Not to belabor the point, she thinks it would be more convenient for the public. There are times the meetings go for two or three hours and when the meetings don't start until 7:30 p.m., then we're looking at 9:30 p.m. or 10:30 p.m. Obviously, it would make it more convenient for the media representatives who tell the public what the Commission is doing and they would probably be much more alert and able to accurately report the goings-on of the Commission. She would like to make a motion that the Board of Commissioners move the time of their evening sessions from 7:30 p.m. to 6:00 p.m.

Commissioner Borries said he is still undecided on this. He understands Commissioner McClintock's thinking. That is why he is discussing the matter before he decides whether he wants to second the motion. One of the reasons this Board set the meeting at 7:30 p.m. several years ago, with all due respect to the media, was that it coincided directly with the meetings of the Common Council of the City of Evansville and even though many residents would come down and perhaps go to the wrong meeting, there always seems to be someone there to direct them to the correct meeting. In order to avoid the confusion of setting a different time where they might read in the paper or hear on the radio or T.V. that the meeting is going to be held at 7:30 p.m. and they show and miss the meeting, we felt that in the interest of kind of a common-sense approach here, we thought we'd have those directly coincide with the meetings of the Common Council of the City of Evansville. And, it has worked very well. There have been times when we've had some monstrous rezonings here. Tonight has not been quite as controversial as a few he can remember, but he thinks there have even been times when the Commissioners have even used Council Chambers either when their meeting was over or they had agreed, for whatever reason, not to hold a meeting. That is the only hesitancy he has. He is afraid there will be people down here at 7:30 p.m. or 6:00, whichever you choose, and get thoroughly confused about the rezonings. They could not only be here longer than they expect, but fail to hit the correct rezoning. These are his concerns about the matter. He thinks Commissioner McClintock's thinking make sense, too; but he has some concerns about really serving the public when we talk about rezonings -- unless the City Council would want to move their meeting time up.

Commissioner McClintock said she can sort of understand Mr. Borries' concerns. She knows the meetings are on the same night, etc. Yes, they may be confused as to whether to come to the City Council or the County Commission meeting -- but if the notice says 6:00 p.m., they will be here at 6:00 p.m. If it says 6:30 p.m. or 7:00 p.m., they will do likewise. The Commissioners do more business than the City Council does. They haven't met for six or seven weeks, have they? They were out of here an hour and a half ago.

Commissioners Borries and Willner did not agree. Commissioner Borries said City Council has two or three times the number of rezonings the Commissioners have -- and a lot of that depends strictly on interest rates and if things are hot and the rezonings go quicker -- there, again, we have always met at the same time to in order to avoid confusion of the public.

Commissioner Willner said he doesn't matter to him. In discussing this with his wife, she said certainly he should vote for the early meeting. He suggested the Board act on this next week.

Commissioner McClintock said that perhaps as a compromise the Board could transact the rezoning business at 7:30 p.m., and go ahead and meet at 6:30 p.m. or 7:30 p.m. to take other reports (the County Attorney, County Engineer, etc.) prior to the rezonings.

Commissioner Borries said it is something to think about. The rezonings at the evening meetings are always the lengthiest part of the Commissioners agenda. Most County offices are astute enough to realize they don't want to give a lengthy speech or presentations during the evening meetings, because they never know how long the meetings are going to be.

Commissioner Willner requested that this matter be placed on the agenda for next week's meeting.

RE: WAIVER OF RENTAL FEE AT AUDITORIUM

With regard to the request for waiver of rental fee at the Auditorium by Tom Heaton for a Freedom Festival Event, Commissioner Willner said the Board decided not to let that be a "freebie", as they do not do that for anyone else. However, they will try to raise the needed dollars.

RE: FEASIBILITY OF STATE PRISON FACILITY

Commissioner Borries said he did sent out a letter (strictly personal, not on behalf of the Commission) regarding the feasibility of having a State Prison facility in this area. He has not received any feedback, but he believes the other Commissioners have attended meetings -- so he believes there is some interest. He hopes we will be able to proceed in some fashion if the Board gains a consensus.

Commissioner Willner said he attended the Warrick County meeting for which an incarceration official from the State of Indiana was present. He had the shock of his life. There were probably around 100 persons there -- only one of which was against a prison in Warrick County. He just couldn't believe that -- but that is what happened. He thinks the consensus of everyone there was to have the Town of Boonville and Warrick County Commissioners proceed with seeing if they can obtain the prison for their county. (One remark was that it should be up in Folsomville, then the song would already be written!)

RE: EMPLOYMENT CHANGES

Center Township Assessor (Appointments)

Paula Sue Givens	Dft. Deputy	\$500.00/Pay	Eff: 7/17/89
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Center Township Assessor (Releases)

Paula Sue Givens	Dft. Deputy	\$500.00/Pay	Eff: 7/17/89
(To change account numbers)			

Knight Township Assessor (Appointments)

Tonya Ann Kolley	Deputy	\$547.26/Pay	Eff: 7/17/89
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County Auditor (Appointments)

Peggy Rausch	Part Time	\$35.00/Day	Eff: 7/12/89
Sandra Jacobi	Part Time	\$35.00/Day	Eff: 7/5/89

Voter's Registration (Appointments)

Terry Bitz	Dep. Registrar	\$35.00/Day	Eff: 7/17/89
Wayne Kirk	Dep. Registrar	\$35.00/Day	Eff: 7/17/89

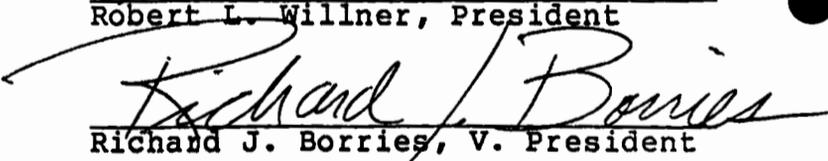
There being no further business to come before the Board, President Willner declared the meeting recessed at 9:32 p.m.

PRESENT:

Robert L. Willner/President  
Richard J. Borries/Vice President  
Carolyn McClintock/Member  
Cindy Mayo/Chief Deputy Auditor  
Curt John/County Attorney  
Greg Curtis/County Engineer  
Bill Jeffers/Chief Deputy Surveyor  
Bev Behme/Area Plan Commission  
Dick Barnhawrt  
Jim Huff  
Steve Bohleber, Attorney  
Jim Fravel/Chief Deputy Sheriff  
Steve Moser/Sheriff's Deputy  
Janet Barfield  
Sharon A. Kerby  
Anna Lee Strupp  
Odelia Hildebrand  
Cornell W. Leistner  
Roy Hildebrand  
Madonna Wagner  
Melinda Allen  
Bruce Allen  
W. D. Franklin  
Debbie Schwent  
Charles J. Steber  
Robert Woodward  
Jeff Lantz/Attorney  
Maureen O'Connor/St. Mary's Hospital  
Dortha Buente  
Larry Downs/Attorney  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

  
Robert L. Willner, President

  
Richard J. Borries, V. President

  
Carolyn McClintock, Member

LAW OFFICES OF

**BOWERS, HARRISON, KENT & MILLER**

FOURTH FLOOR, PERMANENT SAVINGS BUILDING

P. O. BOX 1287

EVANSVILLE, INDIANA 47706-1287

TELEPHONE (812) 486-1231

TELECOPIER (812) 484-3878

F. WESLEY BOWERS  
JOSEPH H. HARRISON  
DAVID V. MILLER  
PAUL E. BLACK  
GARY R. CASE  
ARTHUR D. RUTKOWSKI  
CEDRIC MUSTACE  
DAVID E. GRAY  
TIMOTHY J. HUBERT  
JAMES P. CASEY  
GREGORY A. KAHRE  
GREG A. GRANGER  
THOMAS A. MASSEY  
JEFFREY S. HARLAN  
JOSEPH H. HARRISON, JR.  
MARY R. GIDCUMB

OF COUNSEL  
ADDISON M. BEAVERS  
K. WAYNE KENT  
RICHARD L. LAPPAN  
CERTIFIED LEGAL ASSISTANT

July 17, 1989

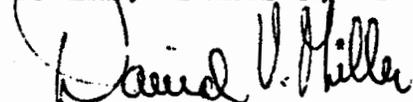
TO ALL OFFICE HOLDERS AND ADMINISTRATIVE OFFICERS OF VANDERBURGH COUNTY, INDIANA:

This letter is to advise that with a few exceptions that are applicable to the County Council of Vanderburgh County, no department head or official of Vanderburgh County has the authority to enter into any contract on behalf of the County other than the Board of Commissioners. It has come to my attention that certain Township officials may have in the past attempted to enter into contracts which bind the County. I am sure they did so in good faith and without the intention of creating any difficulty or administrative problem. However, any contract which is entered into on behalf of the County, with only a few exceptions which are applicable to the County Council, must be approved by and signed by the Commissioners of Vanderburgh County.

In the future, please take care to submit all proposals for contract purchases of goods or services to the Board of Commissioners of Vanderburgh County.

Very truly yours,

BOWERS, HARRISON, KENT & MILLER



David V. Miller  
Attorney-at-Law

DVM:pk

RECEIVED

JUL 17 1989

VANDERBURGH COUNTY  
COMMISSIONER'S OFFICE

Signed Notarized Copy mailed to Shell 7/18/89

Copies to:

Commissioners  
Sheriff Shepard  
Terri Woodward/Claims  
David V. Miller

**Shell Mining Company**

A Subsidiary of Shell Oil Company



P.O. Box 2906  
Houston, TX 77252-2906

July 6, 1989

Sheriff of Vanderburgh County  
101 Civic Center Complex  
Evansville, IN 47711

Dear Sir:

FE-4583-1  
NYE AREA  
VANDERBURGH COUNTY, INDIANA  
TRAINING FACILITY

This letter along with the Lease Agreement attached, is a follow up on previous negotiations with your department. The Lease attached will provide for a thirteen year term to be effective as soon as the current Lease expires on October 31, 1994. The two Leases combined will provide 20 years use of the property and improvements for your training purposes.

Please review the Lease Agreement and if all is satisfactory have an authorized party sign and notarize both copies of the Lease. Send one copy to Shell Mining Company and keep the other copy for your files.

Very truly yours,

A handwritten signature in cursive script that reads "C. L. Rosellini".

C. L. Rosellini  
Contracts and Land

Attachments

NAF8918708 - 0001.0.0

LEASE AGREEMENT

THIS LEASE is made effective as of the 31st day of October, 1994, between Shell Mining Company, whose address is P. O. Box 2906, Houston, Texas 77252 (hereinafter referred to as "Lessor") and the Vanderburgh County, Indiana, a political subdivision of the State of Indiana, for the use and benefit of the Sheriff's Department of Vanderburgh County (hereinafter referred to as "Lessee" whether one or more), for the rental of the property hereinafter described.

1. Lease of Property

For and in consideration of the rental, the mutual promises, terms, and conditions contained herein, Lessor does hereby lease to Lessee, on the terms and conditions specified herein, the land and the Premises identified on Exhibit A, attached hereto and incorporated herein, together with all appurtenances and improvements located thereon hereinafter referred to as the "Premises," all located in Vanderburgh County, Indiana.

2. Term of Lease

The term of this Lease shall be for a period of thirteen (13) years from and after October 31, 1994, unless sooner terminated according to the terms and provisions contained hereunder. Lessor, further has the option to terminate the Lease at any time by giving Lessee at least thirty days' notice. Lessor's right to terminate will nevertheless be contingent upon the determination by Lessor, in its sole judgment, that the Premises is needed for mining or related purposes. Lessee shall thereafter vacate the Premises before the date specified in the

notice by Lessor for the termination of the Lease, or thirty days after receipt of the termination notice by Lessee, whichever occurs later.

3. Rent

Unless otherwise agreed to by the parties hereto, Lessee agrees to pay, as rent for the Premises, an amount equal to the total of all annual property or other taxes assessed and/or due and payable on the 28.85 acres of land described in Exhibit A and all improvements located thereon for the tax year ending prior to the due date for each rental payment. Written notice will be given on December 1, of the existing lease year and Lessee will have 30 days from the date of the notice to deliver the rent to the Lessor. The first rental payment will be due on or before December 31, 1994. Subsequent payments will be due on or before December 31, of the existing lease year. Any failure to make such payments in a timely manner shall be deemed a material breach of this Lease and Lessor shall have the right to terminate this Lease in accordance with Paragraph 14.

4. Obligations of Parties

It shall be the sole responsibility of Lessee to pay for all services and utilities including, but not limited to gas, water, electricity, telephone and garbage disposal. Lessee shall also pay all taxes and assessments levied against the Premises during the term of the Lease in accordance with Paragraph 3.

5. Repair and Maintenance

(a) Lessee acknowledges and agrees that they have examined the Premises and any improvements, equipment and personal property subject to this Lease, that they accept said Premises, improvements, equipment, and personal property as is and acknowledge that the Premises are in good and safe condition and shall surrender the Premises on termination of occupancy in as good as or better condition as they are on the date of this

Lease, excepting only reasonable wear and tear and damage by the elements.

(b) Lessor shall not be responsible for any repair, remodeling or maintenance of the Premises. Lessee shall repair any damage or other condition rendering the Premises untenable under the laws or regulations of any governmental unit or agency having jurisdiction thereof, including damages or injuries to the Premises occasioned by Lessee's failure to exercise ordinary care in the occupation thereof.

6. Occupancy and Use of Premises

Lessee shall comply with all statutes, ordinances, and regulations governing the use and occupancy of the Premises, and shall not commit or permit any nuisance or waste to be committed therein. Lessee shall have the use of the Premises for the purpose of operating a Sheriff's reserve headquarters, a training facility, a meeting facility, a firearms practice range, and for all purposes directly related to the furtherance of the interests of the enforcement of law in Vanderburgh County, Indiana, and Lessee shall not use the Premises for any other purposes without the prior written consent of Lessor.

7. Alterations and Improvements

Lessee shall make alterations or improvements to the Premises in accordance with the terms of this Lease and otherwise only after first obtaining the express prior written consent of Lessor. Unless otherwise provided by express written agreement of the parties, any and all alterations and improvements to the Premises made by Lessee with the consent of Lessor, including any improvements that cannot be removed without substantial alteration or disturbance of the Premises, shall remain on the Premises on Lessee's termination of occupancy and shall become the property of Lessor.

8. Waiver of Damages

Lessee hereby expressly releases Lessor from any and all liability for loss or damage to Lessee, or to any property of Lessee, caused by water leakage, breaking pipes, theft, vandalism, natural disaster or any other cause beyond the reasonable control of Lessor.

9. Indemnification

Lessee shall indemnify and hold harmless Lessor, its assigns, representatives, officers, employees, agents, and affiliated entities from any and all liability, claims, damage, suit or expense, including attorney's fees and costs, for or by reason of any claim for damage or loss to property or death or injury to persons, including Lessor, its agents, employees, representatives, Lessee, its members and Lessee's member's families, Lessee's employees, agents or guests, occurring in, on or about said Premises, and, in any way arising out of the actions or omissions of Lessee, Lessee's member's or their families, its agents, employees or guests, or by Lessee's failure to perform any covenant, term, condition, or act required by this Lease.

10. Lessor's Use of Property

In addition to Lessor's right to terminate this Lease in order to use the Premises for mining or any related purposes, Lessor may, at any time, upon at least 24-hour notice to Lessee use any part or all of the Leased Premises for coal mining, exploration, gasification, liquification or other operations related or incidental thereto. Lessor, by and through its authorized agents and employees, shall at all times, after notice described above, have the right to enter upon all or any portion of the Premises for the purpose of inspecting the same. Lessor shall have the exclusive right of ingress and egress to and from the Premises to explore for and extract, develop and mine coal and lignite and all constituent products of coal and

lignite from the Leased Premises by methods deemed desirable by Lessor, and, where applicable, authorized by the appropriate governmental permit. Additionally, Lessor shall have the right to use, in any manner, so much of the surface of the Leased Premises as may be found reasonably necessary in carrying out such exploration and pre-development activities and upon the issuance of appropriate governmental permits, such mining activities as Lessor may desire or deem necessary in its mining operations on the Premises or on any adjacent or nearby lands, including but not limited to the right to erect and maintain on the Premises such buildings, shafts, engines, machinery, appliances, devices, wells, roadways, railroad tracks, shops, ditches, power lines, and all other necessary structures and improvements in, on, over, and under or across the Premises and each and every part thereof which activities, along with others, may cause damage to the surface of the Premises. The Lease grants the exclusive right to Lessor to use the Premises for roadways and all other purposes which may be necessary, useful or incidental to conducting mining operations on the Premises or any other lands. During such time as Lessor is present on the Premises conducting any of the above activities, Lessee shall refrain from any and all training activities which could endanger Lessor, its agents, employees or representatives.

11. Assignment

Lessee shall not assign, sublet, mortgage or otherwise dispose of any interest in this Lease without the express written consent of Lessor. Any such assignment by Lessee shall be void and shall, at Lessor's sole option, terminate this Lease.

12. Destruction or Severe Damage

In the event that the Premises are destroyed by fire or other disaster, or is damaged so severely as to render it substantially unmerchantable and to require substantial time and

expense to restore it to a tenantable condition, Lessor may, at its sole option, elect to either (a) terminate this lease and all obligations of the parties hereto; or (b) make such repairs as are necessary to restore the Premises to a tenantable condition. If Lessor elects to repair and restore the Premises, and such repairs cannot be completed within thirty days, then Lessee may, at his option, either: (a) terminate this Lease; or (b) continue as Lessee hereunder, but without obligation to pay rent for any period in excess of thirty days which it would take to complete repairs to the Premises.

13. Termination and Acts Constituting Breach by Lessee

Lessor may terminate this Lease at any time upon thirty days' prior written notice, at Lessor's sole option, subject to and in accordance with Paragraph 2, or upon a determination that the Lessee's use of the Leased Premises is incompatible with Lessor's use as set forth in Paragraph 10.

Any of the following acts or omissions shall constitute a material breach of this lease by Lessee:

(a) Lessee's failure to pay any rent or other sum payable under this Lease on the date it becomes due;

(b) Lessee's nonperformance or breach of any terms, covenants, condition, or provision of this Lease;

(c) Lessee's abandonment of said Premises for a period of more than thirty days without the express written consent of Lessor;

(d) An adjudication that Lessee is bankrupt, or appointment of a receiver to take possession of all or substantially all of Lessee's property; or

(e) An assignment by Lessee of this Lease in violation of Paragraph 11 of this Lease.

14. Lessor's Remedies for Breach of Lease

In the event the Lessee commits a material breach of this Lease defined in Paragraph 13 above, Lessor may, in addition to

any other legal or equitable remedies that Lessor may have at law:

(a) Continue this Lease by not terminating Lessee's right to possession of the Premises and continue to enforce all Lessor's rights and remedies under the terms hereof, including the right to recover the rent specified herein as it becomes due; or

(b) Terminate this Lease and Lessee's right to possession of the Premises in the manner provided herein, and commence an action against Lessee to recover possession of the Premises and for such damages as may be available at law.

15. Attorney Fees

Lessor shall be entitled to recover costs and reasonable attorney fees in any action or proceeding to secure any rights under this Lease or enforce any remedies available hereunder or at law.

16. No Holdover on Termination

Lessee shall have no right to continue in possession of the Premises upon expiration of the term of this Lease and shall promptly vacate the Premises upon expiration of such term.

17. Subordination of Lease

This Lease and the Lessee's interest in the Premises are, and shall be, subject, subordinate, and inferior to any lien or encumbrance now existing or hereafter placed on the demised Premises by Lessor, to all advances made under any such lien or encumbrance, to the interest payable on any such lien or encumbrance, and to any and all renewals and extensions of such liens or encumbrances.

18. Waiver of Breach

The waiver by Lessor of any breach of any provision of this Lease shall not constitute a continuing waiver or a waiver of any subsequent breach of the same or a different provision hereof.

19. Time of Essence

Time is expressly declared to be of the essence of this lease.

20. Multiple Occupancy

Should more than one (1) person execute this Lease as Lessee, all such persons shall be jointly and severally liable for all the terms, conditions, covenants, and provisions contained herein; provided, however, that any act or signature of one (1) or more of the persons executing this Lease as Lessee, and any notice or refund given to or served on one (1) of the persons executing this Lease as Lessee shall be fully binding on all such persons.

21. Entirety Clause

This Lease constitutes the sole and complete Lease of the parties concerning the demised Premises and correctly sets forth the rights and obligations of the parties hereto.

Any agreement or representation between the parties hereto respecting the subject matter of this Lease, whether oral or in writing, which is not expressly set forth in this instrument, except as provided for in Paragraph 3 of this Lease, is null, void, and of no legal effect.

22. Modification

No change in, or addition to, any of the provisions of this Lease shall be binding upon either party hereto unless made in writing by an authorized representative of each party and executed with the same formalities as this Lease.

23. Severability

In the event that any part of this Lease is construed or declared unenforceable, the remainder shall continue in full force and effect as though the unenforceable portion or portions were not included herein.

24. Notices

All notices or communications required hereunder shall be deemed duly served and given when personally delivered or deposited into the U.S. mail by certified or registered mail, addressed to the party to whom directed and:

- (a) If directed to Lessee addressed to:

Vanderburgh County, Indiana  
c/o Sheriff's Department of Vanderburgh County  
Civic Center Complex  
Evansville, Indiana 47708

- (b) If to Lessor, addressed to:

Shell Mining Company  
P. O. Box 2906  
Houston, TX 77252  
Attn: Manager Contracts and Land

or at such other address as may be specified by either party from time to time.

25. Inspection and Insurance

Lessee expressly agrees that Lessor has not inspected the Leased Premises and has no knowledge whatever existing dangerous conditions thereon. Lessee expressly assumes the risk of any and all such conditions and hereby indemnifies Lessor for any injuries, either personal or property damages, resulting from

such conditions. Lessee agrees to carry and maintain the following insurance coverages: (a) Comprehensive General Liability - \$1,000,000 each occurrence, (b) Comprehensive Automobile Liability, including hired and non-owned automobiles - \$1,000,000 each occurrence, (c) Workers Compensation - the statutory limit of liability for each accident, (d) Employer's Liability - the statutory limit, but not less than \$500,000 for each accident. Lessee shall furnish Lessor a certificate of such coverage addressed to Lessor at the time of the execution of this Lease. It is further understood that Lessor shall not furnish or carry any casualty, liability or any other type of insurance in connection with the Premises or any improvements thereon. In the event that any such improvements are destroyed or partially destroyed by fire or other casualty, Lessor shall have no duty or responsibility whatever with respect thereto.

26. Preferential Right to Purchase

If at any time during the term of this Lease, Lessor receives an acceptable offer from a third party to purchase, acquire, or transfer the Premises, such offer and all terms and provisions of such offer shall be communicated to Lessee. Lessee shall have sixty (60) days from receipt of such notice within which to match such offer in all details. If Lessee matches such offer, Lessor must then sell the Premises to Lessee upon such agreed terms and provisions. If Lessee declines or fails to match such offer within such thirty (30) days, Lessor may thereafter sell the Premises to any third party upon terms and conditions no less favorable to Lessor than those communicated to Lessee. If Lessor does not execute a letter of intent or contract for sale within the ensuing 180 days from the end of the thirty day notice period and thereafter finalize such sale within one year of such notice period, then Lessee's right of first refusal shall be revived as to any subsequent offers.





We, the concerned Citizens object to the proposed rezoning  
of the property located at 6611 N. Green River Rd.

NAME	ADDRESS
Ann Glend	2954 Cottage Rd.
Bruce Allen	6501 N Green River Rd.
Melinda Allen	6501 N. Green River Rd.
W.C. Frank	5000 Heckel Rd.
Tom Mober	5000 Heckel Road
Duke Goben	5000 Heckel Rd.
John Meyer	4934 Heckel Rd
Tommy A Meyer	4934 Heckel Rd.
Fatty Meyer	4934 Heckel Rd.
Betty Scott	5005 Heckel Rd.
John Scott	5005 Heckel Rd.
Marguerite Mayberry	5005 Heckel Rd.
Robert E Spencer	5109 HECKEL Rd.
Hona K. Spencer	5109 Heckel Rd.
Nebbe Schwant	6431 N. Green River Rd.
Ivy Williams	4101 Heckel Road
Bruce P. Williams	4101 Heckel Road
Roy Hildebrand	6703 N. Green River Rd.
Tim Nelson	4681 N Green River Rd.
Angie Hildebrand	6703 N Green River Rd.
Harold J. Hartig	8023 N. Green River Road.
Alan C. Hartig	8023 North Green River Road
David P. Spitzer	4300 N. Green River Rd.
Lucille Hayes	4300 N. Green River
Karen Carey	5671 N. Green River
Lawrence Schwant	6431 N. Green River

We, the concerned Citizens object to the preposed rezoning of the property located at 6611 N. Green River Rd.

NAME	ADDRESS
W.D. Franklin	4910 Heckel Rd.
Carolee Smith	6211 N. Green River Rd.
Herbert J. Jernigan	6111 N. Green River Rd.
Chris Davis	4811 Bassett Ave.
Tim Hunter	4981 Bassett Ave.
Kenneth Barfield	4909 Bassett
Donna Barfield	4909 Bassett
Beverly Selby	5007 Bassett
William Selby	5007 Bassett
Larry Selby	5110 Bassett
Keith D. Miller	5101 BASSETT
William H. Whitehouse	5119 Bassett
Helen Whitehouse	5119 Bassett
Barbara Millett	5120 Bassett
Joseph T. Walleit	5120 Bassett Ave.
Gregory K. Jennings	4901 Heckel Rd.
Christy J. Jennings	4901 Heckel Rd.
Ry Wagner	4909 HECKEL RD.
Madonna Wagner	4909 Heckel Rd.
Sharon A. Kerby	6016 Weaver Rd. 6703 N. Green River
Carit R. Barfield	2437 W. Glenwood Dr. 6703 N. Green River

We, the concerned Citizens object to the proposed rezoning  
of the property located at 6611 N. Green River Rd.

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NAME	ADDRESS
J. Edward Chapman	4760 Millersburg Rd
Nancy M. Chapman	4760 Millersburg Road
Charles J. Stiller, Jr	4708 Millersburg Road
Phyllis Heber	4708 Millersburg Rd
Daniel Minchel	4709 English Way
Sharon Mechel	4709 English Way
August L. Dean	4901 Millersburg Road
Mary L. Dean	4901 Millersburg Road
Ronald C. Tiger	8001 N. Green River Road
Tina Tiger	8001 - N. Green River Road
Sandra M. Reynolds	8051 N. Green River Rd
Frances Kuttgen	8103 N. Green River Rd.
D.H. Raftoy	" " "
Wanda Katter	8101 N. Green River Rd
Shirley Beck	8113 N. Green River Rd.
Mary Beck	8121 Green River Rd
Cornel W. Leostner	8211 N. Green River Rd.
Susann Seacatt	8215 N. Green River Rd.
Paul Seacatt	8215 N. Green River Rd
Angie Brooks	8217 N. Green River Rd
Barbara Crooks	8217 N. Green River Rd
Bob Brooks	8217 N. Green River Rd.
Deanna Goodson	8219 N. Green River Rd.
Shelley Shuler	8445 N. Green River Rd
Jeff Prox	8449 N. Green River Rd.
Ronald Prox	" " "
Scott Field	8501 N. Green River Rd
J. Lewis	4720 Huntington Place
Debra Thelma Chapman	4721 Huntington Place
William & Lillie Famb	4629 Cromwell
James & Jeanne Cave	4630 Cromwell
Robert D. Blevins	4619 Cromwell
Mary C. Anderson	4724 Surrey
Walter W. Anderson	4724 Surrey

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We, the concerned Citizens object to the proposed rezoning  
of the property located at 6611 N. Green River Rd.

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NAME	ADDRESS
William C. Ruff	6005 N. Green River Rd.
Alan L. Ruff	6005 N. Green River Rd.
Jan Bohne	2303 Juniper Dr.
Sheron Meynard	7211 Rembrandt Ave.
Sherry Kenada	4917 Stratford Rd.
Linda Molinet	7701 Telephone Rd.
George Alexander	1441 Overton Dr.
Rae Sam	3939 Woodcote
Kathy Elliott	2501 Bayard Pk. Dr.
Kim Sully	3300 Washington Ave.
Cia Grabe	8788 Framewood Dr.
Gudy Dewy	8003 Mt. Vernon Rd.
Maxine Strupp	8209 N. Green River Rd.

3112G  
6/22/89

**ORDINANCE AMENDING TITLE VII,  
TRAFFIC CODE, CHAPTER 72 TRAFFIC SCHEDULES,  
RELATING TO SPEED LIMITS ON CERTAIN STREETS**

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

Section 1. Schedule I (Speed Limits) of Chapter 72, Title VII (Traffic Code), of the Vanderburgh County Code is amended as follows:

(a) Henze Road. The speed limit on Henze Road from Mill Road to No. 6 School Road is changed from 40 miles per hour to 35 miles per hour.

(b) Shoshoni Drive and Greenfield Drive. Speed limits are established on the following streets:

<u>STREET</u>	<u>FROM: BETWEEN</u>	<u>SPEED LIMIT</u>
Shoshoni Drive	Covert Avenue to City Limits	25 miles per hour
Greenfield Drive	Covert Avenue to Eastland Drive	20 miles per hour

Section 2. Except as expressly modified herein, all other provisions of said Schedule I shall remain in full force and effect.

PASSED this 17<sup>th</sup> day of July, 1989.

BOARD OF COMMISSIONERS OF  
VANDERBURGH COUNTY, INDIANA

By Robert L. Willner  
Robert L. Willner, President

By Richard J. Borries  
Richard J. Borries, Vice President

By Carolyn McClintock  
Carolyn McClintock, Member

ATTEST:

Sam Humphrey cm  
Sam Humphrey, Auditor

APPROVED AS TO LEGAL FORM:

David V. Miller, County Attorney

MINUTES  
COUNTY COMMISSIONERS MEETING  
JULY 24, 1989

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MINUTES  
COUNTY COMMISSIONERS MEETING  
JULY 24, 1989

The Vanderburgh County Commissioners met in session at 2:30 p.m. on Monday, July 24, 1989 in the Commissioners Hearing Room with President Robert Willner presiding. He called the meeting to order pursuant to adjournment and said that Attorney David Miller is in the other office and will join the meeting shortly.

RE: APPROVAL OF MINUTES

President Willner said he has three sets of minutes for approval. The June 12th minutes were being held pending Mr. Borries' return, since Commissioner McClintock was not present at the meeting.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the minutes of June 12th were approved as engrossed by the County Auditor and reading of same waived. So ordered.

The minutes of July 3rd (prepared by the secretary following her return from vacation) are now ready for approval. Mr. Borries was absent from that meeting.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the minutes of July 3rd were approved as engrossed by the County Auditor and reading of same waived. So ordered.

The minutes of last week's meeting (July 17th) are also ready for approval.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the minutes of July 17th were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: POOR RELIEF APPEALS - PIGEON TOWNSHIP

Richard Collier/1813 S. Linwood: Mr. Willner said that Mr. Collier was here two (2) weeks ago and the Commissioners asked to hear the outcome of that case. The Board asked Mr. Collier to go to the Trustee's Office and get in touch with Welfare. The caseworker was to take Mr. Collier to the Food Stamp Office to see if his wife is blind -- and, she only had one eye.

Ms. Mary Lancaster, caseworker in the Pigeon Trustee's office said Mr. Collier was to get in touch with her and she has not seen him until today when he walked into the meeting room.

Mr. Willner asked, "You say that Mr. Collier did not come to the Trustee's office to have you assist him in these two items?"

Ms. Lancaster said he did not come to the office for her to assist him. She did take it on her own to call the Social Security office to find out if his wife would be eligible for S.S.I., because she is blind. She asked if she would be eligible for anymore benefits, since she is blind. They told her that no she would not, because of his income. They go by the entire income in the household and with his Social Security and the Social Security that she draws off of him, she is not eligible

for any further benefits. Ms. Lancaster said she also called the Food Stamp office and was told that they were over income for the Food stamp program -- that they possibly could be eligible for a spindown on Medicaid. But he said they would have to apply in person, or Mr. Collier would and let the food stamp office run a budget and take it from there. But today is the first time she has seen Mr. Collier since they left the Commissioners meeting two weeks ago.

Commissioner Willner asked Mr. Collier for his comments.

Mr. Collier said the reason Ms. Lancaster hasn't seen him is because he came up to talk to the lady (back there -- pointing to Margie Meeks) in the Commissioners office and she told him he was supposed to come back before the Commissioners July 24th. The way she talked, she didn't want to see him no more. The caseworker should have let him know she wanted to give him something. He doesn't understand what all of this is about just for a little help. He doesn't understand it, see. Instead of calling all over, why didn't she call his house? Why didn't she send him a letter, like she sent that other letter -- notify him so he could come back? She didn't get in touch with him and he thought everything was over with until he came up and talked to that lady there (Ms. Meeks) and she said he was supposed to be back here on July 24th at 2:30 p.m. "There she is there (again pointing to Ms. Meeks). I don't know why I have to go through all of this trouble."

Ms. Lancaster asked, "May I say something? It isn't our policy to go out and bring the people into our office. If they come to us we try our best to assist them --if they are eligible. And it was my understanding that....."

Commissioner Willner interjected, "Mr. Collier was here two weeks ago, and at that time we asked him to get your help. And we certainly thought he would come to you."

Ms. Lancaster said, "Right."

Continuing, Mr. Willner said, "I'm sorry if we didn't make that perfectly clear. You are to go to the Trustee and she is to help you make any applications, whether it be to the Blind Association, or to the Social Security Office for S.S.I. or Medicaid, or whatever."

Ms. Lancaster said, "Sir, I've already checked it out and they are not eligible for further assistance at the Social Security office."

Mr. Willner said, "But he may be eligible for...."

Mr. Collier interrupted, "I tell you -- I'd rather not have to fool with this than to put my wife through all of this and myself. It ain't worth it. You see, I came down here when it was cold and there was snow on the ground -- and they turned me down. And why should I keep running? At the time they didn't give me nothin'. I worked four days a month for \$30.00 and they didn't give me nothing. So why all of this? Forget it. I'd rather not be worried with it anymore -- or my wife. You see, I have to get somebody to stay there with her until I get back. I can't go off and leave her. But just forget it. I don't care to worry her and myself about it. You see, I ain't got too long to live -- I'm 73 years old -- or will be the 26th of this month. I'm not going to worry my life away for nothing. This here is just a little old something and I'd rather not be bothered with it."

Commissioner Willner said, "Okay; if that's the way you feel about it. But you do understand that we have to have rules and regulations for everything. And if you are over income, there is nothing they can do. But we were trying to help you."

Mr. Collier said, "Well, I appreciate it. But see, after all of this -- I've wasted my time twice and nothing happened. Thank you."

Mr. Willner said, "Thank you, Mr. Collier."

Donald Buckner/314 S.E. Third Street: The meeting continued with President Willner calling a Mr. Donald Buckner. There was no response and he asked that the record reflect that Mr. Buckner is not present.

Richard Livesay/300 Adams: Mr. Richard Livesay was recognized by the Chair. Mr. Willner asked, "Mr. Livesay, you've had unusual expenses over the last six (6) months; your wife has had major surgery."

Mr. Livesay interrupted, "She is not my wife until a week from Thursday. We will be married a week from Thursday."

Continuing, Mr. Willner asked, "She is not your wife?"

Mr. Livesay responded, "Not at this time."

Mr. Willner then asked, "Is she living with you in the house?"

Mr. Livesay said, "Yes, she is."

Mr. Willner asked, "Is there anyone else living in the household?"

Mr. Livesay responded, "No, there is isn't."

Mr. Willner said, "Pamela has had major surgery and has had a bad reaction to the drugs that were prescribed. She had a seizure and was in a coma; and was subsequently kidnapped and illegally confined to Deaconess Hospital -- all in the past six months?"

Mr. Livesay said, "That is correct. After that, she was transferred to the Methodist Hospital in Indianapolis."

Mr. Willner asked, "And the Trustee said you are over the income limits for eligibility according to the guidelines for Pigeon Township?"

Mr. Livesay confirmed that this is correct.

Mr. Willner asked if there is anything Mr. Livesay would like to tell the Commissioners with regard to his case.

Mr. Livesay introduced himself and said that he is unemployed at the present time. He has been going to school at Ivy-Tech under the Vocational Rehab program. He's had to drop the last two quarters he started due to Pam's medical problems. He is doing pretty good out there, carrying a 3.6 GPA. He was employed at General Tire for nine (9) years, until he hurt his back. With his bad back, he can't currently get a job. He is under a 20 lb. weight restriction, with maximum of two (2) hours standing, two (2) hours sitting. Pamela has multiple sclerosis. It was diagnosed in 1981. On March 1st, Pam had to have an emergency hysterectomy. She had a real bad infection of her ovaries. He had to drop school because of that. He was paying \$20.00 per day for someone to stay with her after she got out of the hospital -- and they just couldn't afford it. He lost his student loan by dropping the class, of course. He went back. In the meantime,

Pam was prescribed Zanex. The doctor wrote it wrong; it was supposed to have been 1/4 milligram three times a day and it was written for one (1) milligram three times a day. Xanax is a very dangerous drug and can cause seizures, addiction, liver damage, and a bunch of other stuff. She was in the emergency room on April 20th for that. On June 11th, she started having seizures about 4:00 a.m. on Sunday at home. He got her to Deaconess Hospital. She'd had six (6) seizures and went into a coma. For some reason, the doctors thought it was some type of illegal drug overdose. They were going to put her into drug rehab, but her blood tests kept coming back negative. He told them she didn't do drugs. At that point he told the doctor they didn't have any confidence in the hospital or the doctors and he wanted to transfer her up to the Methodist Hospital in Indianapolis, where there are some multiple sclerosis specialists. He'd left the hospital to make arrangements and when he came back, the doctor had gone and gotten a Court Order and said that Pamela was dangerous to herself and confined her in the psychiatric ward. He was all over town to people -- Congressman McCloskey and Senator Lugar's office, Human Relations -- everywhere. Finally they got a hearing scheduled. He saw Millie Morgan over at the Judicial Chambers and spoke to her and Judge O'Connor. When it came down to time for a hearing, the doctors backed out and said she was okay and released her to him and he got her to the Methodist Hospital in Indianapolis. They indicated there that the only problem with her was the medication they had her on down here. She is doing fine now -- although she is real weak. It will be a month or so before she can get around real good. They've had a lot of unusual expenses over the last six months. Now, they could just move to another apartment and leave the landlord stuck with two (2) months' rent and they'd have the money to do that, but that's not right. Their lights and utilities are going to be shut off this Friday. (He got an extension on it; they were going to be cut off last Friday.) But they just want some help to make it. They don't want to stick anybody that shouldn't be stuck.

Commissioner Willner asked, "When they say you were over income, what is the source of your income now?"

Mr. Livesay said that Pamela gets Social Security Disability. He no longer gets it. He was going to the plasma center twice a week; but his blood protein is now too low and he can't go there anymore. He was getting about \$150.00 per month there -- plus his student loan had been carrying him through. Vocational Rehab is supposed to pay something, but he's never gotten anything yet. They do pay tuition and books.

Commissioner McClintock inquired as to the amount of Pamela's Social Security and Mr. Livesay's income and Mr. Livesay said Pamela gets \$381.00 per month and he has no income.

Mr. Willner asked if Mr. Livesay was unemployed when he made application to the Trustee's office, and Mr. Livesay said he was.

Mr. Willner asked if he made application under Pamela's name or his, and Mr. Livesay said he made application under his own name.

Mr. Willner asked if he told the Trustee about...

Mr. Livesay interrupted, "Well, I'd been there before -- she knows all about it and she didn't even let me get the story out. She just said, "You are over income and that's it; I'll give you a denial and you can appeal." He told her he was going to appeal it and she said, "I'll give you a denial and you can appeal it."

Mr. Willner asked if Mr. Livesay made two separate applications -- one for himself and one for Pamela?

Mr. Livesay said he just made application in his name.

Commissioner Willner entertained questions of the other Commissionoers.

Commissioner Borries inquired about the medical expenses incurred thus far? He mentioned the Methodist Hospital in Indianapolis and also Deaconess Hospital. How were those expenses paid for?

Mr. Livesay said Pam is on Medicare and she also has Medicaid -- her income is low enough that she qualifies for Medicaid. She had spindown.

Ms. McClintock asked what the income limit is?

Ms. Nancy Walters of the Trustee's office said it is \$350.00 for two people in the household.

Ms. Nancy Walters of the Pigeon Trustee's office identified herself and stated Rich -- Mr. Livesay -- has been going to Ivy-Tech and has been getting a student loan. The Trustee helped them with glasses on November 28. On January 3, 1989, they sent him to Tri-State Dental Practice for a tooth extraction. On March 22, 1989 they paid \$54.60 to SIGECO for them. On April 20, 1989 they paid \$56.00 (part of utility bill). On May 18th they paid \$50.00 to SIGECO and on May 30, 1989 they gave him a non-food order of \$4.00, which Pamela came into the office and said she was sick and needed a non-food order. She gave her the non-food order, but she had told her before that they were over income. She gave her the \$4.00 non-food order and Rich returned the non-food order the next day and said four dollars is no money to give someone to buy anything with. So on June 27th, he came in and said he had taken Pam to the hospital in Indianapolis and he wanted a straight food order. She gave him a \$25.00 food order. He came back in and wanted rent and he said they had doctor bills. She told him that she was on Medicaid and Medicare and that if he wasn't going to school he could really go out and try to find a job --because the food stamps were \$48.00 a month. A full time student cannot get food stamps. He told her his food stamps now are \$75.00. But for two people in a household the food stamp limit is \$165.00, and she knows that the income level is \$350.00 per month for two people in the household. But they still felt that if he wasn't going to school he could be out looking for some work. If not, he would be getting more food stamps in the household. When they tried to help them by giving them a non-food order he didn't want that because he said it wasn't enough -- but they do have a limit on it.

Commissioner Willner entertained questions of Ms. Walters.

Commissioner McClintock asked, "What did you think he was going to buy with \$4.00?"

Ms. Walters said, "That is the limit for one person in the household. Or, for one person in the household it is \$3.00 and for two in a household it is \$4.00."

Mr. Willner explained that this is for personal items.

Ms. Walters continued, "It is not for food; it is for non-food items -- such as toothpaste, toilet tissue, things like that."

Commissioner Willner entertained further questions.

Commissioner McClintock asked if Mr. Livesay has any record of any expenses that he might have incurred because of the hospitalization in Indianapolis?

Mr. Livesay said he doesn't have a record -- he was just worried about Pamela. He would, however, like to answer some of the things Ms. Walters said. With regard to the \$4.00 non-food order, it wasn't even asked for. Pamela went in to ask for a food order and she was given a \$4.00 non-food order. He took it back because they didn't need it. They had soap, toilet paper and toothpaste. Their food stamp allotment is \$42.00 per month at this time. As he said, if somebody would tell him where he can get a job with a 20 lb. weight restriction and two hours sitting and two hours standing -- he's registered at the Employment office; he wants to work; he's worked all his life. Ms. Walters mentioned three, four, or five instances where they had been in; yes, they needed \$6.56 to finish off his utility payment, which was a \$102.00 bill. He doesn't ask for help unless he can't scrape it up himself. He doesn't want to be here right now --but he needs the help.

Ms. McClintock asked how much the rent is per month, and Mr. Livesay said it is \$195.00 per month.

Mr. Willner asked if that includes utilities?

Mr. Livesay said it does not.

In response to cost of utilities, Mr. Livesay said they run anywhere from \$40.00 to \$80.00 per month, depending upon what season it is.

Mr. Willner asked if we use the figure of \$50.00 would that be the happy average, and Mr. Livesay responded in the affirmative. Mr. Willner said that leaves \$287.00. Is he having to pay any prescriptions out of pocket?

Mr. Livesay said Pamela has to pay \$7.00 every month on her spend down.

Mr. Willner asked that Mr. Livesay give the Board any other expenses. Ms. McClintock asked, "Telephone?"

Mr. Livesay said they had to take the telephone out -- they couldn't afford that anymore. He had to sell his car. Most of the expenses they have incurred were travel expenses -- to and from Indianapolis.

Mr. Willner said he has \$294.00 (rent, utilities) and her income is \$381.00. So that leaves about \$100.00 and that is what the Trustee is saying.

Mr. Livesay said it leaves \$87.00. \$42.00 food stamps per month is not much -- that may be a week.

Ms. Walters said that if Mr. Livesay were on her food stamps, they would be getting more food stamps -- because one (1) person in a household is allowed \$90.00 and if all the expenses were turned in from their household, she wouldn't have to spend that \$7.00 spend down. So evidently she has turned in one income to the Welfare Department or food stamp department.

Mr. Willner asked, "Who is on food stamps -- both of you? Separate?"

Mr. Livesay said they are on together.

Ms. Walters said \$42.00 per month food stamps is a lot of money in the household if that is all two people are getting.

Mr. Willner asked how many dollars worth of groceries will \$42.00 buy? They are paying for their food stamps, is that correct?

Ms. Walters said they are not paying \$42.00; they are receiving \$42.00 worth of food stamps. And the maximum amount that two in a household can receive in a household is \$165.00. And the maximum amount for one in a household is \$90.00. They are not even receiving as many stamps as one person would get in a household. So someone isn't turning in two people in the household and with the expenses they have.

To confirm, Mr. Willner said: She is getting \$21.00 worth of food stamps per month and he is getting \$21.00 worth of food stamps per month -- or a total of \$42.00.

Mr. Livesay said they don't figure it that way.

Ms. Walters said if there is a full time student in the household they cannot get food stamps. So he is turned in as a full time student, she imagines. But even so, with one in the household, if she is reporting everything within the household that she has to spend out -- she should be getting more food stamps than that.

Mr. Livesay interjected, "That is why we have it on appeal."

Ms. Walters continued, "She is not getting anything on medicine, because she is on Medicare and Medicaid. Medicare takes care of the hospital and Medicaid takes care of the doctor bills and the medicine."

Mr. Willner asked, "And you say you are going to be married a week from Thursday?"

Mr. Livesay confirmed that this is correct.

Ms. Walters said that when Pamela came into the office she stated she wanted non-food, because she needed tissue. And if she knows she cannot explain herself very well, he should have come in with her and the Trustee would gladly have given her a straight food order -- if the lady had said -- because they would have tried to help her.

Mr. Livesay said the reason Pamela went in was because he was lying in bed with a heating pad on his back and couldn't get out of bed.

To clarify, Commissioner McClintock asked if Mr. Livesay is asking us to pay back rent and back utilities? What is the total?

Mr. Livesay said he owes \$390.00 in rent and he has \$75.00 of it. That leaves \$315.00 on the rent and he has a \$48.60 utility bill.

Ms. McClintock said Mr. Livesay is then asking for \$363.68. Is he going to be going back to school this fall?

Mr. Livesay said he has already signed up. He will be getting some more grants. He is getting a scholarship because of his grades (which will be another \$250.00 for him) and there is another scholarship (he can't recall the name at the moment) and the man in the Financial Aid office is helping him put all of those together. Vocational Rehab pays his tuition and books.

Ms. McClintock asked, "And your future wife's health is back to what it was prior to the problems?"

Mr. Livesay said that according to the doctor in Indianapolis she will be better than she has ever been. He has her off the medication they had her on here. It just seems they want to give you nerve pills all the time and he said that was messing her up more than anything else. They found out that her multiple sclerosis is benign, which means it won't get any worse and she won't be confined to a wheelchair -- so that was good news. He

believes the seizures were caused by her multiple sclerosis -- about 5% of the people with MS will have seizures. She is on (two medications not audible). She was on about six (6) medications and Zanex was the worth. Nobody seems to know why she was even put on that.

Mr. Willner asked if there is any help through the M.S. Foundation.

Mr. Livesay said he called them and they just help people in Indianapolis. Down here they have a boost society, but they don't meet during the summer. Heat is really bad for people with M.S. and they can't get around in it. They are just tired all the time. So they don't meet during the summer months here. He spoke to Gary Dame here and he got in touch with Indianapolis -- but they just won't touch anybody outside their County.

Commissioner Willner asked, "If and when you get back to school, do you think the grant will sustain you then?"

Mr. Livesay said he has a \$2,652 student loan, but he has to be in school before he can get it. He had to drop out -- Pamela was more important to him than any \$2,600.

Commissioner Willner again confirmed the \$363.68 figure needed by Mr. Livesay for back rent and back utilities (minus the \$75.00 which Mr. Livesay has to put toward the total cost).

Commissioner Borries said, "Mr. Livesay, I really commend you for your dedication and it is a very complicated thing -- and I realize you have some needs. However, you have other sources of aid here. In reading back through what the Pigeon Township Trustee's standards and guidelines (which we've mentioned) and what this Board is to do is to stand basically in judgment as to whether or not they have followed their guidelines -- and I can't find at this point any situation where they have not followed their guidelines. But your situation is a complicated one. But I don't think I'm prepared to make a decision on that today until I would understand better the relationship. I suppose that perhaps there will be other financial aid come when you and your future wife are married. I don't know that to be true. I don't now how all that is determined through the various sources of aid that you receive. And I do have some very serious concerns about your current condition and, again, I admire your tenacity and your compassion for what you are doing. But I cannot find at this time a situation where the Trustee has violated the guidelines -- and that is why I am going to need more information before I can make a decision."

Mr. Willner asked what kind of information Mr. Borries wants?

Mr. Borries said there may be other forms of aid that Mr. Livesay would be eligible for that he is not receiving.

Mr. Livesay said if somebody could tell him where it is he would be more than glad to go and get it.

Mr. Borries said he believes Mr. Livesay will have to talk either to the Trustee or the State Department of Public Welfare on a situation like that. Again, he is not qualified. And, again, he can find no instance of where the Trustee has violated guidelines and that is really what the Commissioners are here to determine. It is not that they don't have a feeling for his case or anything else. But if the Trustee has violated the case -- that is where they sit in judgment -- and he doesn't find that at this point. But he may not understand all the ramifications of his case. That is perhaps why Mr. Livesay should seek some legal help or talk further with the Trustee or the other agencies.

Mr. Livesay asked if Mr. Borries knows an attorney he can hire for \$42.00 worth of food stamps?

Mr. Borries said LSO (Legal Services Organization) does not base fees on a person being able to do that. They do provide legal services and he would encourage Mr. Livesay to use that office. That is the whole intent of that office.

Commissioner Willner said he agrees that it is certainly a difficult case and he thinks not being married makes it even more difficult.

Mr. Livesay said, "As far as being married, Pamela and I lived together in Georgia. I was working down there. According to Georgia law, any two people who live together and profess themselves to be man and wife are, in fact, man and wife. That is exactly the way the statute reads. That has recently been upheld. They just had the William Hurt trial and there is another one down in Texas, I believe. So legally we are man and wife -- we just haven't gone through the procedure."

Ms. McClintock asked, "So the way you have ruled on this case is -- whether they are married or not married, to you it is irrelevant? They live in the same household?"

Ms. Walters responded affirmatively. However, she said they know they are not getting but \$42.00 worth of food stamps -- so something is wrong there -- because they are not coming up to the level where they are supposed to be. And he has been going to Ivy-Tech, so he's been getting a grant. And then, too, if that is all the income in the household -- and if she is buying medicine like he says she is buying medicine -- why would she have to pay the State \$7.00 spend down? If they are spending out for rent and utilities and that is all the food stamps they get -- then they shouldn't have to pay a spend down for her to get her medicine. So it seems they are just reporting there is one person in the household to the Welfare Department and reporting to the Trustee that there are two in the household. According to an affidavit on March 24, 1987, he was by himself -- she wasn't in the household. The only affidavit the Trustee has is from 1988 and they were together.

Mr. Livesay submitted their food stamp card with both names on it.

Ms. Walters said, "But he was a full time student -- and anytime you are a full time student the Federal Government will not give you stamps -- because they don't feel they have to take care of them when they are a full time student."

Commissioner McClintock confirmed that Mr. Livesay has \$75.00 and could pay the \$48.00 utility bill.

Mr. Livesay said he can pay the landlord. This is in checks and they are made out to the landlord.

Ms. McClintock said this would then leave \$315.00 on the back rent and then he has the \$48.00 utilities -- which will be cut off on Friday if he doesn't have the money to pay that.

Mr. Livesay said whether or not they can possibly get more money somewhere else, he doesn't know how that is relevant -- because he doesn't know where to get it and nobody seems to know where to tell him to get it. He needs help right now.

Commissioner Willner said, "Before you leave, you can rest assured that we are going to not have the electric cut off nor the landlord kick you out -- that will be a certainty, I'm sure. But I do want to know some of the other answers.

Has he applied to our office as an individual?

Ms. Walters said, "Yes, in 1987."

Mr. Willner asked, "And are you applying her salary to his application?"

Ms. Walters said, "Yes, because every time they...."

Mr. Willner said, "I am not sure you can do that, though. I think that is a mistake."

Ms. Walter asked, "Isn't that considered one (1) household -- when someone is living in the household with you?"

Mr. Willner said, "If it is, we've got to do it the same both ways. Either we have to include them both or we have to separate them."

Ms. Walters said, "The only time that we separate them..."

Mr. Willner interjected, "You, yourself, said \$42.00 in food stamp was too cheap; they must have separated them. Right?"

Ms. Walter said, "That's the food stamp office, not the Trustee's office."

Mr. Willner said, "Okay. We should try to find out what is wrong, shouldn't we? He came to you for help. Surely you can pick up the phone and ask them why he only gets \$42.00 in food stamps. Can you not?"

Ms. Walters said, "I suppose that I can. But if he is a full time student then that is one of the reasons why."

Mr. Willner asked, "You, yourself, know he is not a full time student now, don't you?"

Ms. Walters replied, "No, I do not know. Because when I talked to Ivy-Tech (I called them one day last week -- the same day the Commissioners' office called me -- around July 18th or something like that)...."

Mr. Willner asked Mr. Livesay how long he has not been a full time student?

Mr. Livesay said he dropped out of school on June 15th or June 16th.

Mr. Willner asked if Ivy-Tech knows he dropped out.

Mr. Livesay said they know, although he didn't get in for almost two weeks to fill out the required forms.

Mr. Willner asked if Mr. Livesay kept a copy of the forms and he said he did and he has them at home. Mr. Willner asked that Mr. Livesay make them available to the Trustee's office so they can photostat same and Mr. Livesay agreed to do so.

Mr. Willner asked Ms. Walters if we're going to consider Mr. Livesay a two member household or single household.

Ms. Walters replied, "Whatever you want to do, Mr. Willner. You're the Commissioner. So if you want to consider them a two member household or a single household -- it's okay with the Trustee's office."

Mr. Willner said, "I surely want to do something."

Commissioner McClintock directed Ms. Walters' attention to the Trustee's Guidelines (Page 3) in the portion concerning income allowances for eligibility. She said her copy shows the maximum income allowed for a two member household is \$400.00 and Ms. Walters had indicated it was \$350.00.

Ms. Walters said that is not what she has in her guidelines. She doesn't have that copy.

Mr. Willner said his copy is the same as Ms. McClintock's.

Ms. McClintock asked, "Why do we have this copy? This was provided by your office to our office."

Ms. Walters said, "I don't know. I suggest you ask Mrs. MacGregor about that -- I don't know. The only thing I know is that the one we've got -- the one she gave us is \$350.00 per month for two in the household and \$300.00 for one one in the household. Now, I can bring the copy we have up here to you. It was revised and she sent up a new one for \$350.00."

Attorney Miller commented that he didn't see why it would be going down.

Ms. McClintock found an old version (1985) and said it reads \$350.00. She thinks the guidelines have been changed and this has been raised to \$400.00.

Commissioner Willner said it is very obvious that we have some problems. He entertained a motion that this be referred back to the Township Trustee for their action today -- and either they pay the rent or talk to the landlord so Mr. Livesay is not evicted and the Trustee either pay the utility bill or talk to SIGECO so their utilities are not cut off while the Trustee is working on this application.

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

Commissioner McClintock said the Commissioners have had two appeals today and, for whatever reason, one individual did not show with regard to his appeal. Somehow the Commissioners need to make it perfectly clear that the Board of Commissioners does not want to encourage this type of appeal. We seem to be seeing more and more of these. Her personal attitude is -- and the feeling she gets from comments made by the other Commissioners -- before it gets to this point the Board would like the Trustees' offices to look ahead and work out some of the things we seem to be telling them to do once they come before the Board. This is not a positive process for anyone involved -- certainly not the people asking for an appeal; certainly not for the Trustee's office (you have to sit up here for an hour -- and surely it is not something you look forward to) and, personally, it is embarrassing to me to have to have people come into a public meeting and tell all of their life story. "It just seems to me to be very, very unfair. I think we need to do a little bit better job of anticipating what can be done and getting that done prior to coming into these Board meetings."

Commissioner Willner said, "I think I can relate to that. I don't know how to do that though. I have been sitting here for nineteen years and it's almost the same repetition. However, I do think there were some things that needed to be done in this case."

In conclusion, Mr. Willner asked Mr. Livesay to go immediately to the Trustee's office and said if there is a problem to talk to Dorothea MacGregor. He will have Mrs. Meeks call to tell her

what was decided here and ask if she can help him in any way to work through some of his problems -- the Commissioners know there are many.

Mr. Livesay expressed his appreciation to President Willner and the Board.

Donald Buckner: Mr. Willner again called for the third applicant (Donald Buckner) and there was no response. He asked that the record reflect that Mr. Buckner did not show for his appeal.

President Willner said County Attorney Miller has to leave in a few minutes for the airport, as he has an unexpected flight out of the city. Therefore, he needs to move this item up on the agenda. He then recognized Attorney Miller.

RE: COUNTY ATTORNEY - DAVID MILLER

Dale Thene Case: Attorney Miller said he will report to the Commissioners what they already know, that the County has been victorious in the Court of Appeals on the Dale Thene case. The the Court of Appeals said was that anyone making a claim of the type Mr. Thene advanced must do so within two (2) years of the date of hire. He believes that this eliminates virtually all the potential claims that the County could have faced. They would have preferred that the Court of Appeals speak to the merits of claim, because we won the case at the trial court level on the merits. But the Court of Appeals does what it wants to do and we can't do much about that. He's happy with the decision.

Caranza Drive Sewer Project: It was noted by Attorney Miller that, as reported to the Commissioners last week, there was nothing we could do with regard to the Caranza Drive Sewer matter other than to re-bid and, hopefully, that is in process.

Attorney Miller said this is all he has to report and he apologizes for having a time crunch; he has no excuse other than that the airlines make their own schedules.

Commissioner Willner entertained any further questions of Mr. Miller prior to his departure.

Transient Merchants Ordinance: For clarification purposes, County Auditor Sam Humphrey queried Attorney Miller about the re-advertising with regard to this ordinance.

Attorney Miller said we would advertise the amended ordinance as though it were brand new.

Mr. Humphrey asked, "And we have to go through the complete hearing process?"

Attorney Miller said this is correct.

Mr. Willner asked, "Advertise it once and then have a public hearing? And then advertise it the second time and have a final reading?"

Attorney Miller said this is correct.

Commissioner Willner asked the secretary if she can give the Board the dates on the advertisement now?

Ms. Matthews asked if today is considered the First Hearing?

Attorney Miller said this is a pretty substantial change in the procedure and he thinks it should be done as a new ordinance in this instance -- because the first thing that is going to happen is that we are going to try to prosecute somebody on it and he doesn't want them to be able to get the ordinance declared invalid because of a failure in advertising.

Mr. Willner said he agrees. He asked Ms. Matthews if she can get the ad in by Thursday of this week?

Ms. Matthews responded, "No sir, it will be Friday, July 28th and Friday, August 4, 1989."

Ms. McClintock said the 10th day is the 14th of August -- can we get by with that?"

Attorney Miller said you count from the day after the advertisement. It has to be August 21st for First Reading and August 28th for Final Reading.

Commissioner Willner entertained a motion.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Transient Merchants Ordinance (as Amended) is to be advertised on July 18th and August 4th, with the First Reading to be on August 21, 1989 and the Final Reading to be on August 28, 1989.

RE: UPDATE ON COLISEUM - VETERAN'S SERVICE/MARK ACKER

Mr. Acker said he is here this evening to outline some of the items that were discussed earlier with regard to the renovation of the Coliseum. They have gone forward and he presented a package to the Coliseum as a Board of Director's member of the Veteran's Council. They have reorganized the structure of the Veteran's Council for accountability and funding that is needed for the Coliseum, as the operation is under their auspice. As you can see, the Coliseum Manager, the Maintenance Manager, the Quartermaster, the Board of Directors, and the Commander. He apologizes, the Commander and Quartermaster wanted to be here this afternoon -- but there was a funeral. Both belong to the Retired Memorial Club and they had to be there for that.

There were projects they went into -- they're talking about some of the things they're doing as the Veteran's Council. The boiler repair, the heating pipes on the right side of the building, a new 4' x 8' sign (for which they have applied for a permit to put up in front of the Coliseum on the corner of Court and 4th Street). The sign was donated by Hank's Sign Company -- the completion of the front bathrooms which they had committed to getting done; the GAR room (some of the Commissioners were able to be there for the dedication of this); the shrubberies and the cleaning of the front of the building by Dyna Kleen.

They are now undertaking the following: The new vent work to replace what was existing and torn out earlier in 1969; a new condensation tank (on which they took three bids from three boiler companies). They decided that because of the dual pump set-up they needed the middle bid of \$4,457 was accepted and it is on order now to be put back into the building. They did order a new \$360.00 sump pump for the building. There is a question mark on the south corner waterlog problem. They hope that these other items may alleviate that problem. If not, they will be into that repair. The stage curtains and new railing were \$4,800. They are showing the Board the outlay that the Veteran community has taken upon their obligation to upgrade their responsibilities in taking care of the Coliseum properly so that hopefully they will not have to come back to the Board of Commissioners to seek funds to fund the building.

Commissioner Willner entertained questions of Mr. Acker.

Commissioner McClintock said that with regard to the proposed Table of Organization, other than the Quartermaster, who are the other people that are in these positions?

Mr. Acker said at this time the Quartermaster is Gary P. Wagner; Concession Manager is Mr. Carl Wallace; Maintenance Manager is George Horn; and he (Mark Acker) is interim Coliseum Manager at this time, appointed by the Veteran's Council. Mr. Morris decided that this program was too hectic for him and asked to be relieved of that responsibility. Because of his knowledge of the building, they asked him to take the Interim Manager position until we got through with the major portion of the projects on the construction part. The Commander is Chester Brace. The Board of Directors are: Claude Bates, R. D. Werk, Earl Sturdeman, George Horn, Mark Acker, and a few others -- he just doesn't have the list in front of him.

Ms. McClintock asked if these all are volunteer positions?

Mr. Acker responded affirmatively. There is no pay or salaries given to any one of the people participating in the program at this time. They do look at having to place in the building a Maintenance Manager at minimum wage, which would be done after the first of the year after they establish some financial basis to see where they are on a continuous running program.

Ms. McClintock asked, "But to date, all the cleaning and everything has been done by volunteers?"

Mr. Acker said that is correct, plus the program through the Community Service Workers of Vanderburgh County Circuit Court who are there every Saturday and Sunday re-doing all the work. That is why the cost figures are not realistic; if you had to do this on a union scale.

Ms. McClintock said she thinks they are doing a great job over there and she just wants to make sure she understands what is going on. Prior to the installation of the new event sign, would it be possible for the Commissioners to see what that sign is going to look like?

Mr. Acker said it is sitting in the garage right now -- and she can come by and look at it. It is a commercial sign -- donated by Don's Cleaners. It is not a homemade sign. It is a 4' x 8' white background, aluminum framed sign, approximately 4" thick. There will be letters that slip on the face of the sign; they have purchased 6" letters that will slide on the event sign. They also offered the use of the sign to Conrad Baker because of their lack of ability to be able to advertise in the Courtyard. So they have been working with the Conrad Baker Foundation. He also wants to extend a great thanks to the Commissioners for their help insofar as Mr. Rick Higgins of the Auditorium, who has been helping them reorganize and providing them with services and his expertise.

Repair to Organ: Mr. Acker said the figure in the report before the Commissioners contains a figure given to them by Jeff Lyons. They understand there were possibly two people who may get involved in that restoration. If they don't, they intend to get the organ fixed -- and they are only saying that this is the projected cost they have been given at this time.

With regard to repair of the organ at the Coliseum, Ms. McClintock said she just talked to Jeff Lyons this morning, because she has been working with him on this project. She has secured a donor to have the three (3) experts come in and look at the organ and tell us exactly what needs to be done and what the exact cost will be. This is progressing and, hopefully, we can have those people in within the next month to six weeks and have an exact figure on that. She thinks there is interest in getting some private funding for that.

Mr. Acker said they have also made a commitment on some staircases that were extensively damaged and the face of the building -- and those have been repaired. They should have those painted within the next four weeks and the entire face of the building will be redone and completed. They now have 80% of the building painted on the interior.

Commissioner Borries said he appreciates Mr. Acker's communication and he would like to see him come back to the Commissioners as further things develop.

Mr. Willner said if anyone wants to see what kind of a job the Veteran's Council is doing, all they have to do is visit the Coliseum and the Board of Commissioners appreciates their efforts.

Mr. Acker said they certainly appreciate the Commissioners' help with regard to the Coliseum.

RE: ST. MARY'S OCCUPATIONAL MEDICINE PROGRAM

It was noted that Ms. Maureen O'Connor of St. Mary's is not present.

Ms. McClintock said she has a recommendation and then she will make a motion regarding the occupational medical program. What she would like to move is that the Commissioners send a letter to the President of all three health care institutions in Evansville (St. Mary's, Deaconess, and Welborn) and indicate to them that we are looking at instituting an occupational medicine program and ask them to submit a proposal to the Commissioners, in writing, as to what they propose as to content and the cost associated therewith. Secondly, that the Commissioners then hold an Executive Session to meet with the representatives of those three health care institutions in a month or six weeks to talk with them about their particular program and who would be involved and what kind of services they can render. There is interest on the part of all three institutions in participating and she thinks this is the only fair way to do it. She doesn't think it is fair to St. Mary's to provide to the other institutions the components of their plan. They came up with what they are going to do and she thinks the other institutions should do the same. But she would make a motion that the Board do that and then talk about when they would want this due. She thinks we should give the institutions at least a month -- and that is what she indicated in telephone conversations. This would mean that the Board would ask that those proposals be submitted in writing no later than 2:00 p.m. on Monday, August 28th. An Executive Session could be scheduled for purposes of that meeting.

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

Commissioner Willner requested that Mr. Riney see that the letter are sent.

(End of Side "A", Tape #1)

Commissioner McClintock also suggested that the County put a note from the Commissioners in with County employees' paychecks, indicating that we are looking at an occupational medicine program as part of their employment benefits with Vanderburgh County, so that when we do select someone to provide this program we have already notified our employees and it is not something they are going to read about in the newspaper or be surprised about. We know they get their paychecks -- and if we put the letter in with their paychecks this will save postage costs.

Commissioner Willner asked that Mr. Riney see that the note is put in with the paychecks.

RE: SALE OF COUNTY-OWNED SURPLUS PROPERTY

The meeting proceeded with Commissioner Willner continuing the auction of County-owned surplus property. The only remaining parcel is 808 Line Street. There were no bids from the audience and the auction will continue.

RE: WEIGHTS & MEASURES

Mr. Willner said Loretta Townsend of Weights & Measures is here to discuss the W&M County Ordinance and Handbook #130.

Mrs. Townsend said she picked up what Attorney Curt John finally got drafted (or this is his recommendation for the ordinance, which does not spell out too much). What she made a copy of those particular Articles he is talking about -- so the Commissioners will understand what he is saying. It would be the same thing, except to insert "County" where "City" is shown. The top part of the ordinance is from Attorney John, but it didn't do too much to make you understand what we're talking about. But that has been in effect since 1983; supposedly it was in effect in the County, also. But it has never been entered into the Code of Ordinances, which Joanne Matthews can verify -- because the two of them searched the records back to 1983. In response to query from Commissioner Borries, Mrs. Townsend said the top part of the agreement came from his office. All he did, however, was to put the numbers of the Chapters from the Handbook thereafter, and she didn't think this would do the Commissioners much good -- because they wouldn't have any idea of what it was. Curt has been working on it since she was in here in November of 1988.

Commissioner McClintock said she thinks the Board should ask Attorney John to put this in some kind of form that is going to make sense to anyone that sees it. We have here an ordinance that gives somebody's duties and then just cites chapter numbers from the Code for the City of Evansville.

Mrs. Townsend said since W&M is both City and County -- they should be going by the same rules.

Commissioner Willner said this is just a draft and to determine whether the Commissioners have any suggested changes, additions, or deletions.

Mrs. Townsend said the City Code has been in effect since 1983. As far as the Indiana Code, the way it is written, the W&M personnel might as well stay at home. All they're trying to do is there job here, regardless of what the State adopts, and they feel these things are necessary for them to do their job. But they don't want a gray area -- saying it doesn't hold water when they get to the County past the City Limit sign.

The Commissioners asked for a week to take the ordinance under advisement and jot down any changes on their individual copies that they would like to have made.

Mrs. Townsend said she does have a handbook (which Curt has not seen -- Handbook 130) and she asked Margie Meeks to add this. All she has put down of it is the foreword. It has been adopted partially by a lot of the surrounding states and the purpose of it being that Indiana has never adopted any of it. Many times they have to deal with the things that are in it. But, consequently again, they are in a gray area and she just doesn't want any gray areas, because W&M is messing with people's livelihood, their businesses, etc. This handbook is an exceptionally good piece of work.

Commissioner Willner asked that Mrs. Townsend make copies of the handbook and get it to County Attorney John so he may look it over.

Mrs. Townsend said there are things in the handbook (not the book in its entirety) that we should have in written law -- and not to use as a guideline.

RE: DRUG & ALCOHOL DEFERRAL SERVICE - LEASE AGREEMENT

Mr. Willner submitted a Lease Agreement in the amount of \$2,760.00 per year for office space at 111 N. W. Fourth Street (the Sears annex) for the Drug & Alcohol Deferral Service for approval. The lease is payable in monthly installments. He thinks this is exactly the same lease we had last year.

Mr. Bill Campbell said this is an extension - additional space - brought about by the fact that they are doing more services themselves in the office, rather than farming those services out. It is far more cost effective for the County to do that. So this is for space contiguous to their present space.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the agreement was approved.

RE: EMPLOYMENT ASSISTANCE PROGRAM

Mr. Campbell said he would like to take a moment to plant a seed for one of the next agendas. One of the reasons for the office space expansion is that they are expanding their services to the County. They are developing an Employee Assistance Program. He would like to leave with the Commissioners a definition and policy statement, because he would like to get back to the Commissioners very soon relative to an endorsement. He will be wanting the County Council, as well as the Commissioners, to endorse this program. As mentioned a moment ago, as we speak with the Department Heads and Supervisors -- he can have the full endorsement of the entire county behind this effort. He thinks this program will pay great benefits.

Ms. McClintock said she thinks this is something else that probably should be mentioned to the employees prior to endorsing the program or instituting same. Without belaboring it, it is not a new type of program; it is consistent with what they are doing in the Courts at this time.

Ms. McClintock suggested the Board take this matter under advisement and cover this at the meeting on August 28th when they cover the OccuMed Program.

Commissioner Borries said we may want to look at other programs -- Southwestern Mental Health is opening up a brand new referral program.

Commissioner McClintock asked if the Board wants to do the same thing we're doing with the OccuMed Program?

Mr. Borries said he thinks we definitely should. He is not sure what prompted this, but he thinks there are other agencies that do provide the service.

Mr. Willner said he doesn't know whether we even need the service.

Ms. McClintock said after some of these meetings -- she does.

Commissioner Willner requested that the record show that Jeff Harlan, Attorney from David Miller's office, is here to take David Miller's place. He welcomed Mr. Harlan.

RE: BURDETTE PARK - MARK TULEY

Progress Report: Mr. Tuley submitted a Six Months (6 mos.) Financial Statement. At the top they have a total budgeted amount of \$876,292.84, with total expenditures of \$540,015.37, leaving a balance of \$336,277.47. Income for that period is as follows:

Swimming Pool & Waterslide	\$73,462.78
Skating Rink	27,717.38
Rentals	60,663.60
Miscellaneous Income	<u>10,067.86</u>

Total \$171,911.62

They have a deficit sub-total of \$368,103.75, less Capital Improvements - \$254,555.84, with a net deficit of \$113,547.91. He is sure the Board's question is how does this compare to the same six (6) months for 1988. In a lot of areas it is a lot better. One area where it is not better is the swimming pool; unfortunately, they can't stop the rain - and they'd love to. But the pool in that period did \$84,226.93. The skating rink is really up the first six months this year and they are excited about this. Last year the rink was \$16,944.16 and rentals were \$46,915.56. Miscellaneous Income was \$5,001.71 and total income was \$153,088.36. Income this year is up almost \$19,000 for the first six months; considering the weather, we are very fortunate. Last year during May, June and July the pool was closed a total of two (2) days. This year they've either been closed or shut down for some periods of time for somewhere close to 15 days. Last year they were averaging almost 900 people per day; obviously, that can hurt revenue and it's doing a good job of hurting theirs. Everything else is outstanding. Hopefully, this rain will move out and we'll have a couple of weeks of good weather and the pool is going to do okay. As of yesterday, for the season they have already run 50,000 people through the swimming pool thus far (as bad as the weather has been). He doesn't think they will reach last year's record of 93,000, but he thinks our revenue is going to stay with the record year of last year and there is a good possibility we will exceed last year's revenues -- unless the monsoons move in.

Mr. Willner inquired about the miniature golf course.

Mr. Tuley said it is coming along real well. They have been doing more work on that. The lights are up and in place and working. The golf course did a tremendous business over the weekend. He thinks most of the other concessionaires in the park are doing well, also, and that obviously reflects on our miscellaneous income. He would anticipate that they will be finished with the golf course within the next two to three weeks. There is some landscaping that they will not be able to do since we are right in the middle of the hot summer. Some planting may have to be postponed to the fall or the spring (the trees and the bushes). He would hope that they will have the fence up within the next two weeks. They would like to try to get that bond back as soon as possible. David Miller told him today that the County will not release that bond until the contract is met -- which the fence has to be up, the landscaping finished, etc.

Letter from Consultant: Mr. Tuley said he has a letter from Wm. Harralson & Associates of Arlington, TX (their consultant) and the letter is as follows:

Dear Mark,

I am writing to invite you to be a speaker at the World Waterpark Association's 1989 Symposium & Trade Show, which will be held in Orlando, FL September 22 thru 25.

Mr. Tuley said the seminar he would be conducting would concern improving the public pool. As the Commissioners know, we are probably a trendsetter in some ways with regards to public pools -- and that is basically what he would be doing the seminar on. As Mr. Harralson suggests, it would give us a chance to show others what a fine facility the Burdette Park pool has become. There are other waterparks in the Orlando area you can visit and evaluate for any new ideas. If the Commissioners agree to his accepting the invitation, he will have to put together some cost figures prior to submitting the travel request.

Commissioner Borries said it is quite an honor for Mr. Tuley and a tribute to his leadership at the park, because he thinks Burdette Park is indeed a success story of which our County should be very proud. He would certainly support Mr. Tuley's going to this event.

Mr. Willner agreed.

Mr. Willner said we're going to include some new attractions at Burdette in the budget -- maybe not at budget time; but, certainly, for the next year. He hopes Mr. Tuley will come back with comments as to what his preference would be and what would be good for the park the coming year.

Update on Master Plan: Mr. Tuley said the update on the Master Plan is in and he will see that Mr. Riney has copies for the three Commissioners tomorrow. He would like for them to take some time to review the update, following which he would be glad to meet with the Commissioners and get their comments. Obviously, it does talk about some new attractions.

RE: REQUEST TO TRAVEL - VOTER'S REGISTRATION

Mr. Willner said he has a request from Paul Bitz of Voter's Registration to travel to Indianapolis for a Workshop on July 27, 1989 for the Precinct Re-districting Conference.

Ms. McClintock asked if Mr. Bitz is our official representative?

Mr. Willner said Mr. Bitz is the Democratic member of the Board of Registration; and we do have a Republican member if they would like to go also.

Mr. Riney said he talked with Paul Bitz and he said Suzie Kirk didn't want to go. He is just going to run up there, listen to what they have to say about the Census map and bring them right back here and explain everything to Suzie. She didn't want to go.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, permission was given for Mr. Bitz to travel to Indianapolis for purpose stated. So ordered.

RE: REQUEST FOR WAIVER OF SIDEWALKS - DEERFIELD SECTION I

Mr. Curtis said that last December Mr. Jim Morley of Morley & Associates submitted a waiver of sidewalks request for Copperfield Subdivision and, at the time, thought he had also submitted a request for Deerfield Sub. Upon reviewing his records he found no record of it. This week he asked that Mr. Curtis bring the matter up at today's meeting.

Ms. McClintock said Deerfield Sub is right next to Copperfield Sub -- and it has big, big lots. Copperfield is a smaller sub.

Mr. Curtis said Deerfield has very large lots and very expensive homes. Deerfield has some homes about the size of the lots in Copperfield Sub.

Mr. Willner noted that waiver of sidewalks in Copperfield Sub was approved on November 21, 1988. And now they are requesting waiver of sidewalks in Deerfield Sub.

Mr. Borries made a motion to this effect.

Mr. Willner noted that Deerfield has some thru streets. If he remembers correctly, the Board's policy to date has been not to waive sidewalks when there are thru streets.

Ms. McClintock said they will not have any thru streets when the subdivision is completed.

Mr. Willner said they don't have any now; but when the subdivision is completed, they will.

Ms. McClintock said she doesn't know -- and she was going to abstain from the vote, because they built the Channel 9 house down in Copperfield.

Mr. Willner said they are supposed to go down to Eissler Road. That was one of the prime reasons we gave them permission for the road, because it was going to connect Eissler Road to Mt. Pleasant Road. Is that correct?

Ms. McClintock said her understanding is that right now you can turn into Deerfield subdivision off of Mt. Pleasant Road. You turn left past the gatehouse and go back through there. There is now a little gravel road that connects to Eissler. But it was her understanding that this was a construction road only that is to be closed once the houses are completed.

Mr. Willner said that is not his understanding.

Mr. Curtis said if the Commissioners like, he will investigate this and get back to the Board.

Commissioner Borries withdrew his motion and said that what the Commissioners need to do if there are thru streets -- is that in a compromise situation, generally one side of the street (not both sides) have required sidewalks and the other thing is that if it is within a mile of the City Limits it also has some bearing. But this has generally been the criteria the Board has used.

Ms. McClintock urged the other Commissioners to drive out to the subdivision.

Mr. Willner said he has been there twenty times -- and there is a cul-de-sac right now at the end of two of those roads. But the original plans for one of them is straight through to Eissler Road -- so he needs to update himself and Mr. Curtis will have information available next week.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports & Absentee Reports: Mr. Muensterman said he had already submitted the Weekly Work Reports and Absentee Reports for the County Garage and the Bridge Crew.....reports received and filed.

Paving Program: He said they are paving Kleitz Road currently and have paved Kuebler, Meier, and Kissel. They should hit Kremer Road this week or possibly the first part of next week. He's had a few calls on some roads (Emge Road, for instance) wanting to know if we're going to pave that real soon if we close the Boonville-New Harmony Road Bridge.

Boyle Lane: A couple of people called while he was on vacation (they didn't leave their names) wanting to know if we're going to keep Boyle Lane open or if we're going to close it, re-work it, or what. Boyle Lane runs off Baseline Road into Highway 41. If we're not going to do extensive work on it, he'd like to go out there and do some work on it, patching, etc., because it is in bad shape.

Tall Timbers: Mr. Muensterman reported that Dr. Tolle called the Commissioners office about removing trees in Tall Timbers. He told him he would bring it up in the meeting today. Dr. Tolle talked like he was going to be here. Mr. Muensterman called Jarrett's office this morning and talked with Mr. Howard Woods. He said they would work those trees out within two weeks. He thinks Jerry Riney was going to call Dr. Tolle back.

RE: COUNTY ENGINEER - GREG CURTIS

Awarding of Contract/Boonville-New Harmony Rd. Bridge #13: Mr. Curtis said he would recommend that the Board award the contract on this project. The Engineer's estimate was \$251,999. The County received three bids, as follows:

1) Deig Bros. Lumber and Construction	\$224,045.55
2) Sam Oxley & Company (Jasper, IN)	\$260,454.75
3) Robert F. Traylor Corp.	\$345,374.00

Mr. Curtis said it is his recommendation that the contract be awarded to Deig (the low bidder) in the amount of \$224,045.55 and give them notice to proceed on Wednesday, so they may begin work next Monday.

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

Claims & R/W Easements re Bridge #13: Mr. Curtis said he has three (3) claims and the associated right-of-way permanent easements for this structure, as follows:

1) Greg Martin (.222 acres) with claim in the amount of \$333.00 for acreage and \$150.00 for crop settlement for a total of \$483.00.

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

2) Clarence & Roseanne Hertel (0.271 acres) with claim in the amount of \$406.50 and \$150.00 crop settlement for a total of \$556.50.

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

3) Homer Buente (0.542 acres) with claim in the amount of \$813.00 plus \$800 crop settlement for a total of \$1,113.00.

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

SIGECO Utilities/Bridge #13: Mr. Curtis said that, for the record, he would like to indicate a discussion he had with each of the Commissioners concerning SIGECO's moving of their utilities on this project. He was notified the middle of last week that the estimated cost of moving their utilities would be \$8,931.00 -- and it very likely will come in under that. However, he does have a copy of their property easement. It was an easement situation where we do owe them for the relocation costs.

Mr. Willner asked if Mr. Curtis needs to give a notice to proceed on that.

Mr. Curtis said they were to begin work today; however they had to hold up -- so they will be begin tomorrow.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, authorization was given for SIGECO to relocate their utilities at a cost not to exceed \$8,931.00. So ordered.

USI Overpass: It was reported by Mr. Curtis that last Wednesday he met with the Indiana Department of Transportation with regard to the process we would go through for the review of the USI Overpass project by them and we were very successful in reducing the amount of red tape that the project will have to go through. Most of the review will be done by the Vincennes District, so it will be a much quicker process.

Union Township Access Project: Mr. Curtis hopes to have a recommendation for us to proceed by next week with regard to this project.

Franklin Street & Columbia-Delaware Expressway Bridge Rehabilitation Projects: A few months we interviewed Consultants for these projects. We have a field check coming up with the State within the next three or four weeks wherein they will tell us what they are willing to pay to be done and he would like to choose a consultant prior to that time. It is his recommendation that we hire United Consulting Engineers, Inc. for those two projects.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, permission was given to hire United Consulting Engineers, Inc. for these two projects. So ordered.

Claim/Bernardin-Lochmueller & Assoc.: Claim for Vanderburgh County Bridge Inspection, Phase I in the amount of \$3,978.12. That project is 75% complete. All we lack is our report.

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

Claim/IDOH: Claim to the IDOH with regard to the St. George Rd. rail crossing in the amount of \$11,360.00. We are paying 10% and much of that 10% will be reimbursible through safety funds.

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

Veach, Nicholson, Griggs: Claim in the amount of \$1,378.99 for road design plans on Green River Road South project.

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

Claim/Bernardin-Lochmueller: Claim for construction engineering on the Boonville-New Harmony Rd. Extension in the amount of \$11,719.13. (This is Federal-Aid reimbursible and the invoice is set up as the State has it broken down into time and rates for that.

Mr. Willner said that project is going through a crucial period right now with the field work being done. He and Mr. Curtis are going to make an inspection trip sometime this week and if any of the other Commissioners would like to come along, they are welcome to do so.

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

Claim/Bernardin-Lochmueller: Claim for the remainder of the bridge design for Bridge #13 in the amount of \$6,791.25.

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

Claim/Key Construction Co./Heckel Road Bridge: This project is complete and the bridge is open to traffic. He has reviewed the project during and after the repairs. A claim in the amount of \$17,450.00 (which was their bid amount) was submitted and he recommends that it be paid.

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

Mr. Willner said it was his understanding that this was probably a five (5) year repair.

Mr. Curtis said it is a five (5) to eight (8) year repair.

Agreement re Road Management Study: Mr. Curtis said that several months the Commissioners voted to have Bernardin-Lochmueller do the Road Management Study such as they have done for Warrick County and for the City of Evansville. He has the agreements for that project and a Notice to Proceed to be signed.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the agreement was executed and Mr. Curtis was authorized to give them the notice to proceed. So ordered.

Acceptance of Storm Sewers/Green River Estates C-2: Mr. Curtis said that he, Mr. Muensterman, Phil Heston (the developer), and Andy Easley (the Developer's engineer) reviewed the storm sewers in this subdivision and there were three items to be repaired, two of which have been done. Mr. Heston has a letter (copy attached to the request for acceptance). There is also a copy of the check for that linear feet of storm sewer (he has yet to find the check -- he doesn't know whether the Attorney or the Auditor has the check).

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the storm sewers in Green River Estates Section C-2 were approved for acceptance. So ordered.

Industrial Park/Amerigual: He also has the Industrial Park which the SIGECO Foundation was doing out on the existing Volkman Rd. He has a section of road to be called Volkman Rd. (554 l.f.) which is approximately .01 miles -- for acceptance. He has attached a letter to that from Ron Keeping, Acting Secretary of the Evansville Industrial Foundation, that those items will be met. He would recommend that we accept that road for county maintenance.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, 554 l.f. of Volkman was accepted for county maintenance, as requested. So ordered.

Motz Rd. Project: With regard to this project, they have been going through and revising the legal descriptions for that project. It has been brought to his attention that St. Wendel Road is 20 ft. wide and the question was posed to him as to

whether or not Motz Rd. would need to be wider than 20 ft. His only answer for that question was that the County standards call for building roads wider than that and his question of the Commissioners is whether they wish, because of the width of St. Wendel Road, to build Motz Rd. at an equivalent width to St. Wendel Road to reduce the amount of time required for the County Highway and the amount of cost required to construct that road.

Motion was made by Commissioner McClintock to construct Motz Rd. 20 ft. wide, with a second from Commissioner Borries. So ordered.

Mr. Willner asked if we're going to ask for any more right-of-way than that?

Mr. Curtis said we have not received the right-of-way yet. However, the right-of-way we will be requesting will be the same; we're still requesting a total of 50 ft. right-of-way. We asked the residents for 50 ft. of right-of-way. We have a few of those easements signed. However, in re-doing the descriptions, there are a number of problems -- particularly where it comes off St. Wendel Road -- that will be very complicated to address. So rather than addressing them and trying to get the right-of-way and not being able to give any assurance, he wanted to get that questioned answered as to what width -- prior to trying to negotiate (particularly with Mr. Eickhoff on the corner of St. Wendel and Motz Road).

Coliseum Roof: For all practical purposes, the coliseum roof is complete. We need to review the project and make up a punch list of any small items -- but all of the major items on the list are complete.

Mahrenholz: Mr. Curtis said we've been contacted and it was determined that if Mahrenholz Drive (or Mahrenholz Lane -- whichever section the County had built) were to be paved by the contractor doing the section of a parking lot that they could do that for approximately \$7,600. He and Cletus went out and reviewed that and there is approximately two (2) days' work the County Highway will have to do in preparation, as well as in clean-up, and it is their feeling that the cost will be approximately \$10,000 total for going with him and the concrete roller will be approximately \$5,000 for us to pave it ourselves. He would recommend that we stay with paving it ourselves. He thinks we can get a much more expedient solution to the problem.

Mr. Borries said for the record he would also indicate that he had talked with some of the people involved with the development of the new USI student housing. Their concern is that that section be paved and completed in order for the students to be able to use some of that facility when school opens. He hopes we can assure them that we can do that. He thinks that was the one reason that Mr. O'Daniel had said that the constructor of the student housing had offered to do this, because they are quite concerned that we wouldn't meet it. He told them we had some equipment problems and, of course, the rain had delayed us. But are we saying we can't get that done?

Mr. Curtis said that he and Cletus discussed that and they felt this could be worked out.

Mr. Borries said he thinks we need to do that before August 15th.

Mr. Willner asked if there is a movement afoot or a price we were supposed to glean for concrete?

Mr. Curtis said his price was \$7,600 to concrete that section; but that did not include our cost for preparation and the drainage is set up for there not to be a concrete section with rolled curbs. It is set up for there to be a paved road that drains directly from the edge of the road.

Mr. Willner asked if we're going to make a determination as to whether we do that with the contractor in concrete or whether we do it in asphalt?

Mr. Curtis said what he had figured -- with Cletus' help -- was that we would have approximately two (2) days labor required for the concrete section of road and we were figuring approximately \$2,500, which rounding off would be \$10,000 and the price for paving it with bituminous would be approximately \$4,000 and there would be less work the County Highway Garage would have to do in preparation and especially in drainage after the road is finished -- so that was approximately \$5,000.

Commissioner Willner asked Mr. Muensterman if there are any dollars in his account to do this in concrete if we so desire?

Mr. Curtis said that would come out of contractual services.

Mr. Willner asked if we have \$10,000 in contractual services?

Mr. Curtis said there would be; we had more than sufficient money for the paving contract -- and that could come out of the same line item.

Mr. Willner asked how thick the concrete will be?

Mr. Curtis said he was assuming seven (7) inches.

Mr. Muensterman said they have concreted the road all the way up to the edge of their driveway. Will they complain when we want to concrete all the way down to Mahrenholz? But Mahrenholz Drive is paved with blacktop. He understands that is supposed to be Mahrenholz Road now.

Mr. Willner asked how many inches of bituminous Mr. Curtis planned on putting down.

Mr. Curtis replied, "Two (2) inches of base and one (1) inch of surface. Three (3) inches against seven (7) inches of concrete. Our County standards call for rock and two (2) inches of base and one (1) inch of surface on bituminous, which is how we were proceeding with building the road -- or they call for seven (7) inches of concrete and it doesn't call for a rock base. It is well compacted; there have been a goodly number of large trucks going over the road.

Ms. McClintock said she thinks we ought to stick with what we planned to do.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Board accepted the recommendation of the County Engineer to pave that portion of Mahrenholz Road. So ordered.

Mr. Borries said he just hopes we can get it done -- and Mr. Willner said we will get it done.

RE: BOND ISSUE AUTHORIZATION TO ADVERTISE FOR PROPOSALS

Commissioner Borries said he would like to see the Board move forward on issuing the RFP for the bond issue. We have determined the top area of the \$10 million and we are moving and doing quite a bit of work here in relation to the USI project as well as the Union Township access project -- and he would like to

see that move forward. Hopefully, it is not going to cost that much -- but we need to advertise a Request for Proposals at this point as to who is going to handle that bond issue so interested parties can do that.

Commissioner Willner entertained a motion.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Board authorized advertising RFP (Request for Proposals) for the bond issue. So ordered.

RE: ACCEPTANCE OF CHECKS

Southwestern Mental Health: Mr. Willner submitted a check from Southwestern Mental Health for fees for the Second Quarter on the Hillcrest-Washington Home in the amount of \$162,094.15.

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

Tele-Media Corp: A check for period April 1 thru June 30, 1989 in the amount of \$109.21 was submitted.

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

President Willner said he had asked the Commissioners to give consideration to raising the franchise fee from 3% to 5% (the same as paid by Evansville Cable T-V).

Mr. Borries said this is the same group -- although we've had a few name changes -- that is in the western part of the County. Would we ask our attorneys to say that we are trying to adopt some uniform standards in relation to the fee paid by Evansville Cable T-V? He has heard some criticisms in relation to the service rendered by this group.

Commissioner Willner said he is not real sure we can demand the 5%. Evansville Cable T-V pays 5% out of the goodness of their heart -- they wouldn't have to do that. We could send a letter to Tele-Media and ask them for 5% out of the goodness of their heart.

President Willner requested that Mr. Riney check with the attorneys to see what they would recommend with regard to this matter.

RE: COUNTY TREASURER - MONTHLY REPORT

President Willner submitted the Monthly Report for the month of June from the County Treasurer.....report received and filed.

RE: PUBLIC OFFICIAL BOND - SHERIFF SHEPARD

Mr. Willner presented a Public Official Bond for Sheriff Clarence Shepard to be signed and recorded. He noted the bond is in the amount of \$15,000. He asked if Mr. Riney knows whether the \$15,000 is sufficient? That seems like a small amount for a Sheriff.

Commissioner Borries agreed.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the bond was signed. So ordered. Mr. Borries said, however, that he thinks this should be reviewed.

President Willner asked that the record show so ordered, but requested that Mr. Riney find out if the \$15,000 amount is sufficient.

RE: NAMING OF SHERIFF'S TRAINING CENTER

The next item of business was a letter from the Sheriff's Department, as follows:

Dear Mr. Willner:

As you know, due to the efforts of Sheriff Clarence Shepard, the Sheriff's Department now has the use of a training center and firing range on Kansas Road in Vanderburgh County. It is anticipated that this site will soon become an accredited Law Enforcement Training Center. During the process of securing the lease from Shell Oil Company and throughout all the construction and improvement projects at the firing range Sheriff Shepard has been tirelessly involved and has devoted a tremendous amount of his personal time to this project.

It is for these reasons that I am requesting that the Board of County Commissioners consider a Resolution

naming the Kansas Road site "The Clarence C. Shepard Law Enforcement Training Center".

This request has the support of an overwhelming majority of sworn and reserve Vanderburgh County Sheriff's Deputies. I have attached a signature list which represents those who support this request.

Your consideration in this matter is greatly anticipated. If I can provide you with any further information that will assist you in making this decision, please feel free to contact me.

/s/ David Ludwig  
Vanderburgh County Sheriff's Department

Mr. Willner said there is a list of 38 Deputies who have signed the request.

Commissioner McClintock said she would be happy to introduce a Resolution naming that training center after Clarence Shepard, but she thinks it inappropriate to do so while he is still in office. She thinks it more appropriate to wait.

Commissioner Borries said he is trying to think of the sequence when they were talking about re-naming the I-164 the Robert D. Orr Expressway. He doesn't know whether he was or wasn't still in office. Nonetheless, he would agree with Commissioner McClintock. However, he wants to commend Sheriff Shepard; that is a tremendous facility that he thinks has also counteracted a lot of criticism perhaps that had been reported earlier as to whether or not Deputies have been properly prepared -- and this goes a long way in doing that. Thus, he would certainly support that.

Mr. Willner said he has no problems with the request.

Mr. Borries said perhaps the Commissioners could say it would be named the Clarence C. Shepard Training Center and Firing Range effective January 1, 1991.

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

RE: REQUEST TO GO ON COUNCIL CALL RE RE-APPRAISAL OF  
PROPERTY NORTH OF THE COLISEUM

Commissioner Willner said the Board agreed to have the property immediately north of the Coliseum re-appraised. The first appraisal was \$1,500 out of an appropriation of \$2,000 and we had it re-appraised and the offer has been made to those parties. The total amount due now is \$2,000. He has \$500, so he needs a motion to appear before County Council to request \$1,500.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Commissioners will go on Council call for an appropriation in the amount of \$1,500 for the re-appraisal of this property.

RE: WARRICK COUNTY COMMISSIONERS RE STATE PRISON FACILITY

President Willner read the following letter:

To: Vanderburgh County Commissioners

Dear Commissioners:

As you are probably aware, the State of Indiana is planning to build a maximum security correctional facility in Southern Indiana. Warrick County is very much interested in being chosen as the site for this new facility.

The Board of Commissioners of Warrick County respectfully request your endorsement and passage of the enclosed Resolution of Support. Should you choose to help us, please date, sign, and attest to the Resolution. Keep one for your file and return the original to:

Warrick County Commissioners  
Room 105 - Courthouse  
Boonville, Indiana

Thank you for your consideration of this Resolution. We look forward to your earliest possible response.

Yours truly,

/s/ Roger D. Emmons  
Administrative Assistant  
Warrick County Commissioners

Mr. Borries said he has received one letter back from Representative Becker, who felt maybe if there was interest within Vanderburgh County we should hold a public hearing. What would be the feeling of the Commissioners?

Commissioner McClintock asked if it isn't a little late? When was the public hearing in Warrick County -- two or three weeks ago?

Commissioner Willner said it was two weeks ago.

Ms. McClintock asked when they are going to finalize the information from that hearing? Have they already sent that to the State?

Mr. Borries said he doesn't know.

(End of Tape #1, Side "B")

Commissioner Willner said he is happy to assist Warrick County. In fact, he appeared at that meeting at their request and told them he would do so -- and he will do that. He also had the authority to speak for the Mayor, who sent that same information to Warrick County. So that is where he stands.

Commissioner McClintock said the evening of that particular meeting she had a Sign Ordinance meeting. It was pretty much determined that Commissioner Willner would represent the Commission and support Warrick County. The Mayor's message was very much the same. How we can go back now and say 'We found the land or we changed our minds'....

Commissioner Borries said Commissioners Willner and McClintock are constituting a majority. He is just speaking as one individual who was out of the country at the time.

Commissioner Willner asked Commissioner Borries if he would care to suggest a spot in Vanderburgh County.

Commissioner Borries said it would need to be in the far, far northeastern part of the county. He wants it close to I-164 and Hwy. 64 and if we or Warrick County were selected to get that facility, that might also spur a little renewed impetus in terms of our road between here and Indianapolis -- because they will have a real trip getting folks down here. So he'd want it as close as possible to the I-164/Highway 64 area. He doesn't know where Warrick County has talked about locating the facility. He does support a serious look of efforts for this area. If the Commissioners are saying they support Warrick County, he seconded the motion. However, he will continue to try to get some public input in that particular matter.

Motion was made by Commissioner McClintock and seconded by Commissioner Borries to adopt the Resolution.

Mr. Willner said since this is a Resolution, he will ask for a roll call vote: Commissioner McClintock, yes; Commissioner Borries, yes; and, Commissioner Willner, yes. So ordered.

Mr. Borries said he guesses what he is saying is that he is supporting them as well as us. Should the Board decide at some point to change their mind -- we can do that.

Commissioner McClintock said she doesn't have any problem with holding a public hearing.

Commissioner Borries said that was just a suggestion from Representative Becker and he thought he'd talk about it.

RE: INDIANA COUNTY COMMISSIONERS ASSOCIATION

President Borris said he has been chosen to represent the Southwest District of the Indiana County Commissioners Association. In so doing, he needs to travel to Indianapolis once a month for meetings. He would like permission to drive the County car.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, permission was granted.

Mr. Willner said that Mr. Martin Redmond of Posey County is Secretary of the group and they will alternate driving to the meetings. It happens to be his time this coming Wednesday.

RE: PER DIEM FOR MEETING ATTENDANCE

Commissioner McClintock said she had noticed in the County Council Appropriation Ordinance of August 2, 1989 we had put in the County Commissioners budget a per diem to attend the Area Plan Commission Meetings under Acct. 130-121 for \$280.00. It is her understanding that the State passed the law that enabled the Commission to pay the Commission representative member to the Area Plan Commission \$35.00 per meeting. At this time she would like to indicate that she will not accept payment for attending

the Area Plan Commission meetings for two reasons: One, it is her opinion (whether the Commission wants to go ahead and appropriate the money if someone wants to serve - fine) that the Commissioners are paid a salary as Commissioners and that is one of the responsibilities of the Commissioner. You are appointed to certain Boards and you serve on those Boards as a Commissioner and that salary should cover that. Secondly, the other members who are volunteers of the Area Plan Commission are not paid \$35.00 or anything. They are not paid a base salary. To serve on the Area Plan Commission is a very time consuming task (if done correctly) as both of the other Commissioners know -- because they have done that. And she just doesn't think that would be fair to those volunteers.

In looking at this entire issue, it has come to her attention (quite to her surprise) that the County Council has authorized our County Councilmen paid per diems for the meetings that they attend in addition to the base salary that they receive as Council persons. (She doesn't know for certain -- she is asking.)

Commissioner Borries acknowledged that they are.

Ms. McClintock asked how long that has gone on.

Mr. Borries said, "Two years."

Ms. McClintock asked, "What is that per diem?"

County Auditor Sam Humphrey said he thinks it is \$50.00 for a regular meeting and \$40.00 for a Committee meeting - he is not certain; he would have to check.

Ms. McClintock asked, "Who authorized that -- the County Council?"

Mr. Humphrey responded, "Yes."

Ms. McClintock asked, "At the time, did they increase their salary?"

Mr. Humphrey responded, "No, they decreased it (from \$7,500 to \$5,500).."

Ms. McClintock confirmed, "They decreased it from \$7,500 to \$5,500. Do you have any idea what they made annually last year as an average?"

Mr. Humphrey said he does not.

Ms. McClintock asked, "But that is just for regular County Council meetings?"

Mr. Humphrey said, "For every County Council meeting, I believe it is \$50.00 (including special meetings) and Committee Meetings are, I believe, \$40.00."

Mr. Willner said, "They have separate meetings; they have a Personnel Committee meeting; a Finance Committee meeting, and a regular meeting."

Ms. McClintock asked, "So, in effect, they could call a regular meeting, a Personnel meeting, and a Finance meeting -- all in one afternoon -- that lasted a couple of hours -- and be paid \$50.00 for the regular meeting and \$80.00 for the other meetings -- or \$130.00 for that time?"

Mr. Humphrey said he doesn't know that that ever happens.

Ms. McClintock asked, "And there is no annual cap? Do you know what City Council's policy is? Are they on a salary or a base salary plus per diems?"

Mr. Humphrey's response was inaudible.

Ms. McClintock said she thinks City Council's salaries are considerably more. When she was in the Parks Department she thinks it was something like \$7,500 or \$8,000 -- but, obviously, it's gone up since then. She was just unaware that this change had ever been made by County Council. She doesn't remember anyone ever mentioning it. Obviously they can set their own salaries and their own policies and how they want to operate; but once a system has been in effect for one, two, or three years, perhaps someone should recommend to them that it be looked at to see what we're looking at when that is annualized out over an entire year. She has no idea; it may be less than \$7,500 -- she honestly does not know. Maybe that is a fair way to do it.

Commissioner Willner said he doesn't know whether the Commission should recommend anything to them or not.

Commissioner Borries said attendance has really picked up. Attendance is real good. They all attend the meetings.

Ms. McClintock said if that works and the attendance is good....

Following further brief comments, Auditor Humphrey read from a County Bulletin just received which shows that August 1st is the last date to file a Petition for reduction or revision in cumulative levies and First day Annual Tax Sale can be held. August 9th is the last date for County Officers and Department Heads to file the respective budget estimates with the County Auditor (IC 36-2-5-9). August 19th is the last date for first publication of the County budget. (IC-6-1.1-17-3) and Last date for Board of Commissioners to review "Statement of Salaries and Wages Proposed to be paid Officers and Employees" and to make its recommendations to the County Council. (IC-36-5-4(b)).

Mr. Humphrey said that sequentially the Commissioners are supposed to recommend salaries to the Council and they can do with it what they want to. He thinks that has been bypassed in the past (at least since he's been Auditor).

Mr. Willner said that is correct.

Mr. Borries said he doesn't know that it is so much "bypass" as it is some limitation in terms of money, isn't there?

Mr. Willner said the Board chose in the past not to do that recommendation, but that can change at any time. He is well aware of the statute. It has been tried several times unsuccessfully and he guesses it got so they didn't bother with it. He is not sure that once Council adopts the company they choose to make recommendations whether that is still applicable. But that can be researched. He certainly hasn't been happy with that decision. But well knowing that it is well within their power to set the salaries, he has not chose to do so -- he guesses. He asked if Commissioner Borries wishes to speak to that.

Mr. Borries said he thinks that when you're looking at a frozen levy that it increases by a natural increase of 5% per year. He can't recall ever having submitted a budget that had anymore than a 5% increase in salaries. Some years Council has adopted a flat fee.

Auditor Humphrey said there will have been in excess of 5% over last year. You have a frozen levy for 1989 and you will have a frozen levy for 1990, a difference of 5%. But there will have been an increase in some cases of much over 5% in salaries -- much over that. The current 1989 salaries are much over that.

Mr. Borries said that may be as a result of the Job Study group, as pointed out by Commissioner Willner, and he understands that. He is only talking about the procedure under which we have operated since he has been on the Board of Commissioners -- and he can't recall a situation when we ever submitted a budget calling for more in salaries; we did in other areas.

Mr. Willner said the statute relates to all counties in salaries, now -- not just ours.

Mr. Humphrey said salaries in the 1990 Salary Ordinance -- whatever that is -- if frozen as of today's level will be much higher than the 5%, because of the increases in various jobs -- much higher. In fact, he computed it the other day and it is already \$575,000 over.

Commissioner Borries said there are other offices here that usually put in for a little more (or a lot more in some cases) than 5%.

Mr. Humphrey said Council had said to put in 5% above the present salaries. But the present salaries have been elevated much higher than the 5% allowed by the 5% levy increase -- much higher.

Mr. Borries said, "Which is what Council will have to reckon with when they look at salaries."

Commissioner McClintock said she thinks that in order to look at that, what the Board needs to know is how much is in that per diem account and what individual Council members are being paid in addition to their base salaries.

Auditor Humphrey said he does not have that information available at the moment, but he could provide same tomorrow.

Mr. Willner said the Commissioners put in enough dollars to pay \$35.00 per meeting for 12 meetings in the next year. Does that mean Ms. McClintock is also going to serve next year?

Ms. McClintock said she believes that was for the rest of this year.

Commissioner Borries said he commends Commissioner McClintock -- he feels the same way. He doesn't believe that is necessary. Is that why she tied that in then to the way the Council is being paid?

Ms. McClintock said, "In discussing this issue with somebody, they said that is no big deal -- that is the way the County Councilmen are paid -- and I was surprised."

Commissioner Borries said he will be glad to support Ms. McClintock in continuing to serve on the Area Plan Commission.

Mr. Willner said he knows of no one in this County who lobbied the Legislature to pass that law.

Commissioner Borries said he doesn't either. If the other people -- and there are some volunteers -- but the Conservation people also have to serve by virtue of their office -- and he thinks that makes sense.

Commissioner Willner said he thinks the Commissioners should leave this line item in their budget in case Commissioner McClintock changes her mind next year.

RE: LOCAL EMERGENCY PLANNING COMMITTEE

Commissioner McClintock said she has one other item of business. At the July 10th meeting she brought up the fact that the Commissioners are responsible for appointing the Chairman to the Local Emergency Planning Committee. We need a Chairperson now. The initial group spent a great deal of time putting the plan together, but now we still do not have an organized method to implement the plan and there are some areas of the plan that need to be improved. Fred Hermann was appointed the Chairman, and that was in his capacity as head of Civil Defense. He, of course, is gone now. Mr. Wilcox of the City Fire Department does not want to continue as an interim Chairperson and he is the one who chaired them through the plan portion. He thinks it needs someone who can devote full time. Joan Shelton, who just retired from EPA, has been suggested as an ideal candidate to fill this position. She has the time and is willing to serve. She would place her name in nomination to chair the Local Emergency Planning Committee.

A second was provided by Commissioner Borries. So ordered.

RE: FIRE HYDRANT FOR SCOTT TOWNSHIP

Ms. McClintock said the fire hydrant for Scott Township is scheduled to be installed on August 16, 1989.

RE: CLAIM

Bowers, Harrison, Kent & Miller: A claim in the amount of \$11,116.44, which was approved by the Commission at an earlier date. However, there were not enough funds to cover the claim. Funds are now available and the claim will be passed onto the Auditor for payment.

RE: SCHEDULED MEETINGS

Thurs.	July 26	1:30 p.m.	Council Meeting re Re-Assessment
		2:00 p.m.	Council Personnel Committee
		2:30 p.m.	Council Finance Committee

RE: EMPLOYMENT CHANGES

Auditorium (Releases)

Karen Hadfield	Asst. Mgr.	\$13,848/Yr.	Eff: 7/4/89
Richard F. Higgins	Manager	\$19,834/Yr.	Eff: 7/4/89

Auditorium (Appointments)

Karen Hadfield	Asst. Mgr.	\$14,541/Yr.	Eff: 7/5/89
Richard F. Higgins	Manager	\$20,825/Yr.	Eff: 7/5/89

Auditor (Releases)

Michele Barnett	Bkkpr.	\$18,455	Eff: 7/25/89
(Maternity Leave)			

County Highway (Appointments)

Gary W. Kercher	Interim Br. Engineer	\$22,327/Yr.	Eff: 7/31/89
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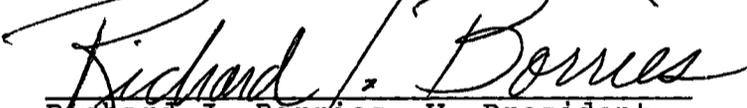
There being no further business to come before the Board, President Willner declared the meeting recessed at 5:15 p.m.

PRESENT:

Robert L. Willner/President  
Richard J. Borries/Vice Presidewnt  
Carolyn McClintock/Member  
Sam Humphrey/Auditor  
David Miller/County Attorney (partial meeting)  
Jeff Harlan/Acting County Attorney (partial meeting)  
Greg Curtis/County Highway Engineer  
Cletus Muensterman/County Highway Supt.  
Lynda O'Neill/Better Business Bureau  
Richard Livesay/Poor Relief Applicant/Pigeon Twp.  
Bill Campbell/DADS  
Al Folz/Knight Township Assessor  
Mark Acker/Coliseum  
Richard Collier/Poor Relief Applicant/Pigeon Twp.  
Mary Lancaster/Caseworker/Pigeon Trustee's Office  
Nancy Walters/Pigeon Trustee's Office  
Margie Meeks/Commissioners Office  
Jerry Riney/Commissioners Office  
Loretta Townsend/Weights & Measures  
Mark Tuley/Burdette Park  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

  
Robert L. Willner, President

  
Richard J. Borries, V. President

  
Carolyn McClintock, Member

Undersized  
documents

T A P E (Portrait)

Minutes  
missing  
for 7/31/89

(Landscape)

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